

Grabill

Municipal Code

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This reproduction of the *Grabill Municipal Code* attempts to duplicate the various styles from the original - within reason. In most cases, paragraph delineation and page formatting have been preserved. Font variations have been duplicated where practical (bold, italics, all capitals, etc.) but have not been adjusted to match various typewriters.

During the reproduction process, certain standards have been developed:

Void or Inactive Ordinances:

When an ordinance is clearly inactive or void, the first word of the title of the ordinance will be "(VOID)". This title appears in the Table of Contents and the Search Results panel.

[Example...](#)

Void ordinances have not been translated into text. Pictures of the pages of these ordinances are available for viewing.

Handwriting:

Handwritten text, typically used for entering the date of the ordinance, is indicated by a slightly larger font, underlined, in italics: Handwritten Text.

[Example...](#)

Signatures:

Signatures are indicated as handwritten text (larger font, underlined, in italics) and are also colored green: My Signature

[Example...](#)

References:

References between ordinances use standard HTML linkage techniques and style. For *backward* references such as an ordinance that amends or repeals an earlier ordinance, the link typically uses the text as found.

[Example...](#)

More specific references to section numbers or paragraphs, for example, allow for more specific links.

Forward references do not contain text to represent the linkage; ordinances do not contain references to the future ordinances that will amend or repeal them.

[Example...](#)

Therefore, Editor's Notes (below) are used to denote complementary *forward* links.

Editor's Notes:

When text has been added to a document - whether for clarification or to indicate a forward link - that text is indicated by an "Editor's Note". The notes are typically delineated as such, but are also in red. Note that links within a note will use the standard link color, although they are clearly contained within the note.

[Example...](#)

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When text has been removed or replaced - the *old* text may be available for viewing by selecting (clicking) a { **view archive** } link.

[Example...](#)

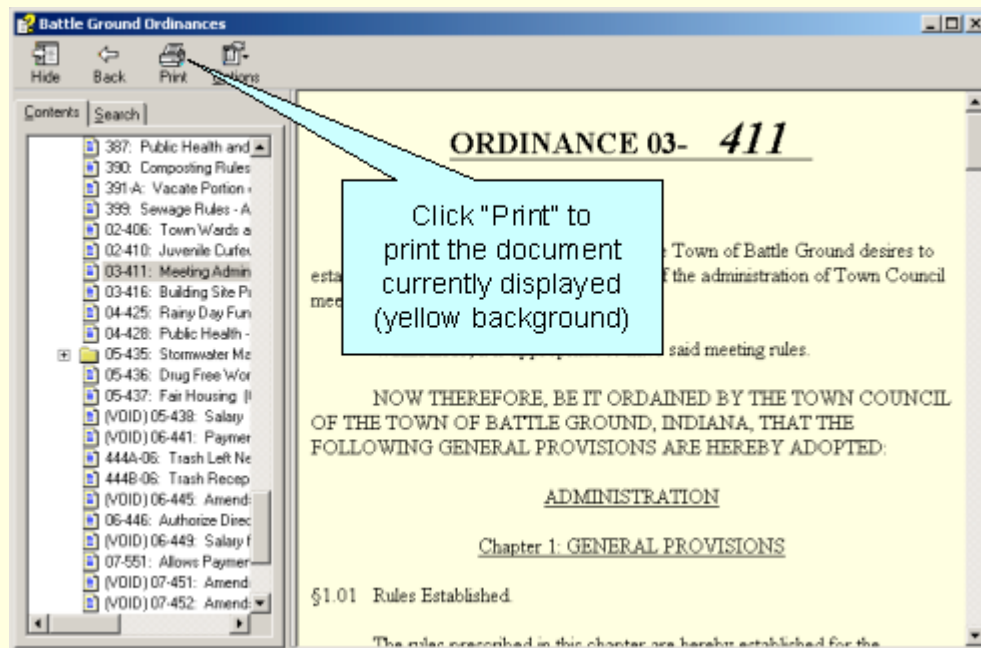
Please note that these *view archive* links do not print and, as bitmap images, they will not be found by search operations.

Usage Tips:

A few features of this production have been extremely valuable: *Print*, *Select* and *Search*.

Print

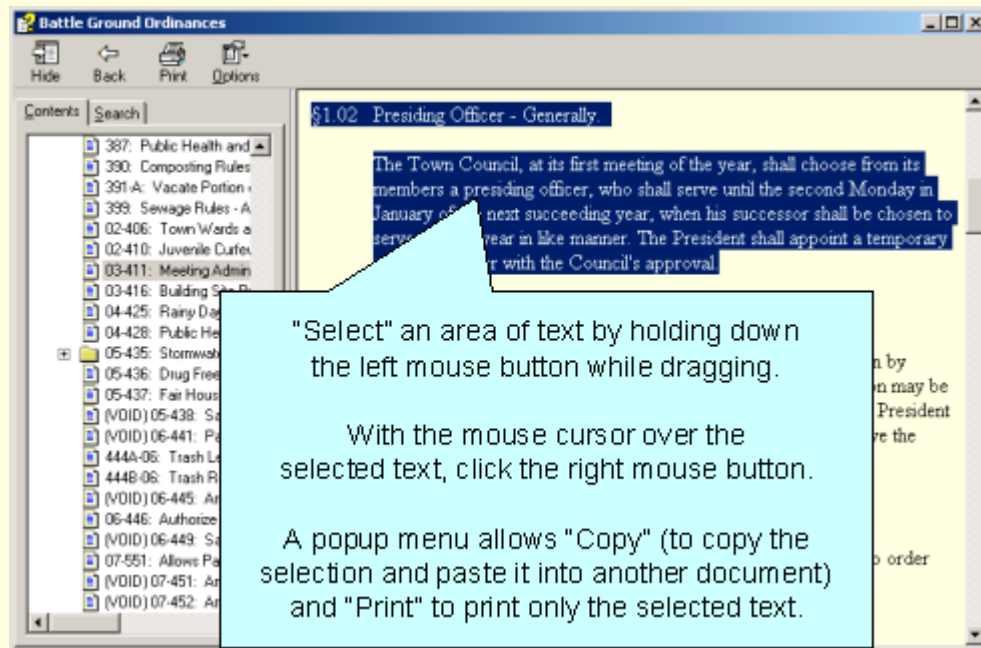
Ordinances or Resolutions may be printed simply by selecting the printer icon (see image below) from the upper left menu. The currently visible document will be directed to the default printer.



To print a portion of a document, refer to the *Select* section below.

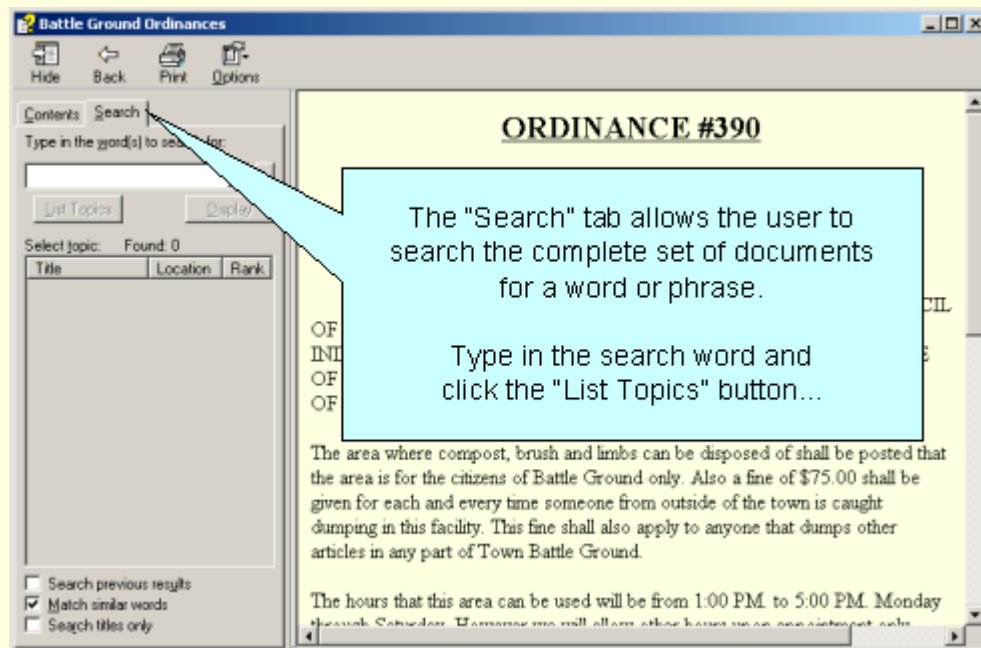
Select

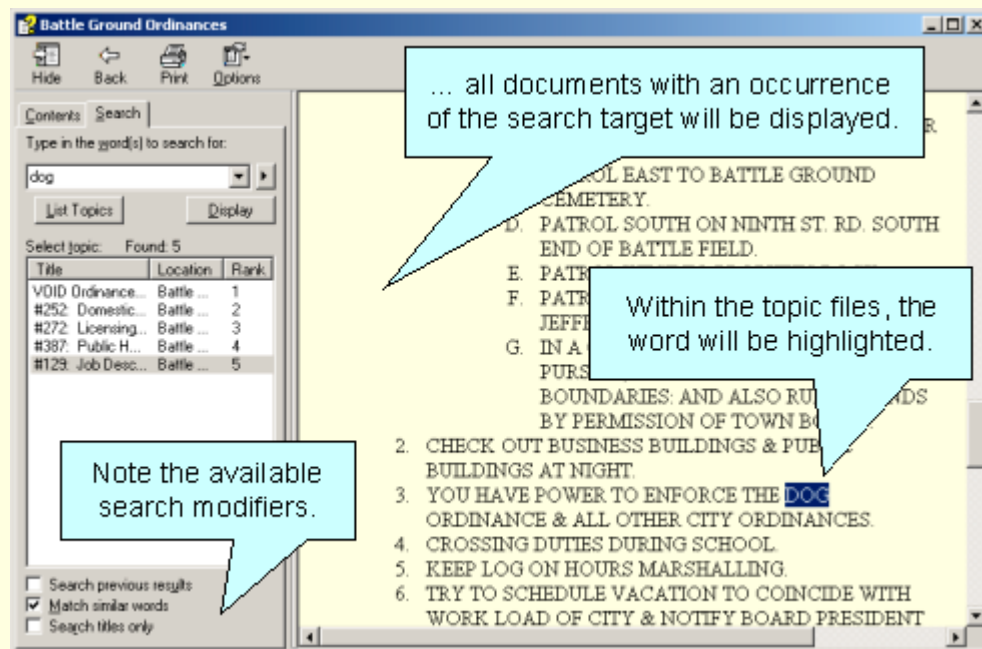
A section of text may be "selected" when the entire document is not required.



Search

The "Search" function is one of the most powerful features of this production. "Search" for a word or phrase and all ordinances matching the search criteria will be listed.





Search Notes:

Standard Internet syntax is used for entering the word or phrase search targets. For example, a search for *Load Limits* (without quotes) will find all documents that contain *load* **or** *limits*.

A similar search for "*Load Limits*" will find only documents with the phrase *load limits*.

The "right arrow" button to the right of the search term allows modifiers such as "AND", "OR", "NEAR" and "NOT". A search for *Load AND Limits* will find documents with these two terms - whether the two words are together or not.

Search modifiers - at the bottom of the "Search" pane - allow subsequent searches on previous results. For example, the user may search for *Load* and then search for *Limits* on the results of the first search.

Version:

This is **Version 2019** of the Grabill Municipal Code, published on February 25, 2019. It includes materials through February 13, 2019.

There are two *Compiled Help Metafiles* (chm files) for this version:

GRABILL.chm	Contains all of the <i>captured</i> ordinances and resolutions, indexed by topic and in chronological order. Inactive (void, expired, matured, replaced) ordinances and bond ordinances are available as digital images.
GRABILL_small.chm	Contains the same materials as GRABILL.chm - without the images. As a result, this version is MUCH smaller - suitable for a website, email, or - in most cases - everyday usage.

Production Contacts:

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TOPIC INDEX

NOTE: This Topic Index includes each ordinance, resolution, or agreement. Some materials may be included under more than one category. This index is intended as a broad overview of a number of documents and may not be suitable as a complete referencing tool. The *Search* function is highly recommended as a method of finding ALL documents that address a specific topic.

Administration

Personnel

Salary

Collection: Salary (ARCHIVED) [COLLECTION](#)
Salary for 2019 [ORDINANCE](#)
[NO. 679-2018](#)

10/17/2018

Resignations

Collection: Resignations (ARCHIVED) [COLLECTION](#)

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Redistricting Voting Wards (VOID)	<u>Ordinance No. 116</u>	6/14/1967
Election of Town Officials (VOID)	<u>Ordinance No. 206</u>	12/15/1982
Election Wards (VOID)	<u>Ordinance Number 240</u>	5/13/1987
Abolishes Election Wards	<u>Ordinance No. 287</u>	6/12/1990
Town Council - Staggered Terms, Duties	<u>ORDINANCE NO. 377</u>	11/11/1998
Election Clarification (VOID)	<u>ORDINANCE NO. 394</u>	12/8/1999
Establishes Primary Elections	<u>ORDINANCE NO. 628-2010</u>	7/14/2010
Appoints Officers of the Town Council	<u>RESOLUTION 1259-2012</u>	3/21/2012
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Personnel Policies	<u>ORDINANCE NO. 355</u>	12/16/1996
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Authorizes Acceptance of Gifts	<u>ORDINANCE NO. 428</u>	9/24/2003
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Credit Card Usage	<u>RESOLUTION NUMBER 1264-2012</u>	8/22/2012
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Creates Cumulative Capital Improvement Fund	<u>Ordinance Number 114</u>	1/13/1966

Create Revenue Sharing Trust Fund		<u>Ordinance No. 146</u>	12/6/1972
Local Road & Street Special Distribution Fund		<u>Ordinance No. 176</u>	5/15/1978
Motor Vehicle Highway Special Distribution Fund		<u>Ordinance No. 177</u>	5/15/1978
Economic Development Income Tax Fund		<u>Ordinance No. 325</u>	7/13/1994
Establish Promotional Fund		<u>Ordinance No. 375</u>	6/24/1998
Establishes Rainy Day Fund	(VOID)	<u>RESOLUTION # 499</u>	12/12/2001
Establishes Rainy Day Fund		<u>ORDINANCE NO. 416-A</u>	6/5/2002
Promotional Fund Amendment		<u>#414</u>	6/26/2002
Town of Grabill Food Bank Fund		<u>RESOLUTION NO. 1128-2007 -2</u>	11/28/2007
Establishes Cumulative Capital Development Fund		<u>No. 637-2013</u>	6/19/2013
Creates a LOIT Special Disbribution Fund		<u>ORDINANCE NUMBER 259-2016</u>	6/15/2016
Creates a Cumulative Capital Devlopment Fund		<u>260-2016</u>	6/29/2016
Community Crossing Grant Fund and Transfer Fund		<u>Resolution No. 1316-2018</u>	5/16/2018
Accounting and Policies			
Housing Rehabilitation Program with CDBG Money	(ARCHIVED)	<u>unnumbered</u>	2/8/1978
Accounting Services Contract	(VOID)	<u>Ordinance No. 198</u>	3/17/1982

Accounting Services Contract	(VOID)	<u>Ordinance Number 229</u>	12/20/1985
Accounting Services Contract	(ARCHIVED)	<u>Ordinance No. 250</u>	9/16/1987
Establish Payroll Account		<u>Ordinance #283</u>	10/17/1989
Pre-Approval of Certain Claims	(VOID)	<u>Ordinance No. 326</u>	7/13/1994
Pre-Approval of Certain Claims		<u>Ordinance No. 343</u>	8/10/1995
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Purchasing Agency and Agent		<u>ORDINANCE NO. 378</u>	11/11/1998
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Capital Improvement Plan for CEDIT Funds		<u>ORDINANCE 625-2010</u>	5/26/2010
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Adopts Capital Improvement Plan from CEDIT Funds		<u>ORDINANCE NO. 635-2012</u>	3/22/2012

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Materiality Policy	<u>ORDINANCE NO. 657-2016</u>	5/18/2016
Adopts Uniform Internal Control Standards	<u>ORDINANCE NO. 258-2016</u>	6/15/2016
Strategic Investment Plan - 2016	<u>Resolution 1282-2016</u>	9/7/2016
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2013 Year-End Budget Transfers	<u>Resolution No. 1268-2014</u>	2/12/2014
2013 Rainy Day Budget Transfers	<u>Resolution No. 1269-2014</u>	10/15/2014
2014 Encumbrances	<u>RESOLUTION # 1276-2015</u>	2/11/2015
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2014-2015 Rainy Day Budget Transfers	<u>Resolution No. 1279-2016</u>	1/6/2016
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Capital Improvement Plan	<u>ORDINANCE NO. 674-2018</u>	5/16/2018
Adopting Internal Control Standards	<u>RESOLUTION NO. 1321-2018</u>	9/19/2018
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Capital Plan for Use of CEDIT Funds	<u>ORDINANCE NO. 681-2019</u>	2/13/2019

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Donation to Youth Group	<i>(ARCHIVED)</i> <u>RESOLUTION # 381</u>	11/11/1998
Donation to Youth Group	<i>(ARCHIVED)</i> <u>Ordinance 393</u>	10/13/1999
Donation to Youth Group	<i>(ARCHIVED)</i> <u>Ordinance 404</u>	10/11/2000
Donation to Youth Group	<i>(ARCHIVED)</i> <u>Ordinance 410</u>	10/17/2001
Donation to Youth Group	<i>(ARCHIVED)</i> <u>Ordinance 435</u>	11/5/2003

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Establishes Dept. of Parks and Recreation	<u>Ordinance No. 286</u>	6/12/1990
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Park Fund Interest Reverts to Park Fund	<u>RESOLUTION 361</u>	5/14/1997
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Application to DNR for Hometown Indiana Funds	<i>(ARCHIVED)</i> <u>RESOLUTION 373</u>	4/13/1998
Park & Recreation Master Plan	<i>(EXPIRED)</i> <u>unnumbered</u>	2/9/2004
No Overnight Parking at North/South Parks Parking Lots	<u>RESOLUTION NO. 1255-2011</u>	6/15/2011
Creating Department of Parks and Recreation	<u>ORDINANCE NO. 676-2018</u>	6/20/2018

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Park & Recreation Board	(EXPIRED)	<u>RESOLUTION # 370</u>	4/8/1998
Park & Recreation Board	(EXPIRED)	<u>RESOLUTION # 386</u>	4/14/1999
Park & Recreation Board	(EXPIRED)	<u>RESOLUTION # 407</u>	2/28/2001
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Park & Recreation Board	(EXPIRED)	<u>Resolution # 438</u>	2/25/2004

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Fire Truck Rental Contract	(ARCHIVED)	<u>Ordinance No. 96</u>	6/1/1959
Approving Cooperative Firefighting Purchases, etc.		<u>Special Ordinance No. 149</u>	9/12/1973
Agreement with Grabill Volunteer Fire Dept	(VOID)	<u>Ordinance No. 281</u>	8/8/1989
Revised Fire Protection Agreement		<u>Ordinance No. 284</u>	12/12/1989
Burning Regulations - Air Pollution Control Standards		<u>ORDINANCE NO. 417</u>	7/10/2002
Requirements for Smoke Detectors		<u>ORDINANCE NO. 418</u>	7/31/2002
Fire Protection Rates	(VOID)	<u>RESOLUTION 443</u>	1/12/2005
Charges for Northeast Fire and EMS, Inc.		<u>Resolution No. 1328-2019</u>	2/13/2019

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Curb Pumps		<u>ORDINANCE NO. 46</u>	12/4/1933

Community Development Plan/Capital Improvements Program	(EXPIRED)	RESOLUTION NO. 302	11/18/1992
National Flood Insurance Program		RESOLUTION NO. 290	9/--/1990
Fair Housing		ORDINANCE NO. 309	2/10/1993
Municipal Government Week		RESOLUTION 371	4/8/1998
Declaration of Blighted Area		RESOLUTION NO. 422	1/8/2003
Reorganization of East Allen Communities		RESOLUTION OF EAC -4-706	4/10/2008
Adopts National Incident Management System (NIMS)		ORDINANCE 621-09	7/22/2009
Identity Theft Prevention Program		unnumbered	7/22/2009
Construction Wage Hearing Representatives		RESOLUTION 1256-2011	9/7/2011
Regarding Americans with Disabilities Act (ADA)		Resolution 1261- 2012	5/2/2012
Nepotism Policy and Contracting with a Unit Policy		Resolution 1262- 2012	6/20/2012
ADA Self-Evaluation and Transition Plan		RESOLUTION NO. 1266-2013	4/17/2013

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Town's Electrical Contractor	(ARCHIVED)	Ordinance No. 16	5/3/1915
Permission of to Install a Gas Tank		Ordinance 34	5/1/1922
Permission of to Install a Gas Tank		Ordinance No. 40	--/--/----

Street Lamps	(EXPIRED)	<u>ORDINANCE No. 44</u>	3/4/1929
Contract with IN & MI Electric Co for Street Lamps	(EXPIRED)	<u>ORDINANCE #49</u>	1/10/1939
Approval of Contract with I & M for Street Lamps	(EXPIRED)	<u>ORDINANCE #51</u>	6/4/1945
Contract with Grabill Country Fair, Inc		<u>Ordinance No. 197</u>	1/20/1982
Agreement with Allen Co. Building Department		<u>Ordinance No. 249</u>	9/16/1987
Adopting Agreement with Allen Co. Highway Department		<u>Ordinance Number 277</u>	4/18/1989
Agreement with Gregory A. Smitley - Easement and Utilities		<u>Ordinance No. 308</u>	2/10/1993
Agreement with Severn Trent Environmental Services	(VOID)	<u>RESOLUTION 369</u>	4/8/1998
Contract for Park Pavilion Cleaning		<u>ORDINANCE NO. 644-2015</u>	4/8/2015
Contract for Hanging Flowers		<u>ORDINANCE NO. 645-2015</u>	4/8/2015
Contract for Town Maintenance		<u>ORDINANCE NO. 646-2015</u>	4/8/2015
Contract for Mowing		<u>ORDINANCE NO. 647-2015</u>	5/10/2015
Contract Repairs to Watering Tractor		<u>ORDINANCE NO. 649-2015</u>	6/3/2015
Contract for Town Hall Cleaning		<u>ORDINANCE NO. 651-2015</u>	6/3/2015
Contract for Landscaping		<u>ORDINANCE NO. 652-2015</u>	6/17/2015

Contract for Street Sweeping	<u>ORDINANCE NO. 653-2015</u>	7/1/2015
Contract for Economic Development Services	<u>RESOLUTION NO. 1308-2017</u>	1/3/2018
Financial Commitment (re: East Allen Rural Revival)	<u>RESOLUTION 1322-2018</u>	9/5/2018

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Animal Control	(VOID)	<u>Ordinance No. 4</u>	5/5/1913
Prohibits Play on Streets		<u>Ordinance No. 6</u>	--/--/1913
Animal Control - Fowl at Large	(VOID)	<u>Ordinance No. 10</u>	4/6/1914
Peddlers & Hawkers License		<u>Ordinance No. 9</u>	4/6/1914
Protect Public Health		<u>Ordinance No. 20</u>	8/7/1916
Prohibits Slot Machines, Punch Boards, etc.		<u>Ordinance No. 21</u>	8/7/1916
Prohibits Fireworks		<u>Ordinance No. 22</u>	--/--/----
Regulates Billiard Tables, etc.		<u>Ordinance No. 23</u>	--/--/----
Prohibits Burning on Asphalt Surfaced Streets		<u>Ordinance No. 64</u>	11/1/1955
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Prohibits Mailboxes	(VOID)	<u>Ordinance Number 224</u>	5/15/1985
Prohibition of Mailboxes		<u>Ordinance Number 318</u>	9/1/1993
Trees		<u>ORDINANCE NO. 338</u>	1/11/1995

Yard Waste Ban - Allen County Solid Waste District	<u>356</u>	11/13/1996
Removal of Weeds, Grass, Vegetation	<u>ORDINANCE 387</u>	9/15/1999
Public Nuisance	<u>ORDINANCE 520</u>	12/13/2006
Opting Out of County Ordinance - Smoking in Public Places	<u>ORDINANCE #2007-6-13</u>	6/13/2007
Unlawful to Maintain Certain Animals	<u>ORDINANCE NO. 648-2015</u>	6/17/2015

Traffic Control

Railroad Crossing Light	<u>Ordinance No. 24</u>	4/1/1918
Traffic and Parking	<u>Ordinance Number 4</u>	6/14/1926
Parking Restriction	<u>Ordinance No. 60</u>	10/5/1954
Regulates Public Parking	<u>Ordinance No. 71</u>	7/2/1957
Emergency Traffic Lights at Fire Department	<u>Ordinance No. 166</u>	9/14/1977
Traffic Signals and Enforcement	<u>Ordinance No. 183</u>	7/18/1979
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Traffic Restrictions	<u>Ordinance No. 187</u>	7/16/1980
Traffic Code	<u>413</u>	5/15/2002
Stop Signs	<u>RESOLUTION NO. 450</u>	7/26/2006
Golf Carts on Public Ways	<u>ORDINANCE 620 -09</u>	7/22/2009
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No Parking - North Edge of Ball Diamond	<u>RESOLUTION 1250-2010</u>	6/9/2010

No Through Trucks - Surrey Trace and Stowe Drive	<u>RESOLUTION 1251-2010</u>	8/25/2010
Speed Limit 30 MPH - 2nd Street	<u>RESOLUTION 1252-2010</u>	8/25/2010
Dead End Street Sign on First Street Extension	<u>RESOLUTION NO. 1254-2011</u>	5/18/2011
No Overnight Parking at North/South Parks Parking Lots	<u>RESOLUTION NO. 1255-2011</u>	6/15/2011
Stop Signs at County Shoal Lane and Windstone Drive	<u>RESOLUTION NO. 1274-2014</u>	12/10/2014
Stop Signs, Second and Indiana, Second and West Streets	<u>RESOLUTION NO. 1281-2016</u>	8/3/2016
Stop Sign (re: Third and Indiana Streets)	<u>RESOLUTION NO. 1315-2018</u>	5/16/2018
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Street Improvement	(ARCHIVED) <u>Ordinance No. 13</u>	1/4/1915
Indiana Street	<u>Ordinance 32</u>	4/3/1922
Building of New Streets	<u>Ordinance No. 67</u>	9/4/1956
Widening of State St.	(ARCHIVED) <u>Ordinance No. 69</u>	6/4/1957
Repair of State Street	(ARCHIVED) <u>Ordinance # 73</u>	8/5/1957
Share Cost of Street Work	(ARCHIVED) <u>340</u>	1/11/1995
Road Improvement	(ARCHIVED) <u>RESOLUTION</u>	6/24/1998
New Public Street - Home Guard Way	<u>Ordinance No. 601</u>	1/9/2002

Road Access to Proposed Library	(ARCHIVED)	<u>RESOLUTION # 432</u>	10/22/2003
Authorize Borrowing for a Highway Capital Improvement Project	(EXPIRED)	<u>Ordinance No. 444</u>	7/27/2004
Quote for Pavement Markings	(ARCHIVED)	<u>Resolution No 449</u>	7/19/2006
Snow Plowing Contract		<u>RESOLUTION 2007-08-28</u>	8/28/2007
Dedicating Eicher Drive in Sawmill Industrial Park		<u>RESOLUTION NO. 1287-2017</u>	5/17/2017
Dedicating, Naming of Street in Sawmill Industrial Park		<u>RESOLUTION NO. 1302-2017</u>	10/27/2017

Sidewalks

Clean Sidewalks and Alleys		<u>Ordinance No. 2</u>	2/3/1913
Width of Sidewalks		<u>Ordinance No. 5</u>	8/4/1913
Amends Ordinance 5 (Sidewalk Width)		<u>Ordinance No. 63</u>	10/4/1955

Property

Planning

Plan Commission	(VOID)	<u>Ordinance #61</u>	7/15/1955
Master Plan	(VOID)	<u>Ordinance No. 97</u>	11/2/1959
Designating Allen County Plan Commission	(VOID)	<u>Ordinance No. 138</u>	5/13/1970
Designating Allen County Plan Commission		<u>Ordinance No. 150</u>	11/14/1973
Adopting Master Plan		<u>Ordinance No. 153</u>	3/6/1974

Zoning

Zoning Ordinance

Zoning and Districts	(ARCHIVED)	<u>Ordinance No. 99</u>	12/28/1959

Amends Zoning Ordinance (<i>ARCHIVED</i>)	Ordinance No. 106	2/13/1962
Amends Zoning Ordinance (<i>ARCHIVED</i>)	Ordinance No. 115	4/12/1967
Amends Zoning Ordinance (<i>ARCHIVED</i>)	Ordinance No. 119	12/13/1967
Zoning Ordinance Amendment	ORDINANCE NO. 155, Amend. 1	11/14/1979
Zoning Ordinance Amendment	ORDINANCE NO. 155, Amend. 2	11/14/1979
Amends Zoning Ordinance	Amendment No. 327	6/8/1994

Floodplain Regulations

Zoning Ordinance Amendment - Floodplain Regulations (<i>VOID</i>)	AMENDMENT NO. 291	9/11/1990
Amending Floodplain Regulations	Amendment No. 330	9/14/1994
Floodplain Regulations - Amendment	AMENDMENT NO. 619-09	6/10/2009

Property Re-zoning

Re-zoning	Ordinance Number 103	1/30/1961
Amends Zoning Ordinance and Re-zoning	Ordinance No. 122	4/10/1968
Re-zoning	Ordinance No. 141	11/19/1971
Re-zoning	Ordinance No. 155	5/8/1974
Re-zoning - Grabill, Limited (<i>VOID</i>)	Ordinance No. 155-2	3/9/1983
Re-zoning - Grabill, Limited	Ordinance No. 155-2	3/21/1983
Re-zoning - Mark Jones/Wieland Furniture	Ordinance No. 301	11/18/1992
Re-zoning - Mendenhall- Roy Chevrolet	Ordinance No. 322	4/13/1994

Re-zoning - Brace Wieland		<u>Ordinance No. 332</u>	11/9/1994
Re-zoning - McClure's Management Corp.		<u>Ordinance No. 339</u>	1/11/1995
Re-zoning - Romary Associates		<u>Ordinance No. 390</u>	6/15/1999
Re-zoning - Resource Properties		<u>Ordinance No. 397</u>	4/12/2000
Re-zoning - Town of Grabill		<u>Ordinance No. 439</u>	3/10/2004
Re-zoning - B & L Partnership		<u>Ordinance No. 440</u>	4/28/2004
Re-zoning - Martin Schmucker		<u>Ordinance No. 612-09</u>	6/10/2009
Rezoning (re: 13330 Witmer Road)		<u>Ordinance No. 656-2016</u>	4/13/2016
Rezoning (re: Sauder Feeds)		<u>Ordinance No. 670-2017</u>	10/19/2017
Rezoning (re: 13600 to 13700 Fairview Drive)		<u>Ordinance No. 675-2018</u>	4/19/2018
Rezoning (re: Henry Street Realty LLC)		<u>Ordinance No. 680-2019</u>	1/9/2019
Subdivision			
Subdivision (Klopfenstein)		<u>Ordinance No. 14</u>	4/5/1915
Subdivision Regulations		<u>Ordinance No. 154</u>	3/6/1974
Amends Subdivision Regulations		<u>Ordinance No. 154</u>	1/9/1980
Approving Site Plan for Woodland Glen	(ARCHIVED)	<u>Ordinance Number 216</u>	11/2/1983
Approves Platting, etc. - Countryside Crossing	(ARCHIVED)	<u>Ordinance No. 297</u>	5/12/1992
<u>Annexation</u>			
Annexation Petition		<u>unnumbered</u>	11/10/1953
Annexation		<u>Ordinance No. 151</u>	2/6/1974

Annexation		<u>Ordinance No. 152</u>	2/6/1974
Annexation	(VOID)	<u>Ordinance Number 201</u>	7/14/1982
Repeals No. 201		<u>Ordinance Number 203</u>	9/24/1982
Annexation		<u>Ordinance Number 210</u>	4/13/1983
Annexation		<u>Ordinance Number 268</u>	10/11/1988
Annexation		<u>Ordinance Number 314</u>	6/9/1993
Annexation		<u>Ordinance Number 348</u>	1/10/1996
Annexation		<u>Ordinance Number 349</u>	1/10/1996
Annexation		<u>Ordinance Number 352</u>	8/14/1996
Annexation		<u>RESOLUTION NO. 1244-2009</u>	10/28/2009
Fiscal Plan for Annexation		<u>unnumbered</u>	10/--/2009
Fiscal Plan for Annexed Area		<u>RESOLUTION NO. 1244-2009</u>	11/23/2009
Annexation		<u>Ordinance No. 623-2009</u>	12/16/2009
Accepting Voluntary Annexation Petition		<u>RESOLUTION NO. 1267-2013</u>	1/1/2013
Annexation (re: Cement Finishers, Inc.)		<u>ORDINANCE NO. 636-2013</u>	7/17/2013
Voluntary Annexation Petition (re: Blake Annexation Area)		<u>RESOLUTION NO. 1290-2017</u>	9/20/2017
Voluntary Annexation Petition (re: Pine Creek)		<u>RESOLUTION NO. 1310-2018</u>	3/14/2018

Voluntary Annexation Petition (re: Blake Annexation Area)		<u>RESOLUTION NO. 1311-2018</u>	3/14/2018
Annexation (re: 100 Antwerp Road)		<u>ORDINANCE NO. 672-2018</u>	5/2/2018
Annexation (re: Pine Creek)		<u>ORDINANCE NO. 673-2018</u>	5/2/2018
Adopting Fiscal Plan (re: Blake Annexation)		<u>RESOLUTION NO. 1313-2018</u>	5/2/2018
Adopting Fiscal Plan (re: Pine Creek Annexation)		<u>RESOLUTION NO. 1314-2018</u>	5/2/2018
<u>Vacations</u>			
Vacates Alley from Maple St. West		<u>ORDINANCE NO. 47</u>	5/7/1934
Vacates Alley from State St. North		<u>ORDINANCE NO. 48</u>	5/7/1934
Vacates Alley from State St. South & West		<u>ORDINANCE #50</u>	5/3/1941
Amends Ordinance No.32 - Vacating Indiana Street		<u>ORDINANCE NO. 52</u>	5/9/1949
Alley Vacation (Schertz)	(ARCHIVED)	<u>unnumbered</u>	--/--/----
Court Case (Schertz, Sommer, Phillips VS. Grabill)	(ARCHIVED)	<u>unnumbered</u>	9/1/1966
Court Case (Rose Yoder VS. Grabill)	(ARCHIVED)	<u>unnumbered</u>	12/11/1970
Denial of Vacation Petition		<u>Ordinance No. 208</u>	3/9/1983
Vacation - Grabill Missionary Church		<u>unnumbered</u>	7/20/1984
Vacation of Street - Portion of North St.		<u>Ordinance No. 358/02</u>	1/9/2002
Vacation of Alley - West of Henry Street		<u>Ordinance No. 359/02</u>	1/9/2002

Vacate a Portion of a Public Way (re: Grabill Rail Terminal)	<u>ORDINANCE NO. 638-2014</u>	3/19/2014

Economic Revitalization

Criteria for Economic Revitalization Area	<u>Ordinance Number 235</u>	8/13/1986

Agreement with Allen County Plan Commision - Economic Revitalization Areas	<u>unnumbered</u>	8/27/1986

Economic Revitalization Area - Showcase Creations	(EXPIRED) <u>Resolution No. 265</u>	10/11/1988

Designation of Economic Revitalization Area No. 3	(EXPIRED) <u>RESOLUTION NO. 269</u>	11/10/1988

Designation of Economic Revitalization Area No. 4	(EXPIRED) <u>RESOLUTION NO. 270</u>	11/10/1988

East Industrial Park Development Agreement	(ARCHIVED) <u>Ordinance Number 271</u>	11/21/1988

Industrial Development Loan Agreement with Allen Co.	(ARCHIVED) <u>Ordinance Number 272</u>	11/21/1988

Designation of Economic Revitalization Area No. 5	(EXPIRED) <u>RESOLUTION NO. 282</u>	9/12/1989

Designation of Economic Revitalization Area No. 66	(EXPIRED) <u>RESOLUTION NO. 285</u>	5/8/1990

Designation of Economic Revitalization Area No. GR7	(EXPIRED) <u>RESOLUTION NO. 311</u>	2/10/1993

Designation of Economic Revitalization Area No. GR7	(EXPIRED) <u>RESOLUTION NO. 312</u>	3/10/1993

Designation of Economic Revitalization Area No. GR8	(EXPIRED) <u>RESOLUTION NO. 323</u>	7/13/1994

Designation of Economic Revitalization Area No. GR8	(EXPIRED)	<u>RESOLUTION NO. 328</u>	8/10/1994
Designation of Economic Revitalization Area No. GR9	(EXPIRED)	<u>RESOLUTION NO. 401</u>	5/10/2000
Designation of Economic Revitalization Area No. GR 10	(EXPIRED)	<u>RESOLUTION NO. 419</u>	9/25/2002
Designation of Economic Revitalization Area No. GR 10	(EXPIRED)	<u>RESOLUTION NO. 420</u>	10/9/2002
Designation of Economic Revitalization Area No. GR 11		<u>RESOLUTION NO. 1236-09</u>	4/22/2009
Designation of Economic Revitalization Area No. GR 11		<u>RESOLUTION NO. 1237-09</u>	5/13/2009
Designation of Economic Revitalization Area No. GR 12		<u>RESOLUTION NO. 1257-2011</u>	10/5/2011
Declares Economic Revitalization Area (re: GR-13, Sauder Feeds Inc.)		<u>RESOLUTION NO. 1283-2016</u>	11/9/2016
Confirms Economic Revitalization Area (re: GR-13, Sauder Feeds Inc.)		<u>RESOLUTION NO. 1284-2016</u>	12/7/2016
Real and Personal Property Compliance with Statement of Benefits		<u>RESOLUTION NO. 1289-2017</u>	6/28/2017
Real and Personal Property Compliance with Statement of Benefits		<u>RESOLUTION NO. 1317-2018</u>	6/20/2018
Waiving Non-Compliance (re: Our Country Home		<u>RESOLUTION NO. 1318-2018</u>	7/11/2018

Enterprises)

Declaratory, Designation of Economic Revitalization Area GR-14	<u>RESOLUTION NO. 1319-2018</u>	7/11/2018

Confirming Designation of Economic Revitalization Area GR-14	<u>RESOLUTION NO. 1320-2018</u>	7/25/2018

Waiving Non-Compliance (re: Our Country Home Enterprises)	<u>RESOLUTION NO. 1323-2018</u>	9/19/2018

Economic Development

Investment Incentive Program - Eagle-Picher	(ARCHIVED) <u>Ordinance No. 205</u>	12/15/1982

Investment Incentive Program - Eagle-Picher	(ARCHIVED) <u>Ordinance Number 211</u>	7/20/1983

CDGB Funds to Eagle Picher Plastics	(ARCHIVED) <u>RESOLUTION NO. 218</u>	2/15/1984

Establishes Economic Development Dept. and Commission	<u>Ordinance No. 292</u>	6/12/1991

Economic Development Revenue Bonds	<u>RESOLUTION NO. 296</u>	12/19/1991

Economic Development Revenue Bonds	<u>Ordinance No. 315</u>	4/20/1993

Department of Redevelopment and Commission	<u>ORDINANCE NO. 07-11-2007</u>	7/11/2007

Economic Development Revenue Bonds - Cedars Project	<u>ORDINANCE NO. 2008-1</u>	5/14/2008

Establish Redevelopment Area TIF Fund	<u>RESOLUTION # 1239-09</u>	8/26/2008

Economic Redevelopment Plan	<u>RESOLUTION 123509</u>	12/17/2008

Refunding Revenue Bond (re: Cedar Creek Retirement Home)	<u>ORDINANCE NO. 662-2016</u>	10/19/2016

Town Owned

School Site Addition	<u>Ordinance Number 18</u>	9/27/1915
Permitting use of Property by Standard Oil	(VOID) <u>Ordinance No. 19</u>	1/4/1916
Approving the Sale of Real Estate	<u>Ordinance No. 141 -72</u>	7/12/1972
Acceptance of Real Estate	<u>Ordinance No. 167</u>	9/14/1977
Conveyance of Real Estate - Fairview Drive	<u>Ordinance No. 188</u>	7/16/1980
Acquisition of Real Estate for City Park	<u>Ordinance No. 193</u>	1/14/1981
Funds to Acquire Real Estate for City Park	(ARCHIVED) <u>Ordinance No. 194</u>	3/11/1981
Funds to Acquire Real Estate for City Park	(ARCHIVED) <u>Ordinance No. 195</u>	4/8/1981
Accepting Real Estate Gift	<u>ORDINANCE NO. 200</u>	8/11/1982
Lease of Railway Property - Norfolk and Western	<u>Ordinance No. 207</u>	12/15/1982
License Agreement with Norfolk and Western Railway	(ARCHIVED) <u>Ordinance No. 227</u>	8/14/1985
Lease of Norfolk and Western Property	(VOID) <u>Ordinance No. 242</u>	6/10/1987
License Agreement with Norfolk and Western Railway	<u>Ordinance No. 243</u>	7/23/1987
Acceptance and Conveyance - Portion of Indiana St.	<u>Ordinance Number 260</u>	6/14/1988

Acceptance and Conveyance - Portion of Main St.		<u>Ordinance Number 264</u>	10/11/1988
Acceptance and Conveyance - Portion of David Dr.		<u>Ordinance Number 267</u>	10/11/1988
Amending No. 267 - Acceptance of David Dr.		<u>Ordinance Number 273</u>	12/13/1988
Amending No. 273 - Change David Dr. to David Lane		<u>Ordinance Number 276</u>	2/14/1989
Disposal of Town Real Estate		<u>Ordinance Number 298</u>	6/29/1992
Warranty Deed to Don Lengacher	(VOID)	<u>Ordinance No. 310</u>	2/10/1993
Warranty Deed to Don Lengacher (Corrected)		<u>Ordinance No. 329</u>	7/31/1994
Downtown Public Restrooms	(ARCHIVED)	<u>RESOLUTION 368</u>	3/18/1998
Appraisal of Town Property	(ARCHIVED)	<u>Resolution # 409</u>	3/7/2002
Sale of Real Estate		<u>ORDINANCE NO. 415-A</u>	6/5/2002
Purchase of Property		<u>RESOLUTION # 427</u>	8/13/2003
Exchange of Properties - Jim's Auto Care		<u>RESOLUTION NO. 1242-09</u>	9/23/2009
Memo of Understanding - Pioneer Properties of Leo		<u>RESOLUTION NO. 1243-2009</u>	10/8/2009
Acceptance of Roadways within Surrey Trace Subdivision		<u>RESOLUTION NO. 1249-2009</u>	12/16/2009
Dedicating Eicher Drive in Sawmill Industrial Park		<u>RESOLUTION NO. 1287-2017</u>	5/17/2017

Dedicating, Naming of
Street in Sawmill
Industrial Park

[RESOLUTION
NO. 1302-2017](#)

10/27/2017

Utilities

Sewage

Rates and Charges

Sewage Works Rates and
Charges Overview

[COLLECTION](#)

Sewage Works Rates and
Charges (VOID)

[Ordinance No. 130](#) 6/10/1969

Sewage Works Rates and
Charges (VOID)

[Ordinance No. 199](#) 6/9/1982

Sewage Rates and Charges (VOID)

[Ordinance No. 246](#) 9/16/1987

Sewage Works Rates and
Charges

[ORDINANCE
NO. 278](#) 8/8/1989

Sewage Works Rates and
Charges (VOID)

[ORDINANCE
NO. 384](#) 3/10/1999

Sewage Works Rates and
Charges (VOID)

[Ordinance No. 502](#) 5/15/2002

Amends No. 502 - Sewer
Connections Fees and
Charges

[ORDINANCE
NO. 415](#) 6/26/2002

Sewage Works Rates and
Charges (VOID)

[ORDINANCE
NO. 505](#) 3/8/2006

Sewage Works Rates and
Charges (VOID)

[ORDINANCE
NO. 552](#) 6/14/2006

Sewage Works Rates and
Charges (VOID)

[ORDINANCE
NO. 630-2010](#) 10/11/2010

Rates and Charges for
Sewage Works

[ORDINANCE
NO. 643-2014](#) 12/--/2014

Automatic Sewage
Tracking Adjustment

[ORDINANCE
NO. 655-2015](#) 12/9/2015

Saddle Creek Sewer Connection Fee		<u>ORDINANCE NO. 1300-2017</u>	11/8/2017

Rules and Regulations

Requires Approval for Tap-in to Sewer		<u>Ordinance No. 94</u>	4/6/1959

Sewer Rules and Regulations	(VOID)	<u>Ordinance No. 131</u>	6/10/1969

Wastewater Tap and Connection Fees	(VOID)	<u>Ordinance No. 219</u>	3/14/1984

Sewage Rules and Regulations		<u>Ordinance No. 239</u>	5/13/1987

Amends No. 239, Sewage Rules and Regulations		<u>Ordinance No. 247</u>	9/16/1987

Adoption of Sewage Rules and Regulations		<u>Ordinance No. 248</u>	9/16/1987

Sewage Rules and Regulations Amendments		<u>Ordinance No. 255</u>	2/9/1988

Bonds

Sewage Works Revenue Bond		<u>Ordinance No. 129</u>	5/19/1969

Sale of Bond to Farmer's Home Administration		<u>Ordinance Number 132</u>	7/3/1969

Sewage Works Revenue Bonds		<u>Ordinance No. 256</u>	5/10/1988

Sewage Revenue Bonds - Amending No. 256		<u>ORDINANCE NO. 258</u>	5/23/1988

Sewage Works Revenue Bonds		<u>ORDINANCE NO. 551</u>	5/24/2006

Various Agreements and Contracts

Permisson to Attach to Sewer - Lautz Auto Co.	(ARCHIVED)	<u>Ordinance 35</u>	5/17/1922

Assessments for New Sewer System		<u>Ordinance No. 68</u>	10/2/1956

Sewage Works Construction Documents	(ARCHIVED)	<u>Ordinance No. 122-68-1</u>	11/27/1968
Sewage Works Use of Streets and Alleys		<u>Ordinance Number 126</u>	4/17/1969
Sewage Works Contract - Engineering	(ARCHIVED)	<u>Ordinance No. 127</u>	4/25/1969
Sewage Works Contract - Legal Counsel	(ARCHIVED)	<u>Ordinance Number 128</u>	4/25/1969
Sewage Works Contract - Sanitary Sewers	(ARCHIVED)	<u>Ordinance Number 133</u>	8/13/1969
Sewage Works Contract - Treatment Plant	(ARCHIVED)	<u>Ordinance Number 134</u>	8/13/1969
Sewage Works Contract - Inspector	(ARCHIVED)	<u>Ordinance Number 135</u>	8/25/1969
Sewage Treatment Agreement with Fort Wayne		<u>Ordinance Number 231</u>	3/3/1986
Sewage Transportation Contract	(VOID)	<u>Ordinance Number 232</u>	3/3/1986
Extension of Sewer Lines - Eagle-Picher	(ARCHIVED)	<u>Ordinance No. 253</u>	1/12/1988
Wastewater Transportation Agreement - Leo-Cedarville Reg. Sewer Dist.		<u># 362</u>	4/15/1997
Water Pollution Control Agreement with Fort Wayne		<u>RESOLUTION # 405</u>	3/28/2001
Sewage Works Capital Improvements	(EXPIRED)	<u>RESOLUTION NO. 504</u>	5/15/2002
Water Pollution Control Project		<u>RESOLUTION NO. 508</u>	4/12/2006
Sanitary Sewer Improvements (re: 13221 State Street)		<u>RESOLUTION NO. 1271-2014</u>	5/21/2014

Sewage Overcharge/Refund		<u>RESOLUTION NO. 1277-2015b</u>	10/7/2015
Saddle Creek Sewer Connection Fee		<u>ORDINANCE NO. 1300-2017</u>	11/8/2017

Grants and Grant Related

Water Pollution Control Grant Application	(ARCHIVED)	<u>RESOLUTION -121</u>	4/10/1968
Sewage Works Improvements Grant Application	(ARCHIVED)	<u>unnumbered</u>	4/10/1968
Sewage Works Grant	(ARCHIVED)	<u>Ordinance No. 123</u>	12/11/1968
Sewage Works Grant	(ARCHIVED)	<u>Ordinance No. 124</u>	12/11/1968
CDGB funds for Sewage Works Rehabilitation	(ARCHIVED)	<u>RESOLUTION 223</u>	1/16/1985
CDGB funds for Sewage Works Rehabilitation	(ARCHIVED)	<u>RESOLUTION NO. 230</u>	1/8/1986
CDGB funds for Sewage Works Rehabilitation	(ARCHIVED)	<u>RESOLUTION 237</u>	1/14/1987
Signatory Authorization	(ARCHIVED)	<u>Ordinance No. 251</u>	9/16/1987
Grant application for Water & Sewage Extensions	(ARCHIVED)	<u>Resolution No. 266</u>	9/13/1988
Contract for Waste Water Rates Study	(ARCHIVED)	<u>Resolution # 411</u>	4/10/2002
Acceptance of PER for Sewage Works	(ARCHIVED)	<u>RESOLUTION NO. 507</u>	4/12/2006

Water

Rates and Charges

Waterworks Rates and Charges	(VOID)	<u>Ordinance No. 81</u>	1/15/1958
Waterworks Rates and Charges	(VOID)	<u>Ordinance No. 84</u>	3/31/1958
Waterworks Rates and Charges - Amendment	(VOID)	<u>Ordinance No. 159</u>	8/13/1975

Waterworks Rates and Charges	(VOID)	Ordinance No. 173	2/17/1978
Waterworks Rates and Charges	(VOID)	Ordinance No. 178	5/31/1978
Requesting IURC Approval of Waterworks Rates and Charges Increases	(VOID)	Ordinance No. 252	12/9/1987
Waterworks Rates and Charges	(VOID)	Ordinance No. 261	6/28/1988
Waterworks Rates and Charges	(VOID)	ORDINANCE NO. 385	3/10/1999
Waterworks Rates and Charges	(VOID)	ORDINANCE NO. 441 -A	11/10/2004
Amending Wholesale Water Rates and Charges		ORDINANCE NO. 627-2010	7/28/2010
Waterworks Rates and Charges		ORDINANCE NO. 629-2010	10/11/2010
Tap-In and Various Fees			
Waterworks Tap-in Charge	(VOID)	Ordinance No. 93	2/2/1959
Waterworks Tap-in Charge		Ordinance No. 108	10/9/1962
Waterworks Tap-in Charge, Deposit, and Reconnect Fee	(VOID)	Ordinance Number #137	10/12/1969
Saddle Creek Water Connection Fee		ORDINANCE NO. 1301-2017	11/8/2017
Rules and Regulations			
Waterworks: All Tap-ins through Metered Connections	(VOID)	Ordinance No. 109	10/9/1962
Waterworks Rules and Regulations		Ordinance No. 174	3/15/1978
Bonds			
Supplemental Agreement	(ARCHIVED)	Ordinance No. 78	10/10/1957

Waterworks Revenue Bond		<u>Ordinance No. 80</u>	1/15/1958
Waterworks Revenue Bond		<u>Ordinance No. 83</u>	3/31/1958
Contract with Bond Holders	(ARCHIVED)	<u>Ordinance No. 118</u>	10/18/1967
Waterworks Revenue Bond		<u>Ordinance No. 172</u>	2/17/1978
Amends No. 172, Waterworks Revenue Bond		<u>Ordinance No. 175</u>	5/15/1978
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Water Works Revenue Bonds - Amending No. 257		<u>ORDINANCE NO. 259</u>	5/23/1988
Waterworks Revenue Bonds		<u>ORDINANCE NO. 396</u>	1/12/2000

Various Agreements and Contracts

Proposed Waterworks Plant	(ARCHIVED)	<u>Ordinance Number 70</u>	5/13/1957
Construction of Waterworks	(ARCHIVED)	<u>Ordinance Number 74</u>	8/6/1957
Waterworks Construction Contracts	(ARCHIVED)	<u>Ordinance Number 76</u>	9/26/1957
Waterworks Construction Contracts	(ARCHIVED)	<u>Ordinance Number 77</u>	9/30/1957
Waterworks Contract - Pipeline	(ARCHIVED)	<u>Ordinance Number 85</u>	3/3/1958
Waterworks Contract - Legal Counsel	(ARCHIVED)	<u>Ordinance Number 82</u>	3/22/1958
Contract (No. 85) Addendum	(ARCHIVED)	<u>Ordinance No. 86</u>	5/13/1958

Contract with Cincinnati Municipal Bond Corp.	(ARCHIVED)	Ordinance Number 87	5/16/1958
Waterworks Contract - Surveyor	(ARCHIVED)	Ordinance No. 113	9/8/1965
Water Treatment and Distribution System Contract - Legal Counsel	(ARCHIVED)	Ordinance Number 168	9/14/1977
Water Treatment and Distribution System Contract - Engineering	(ARCHIVED)	Ordinance Number 169	9/14/1977
Water Treatment and Distribution System Contract - Accounting	(ARCHIVED)	Ordinance Number 170	9/14/1977
Waterworks Extension and Easement - Wieland Furniture Co.	(ARCHIVED)	Ordinance Number 274	1/10/1989
Wholesale Water - Maysville Regional W&S District		Ordinance No. 341	5/10/1995
Amends No. 341 - Wholesale Water		Ordinance No. 344	9/25/1995
Water Main Extension - Resource Properties Inc.	(ARCHIVED)	ORDINANCE NO. 400	8/26/1998
Grants and Grant Related			
Funds Re-Capture Applied to Waterworks	(ARCHIVED)	Resolution #254	12/1/1988
Application for State Revolving Loan Funds	(ARCHIVED)	Resolution # 380	12/9/1998
Management and Financial Policies			
Special Election - Waterworks Plant	(ARCHIVED)	Ord. #72	6/26/1957
Acceptance of Water Quality Management Responsibilities		Resolution No. 185	6/11/1980

Removes Water Utility from IURC Regulation	<u>Ordinance No. 262</u>	8/23/1988
Creates Wellhead Protection Plan Subfund	<u>Ordinance No. 319</u>	12/8/1993
Establish Water Utility Cash Reserve Fund	<u>ORDINANCE NO. 503</u>	5/15/2002
Unclaimed Water Meter Deposits	<u>ORDINANCE NO. 416</u>	6/26/2002

Real Estate: Purchase, Lease, Easements (1958-9)

Collection: Grabill Water - Land and Easements	<u>COLLECTION</u>	--/--/1958
Purchase Real Estate	(ARCHIVED) <u>Ordinance Number 88</u>	5/19/1958
Easement with Wabash Railroad Co.	(ARCHIVED) <u>Ordinance Number 89</u>	5/31/1958
Lease Agreement for Waterworks Site	(ARCHIVED) <u>Ordinance No. 90</u>	6/4/1958
Lease Agreement for Waterworks Site	(ARCHIVED) <u>Ordinance No. 91</u>	6/6/1958
Easement for Water Line - First Street	(ARCHIVED) <u>Ordinance No. 95</u>	4/6/1959

Cable Television

Contract with TRIAX Cablevision	(ARCHIVED) <u>Ordinance No. 225</u>	5/15/1985
Transfer of Cable Television Franchise	(ARCHIVED) <u>RESOLUTION #234</u>	6/11/1986
Transfer of Cable Television Franchise	(ARCHIVED) <u>#359</u>	4/7/1997
Transfer of Cable Television Franchise	<u>RESOLUTION NO. 388</u>	8/25/1999
Cable Television Franchise - Mediacom Indiana LLC	<u>ORDINANCE NO. 407</u>	3/23/2002

Miscellaneous

Articles of Agreement with Allen Co. Light & Power	(VOID)	<u>unnumbered</u>	5/3/1915
Gas Service - Northern Indiana Fuel and Light Co.		<u>Ordinance No. 101</u>	--/--/----
License - Michiana Metronet		<u>Ordinance No. 306</u>	12/12/1992
License - Michiana Metronet		<u>Ordinance No. 307</u>	2/10/1993
Solid Waste and Recycling		<u>RESOLUTION NO. 1286-2017</u>	5/17/2017
Reimbursement for Sewage and Waterworks Improvements		<u>RESOLUTION NO. 1295-2017</u>	8/2/2017
Write-Off of Delinquent Utility Account Receivables		<u>RESOLUTION NO. 1309-2018</u>	3/14/2018

CHRONOLOGICAL INDEX

NOTE: This Chronological Index includes all ordinances, resolutions, or agreements sorted by adoption date. Certain financial documents (e.g., budgets, fund transfers, appropriations) have been removed. The index is intended as a broad overview of a number of documents and may not be suitable as a complete referencing tool. The *Search* function is highly recommended as a method of finding ALL documents that address a specific topic.

Before 1950

2/3/1913	(ARCHIVED)	Ordinance No. 1	Grading and Paving of a Street
2/3/1913		Ordinance No. 2	Clean Sidewalks and Alleys
--/--/1913	(VOID)	Ordinance No. 3	Auctions, Transient Salesmen, Traveling Peddlers
5/5/1913	(VOID)	Ordinance No. 4	Animal Control
8/4/1913		Ordinance No. 5	Width of Sidewalks
--/--/1913		Ordinance No. 6	Prohibits Play on Streets
2/2/1914	(VOID)	Ordinance No. 8	Salary
4/6/1914	(VOID)	Ordinance No. 10	Animal Control - Fowl at Large
4/6/1914		Ordinance No. 9	Peddlers & Hawkers License
7/6/1914	(ARCHIVED)	Ordinance No. 11	Purchase of Chemical Engines and Hose

1/4/1915	(ARCHIVED)	Ordinance No. 13	Street Improvement
4/5/1915		Ordinance No. 14	Subdivision (Klopfenstein)
5/3/1915	(VOID)	Ordinance No. 15	Resignation of Clerk-Treasurer
5/3/1915	(ARCHIVED)	Ordinance No. 16	Town's Electrical Contractor
5/3/1915	(VOID)	unnumbered	Articles of Agreement with Allen Co. Light & Power
9/27/1915		Ordinance Number 18	School Site Addition
1/4/1916	(VOID)	Ordinance No. 19	Permitting use of Property by Standard Oil
8/7/1916		Ordinance No. 20	Protect Public Health
8/7/1916		Ordinance No. 21	Prohibits Slot Machines, Punch Boards, etc.
9/7/1916	(VOID)	Amendment to Ordinance No. 8	Town Clerk Salary
--/--/----		Ordinance No. 22	Prohibits Fireworks
--/--/----		Ordinance No. 23	Regulates Billiard Tables, etc.
4/1/1918		Ordinance No. 24	Railroad Crossing Light
12/6/1918	(VOID)	Ordinance No. 26	Resignation of Clerk-Treasurer
4/7/1919	(VOID)	Ordinance 27	Resignation of Town Health Officer
4/7/1919	(VOID)	Ordinance 28	Resignation of Street Commissioner

4/3/1922	<u>Ordinance 32</u>	Indiana Street
4/24/1922 (VOID)	<u>Ordinance No. 33</u>	Resignation of Clerk-Treasurer
5/1/1922	<u>Ordinance 34</u>	Permission of to Install a Gas Tank
5/5/1922 (VOID)	<u>Ordinance 36</u>	Resignation of Town Marshal
5/17/1922 (ARCHIVED)	<u>Ordinance 35</u>	Permisson to Attach to Sewer - Lautz Auto Co.
12/4/1922 (VOID)	<u>Ordinance No. 38</u>	Resignation of Town Marshal
--/--/----	<u>Ordinance No. 40</u>	Permission of to Install a Gas Tank
6/14/1926	<u>Ordinance Number 4</u>	Traffic and Parking
3/4/1929 (EXPIRED)	<u>ORDINANCE No. 44</u>	Street Lamps
1/20/1930 (VOID)	<u>Ordinance No. 45</u>	Resignation of Clerk-Treasurer
12/4/1933	<u>ORDINANCE NO. 46</u>	Curb Pumps
5/7/1934	<u>ORDINANCE NO. 47</u>	Vacates Alley from Maple St. West
5/7/1934	<u>ORDINANCE NO. 48</u>	Vacates Alley from State St. North
1/10/1939 (EXPIRED)	<u>ORDINANCE #49</u>	Contract with IN & MI Electric Co for Street Lamps
5/3/1941	<u>ORDINANCE #50</u>	Vacates Alley from State St. South & West
6/4/1945 (EXPIRED)	<u>ORDINANCE #51</u>	Approval of Contract with I & M for Street Lamps
5/9/1949	<u>ORDINANCE NO. 52</u>	Amends Ordinance No.32 - Vacating Indiana Street

1950 to 1960

11/10/1953 (VOID)	<u>ORDINANCE NO. 56</u>	Salary Ordinance
11/10/1953	<u>unnumbered</u>	Annexation
10/5/1954	<u>Ordinance No. 60</u>	Petition
7/15/1955 (VOID)	<u>Ordinance #61</u>	Parking Restriction
10/4/1955	<u>Ordinance No. 63</u>	Plan Commission
		Amends Ordinance
		5 (Sidewalk Width)
11/1/1955	<u>Ordinance No. 64</u>	Prohibits Burning
		on Asphalt
		Surfaced Streets
9/4/1956	<u>Ordinance No. 66</u>	Transient
		Salesmen, Peddlers
9/4/1956	<u>Ordinance No. 67</u>	Building of New
		Streets
10/2/1956	<u>Ordinance No. 68</u>	Assessments for
		New Sewer System
5/13/1957 (ARCHIVED)	<u>Ordinance Number 70</u>	Proposed
		Waterworks Plant
6/4/1957 (ARCHIVED)	<u>Ordinance No. 69</u>	Widening of State
		St.
6/26/1957 (ARCHIVED)	<u>Ord. #72</u>	Special Election -
		Waterworks Plant
7/2/1957	<u>Ordinance No. 71</u>	Regulates Public
		Parking
8/5/1957 (ARCHIVED)	<u>Ordinance # 73</u>	Repair of State
		Street
8/6/1957 (ARCHIVED)	<u>Ordinance Number 74</u>	Construction of
		Waterworks
9/26/1957 (ARCHIVED)	<u>Ordinance Number 76</u>	Waterworks
		Construction
		Contracts
9/30/1957 (ARCHIVED)	<u>Ordinance Number 77</u>	Waterworks
		Construction
		Contracts
10/10/1957 (ARCHIVED)	<u>Ordinance No. 78</u>	Supplemental
		Agreement

--/--/1958	<u>COLLECTION</u>	Collection: Grabill Water - Land and Easements
1/15/1958	<u>Ordinance No. 80</u>	Waterworks Revenue Bond
1/15/1958 (VOID)	<u>Ordinance No. 81</u>	Waterworks Rates and Charges
3/3/1958 (ARCHIVED)	<u>Ordinance Number 85</u>	Waterworks Contract - Pipeline
3/22/1958 (ARCHIVED)	<u>Ordinance Number 82</u>	Waterworks Contract - Legal Counsel
3/31/1958	<u>Ordinance No. 83</u>	Waterworks Revenue Bond
3/31/1958 (VOID)	<u>Ordinance No. 84</u>	Waterworks Rates and Charges
5/13/1958 (ARCHIVED)	<u>Ordinance No. 86</u>	Contract (No. 85) Addendum
5/16/1958 (ARCHIVED)	<u>Ordinance Number 87</u>	Contract with Cincinnati Municipal Bond Corp.
5/19/1958 (ARCHIVED)	<u>Ordinance Number 88</u>	Purchase Real Estate
5/31/1958 (ARCHIVED)	<u>Ordinance Number 89</u>	Easement with Wabash Railroad Co.
6/4/1958 (ARCHIVED)	<u>Ordinance No. 90</u>	Lease Agreement for Waterworks Site
6/6/1958 (ARCHIVED)	<u>Ordinance No. 91</u>	Lease Agreement for Waterworks Site
2/2/1959 (VOID)	<u>Ordinance No. 93</u>	Waterworks Tap-in Charge
4/6/1959	<u>Ordinance No. 94</u>	Requires Approval for Tap-in to Sewer

4/6/1959 (ARCHIVED) [Ordinance No. 95](#)

6/1/1959 (ARCHIVED) [Ordinance No. 96](#)

11/2/1959 (VOID) [Ordinance No. 97](#)

12/28/1959 (ARCHIVED) [Ordinance No. 99](#)

1960 to 1970

--/--/---- [Ordinance No. 101](#)

1/30/1961 [Ordinance Number 103](#)

2/13/1962 (ARCHIVED) [Ordinance No. 106](#)

10/9/1962 [Ordinance No. 108](#)

10/9/1962 (VOID) [Ordinance No. 109](#)

9/8/1965 (ARCHIVED) [Ordinance No. 113](#)

1/13/1966 [Ordinance Number 114](#)

9/1/1966 (ARCHIVED) [unnumbered](#)

--/--/---- (ARCHIVED) [unnumbered](#)

4/12/1967 (ARCHIVED) [Ordinance No. 115](#)

Easement for
Water Line - First
Street

Fire Truck Rental
Contract

Master Plan

Zoning and
Districts

Gas Service -
Northern Indiana
Fuel and Light Co.

Re-zoning

Amends Zoning
Ordinance

Waterworks Tap-in
Charge

Waterworks: All
Tap-ins through
Metered
Connections

Waterworks
Contract -
Surveyor

Creates
Cumulative Capital
Improvement Fund

Court Case
(Schertz, Sommer,
Phillips VS.
Grabill)

Alley Vacation
(Schertz)

Amends Zoning
Ordinance

6/14/1967 (VOID)	<u>Ordinance No. 116</u>	Redistricting Voting Wards
10/18/1967 (ARCHIVED)	<u>Ordinance No. 118</u>	Contract with Bond Holders
12/13/1967 (ARCHIVED)	<u>Ordinance No. 119</u>	Amends Zoning Ordinance
12/13/1967 (VOID)	<u>Ordinance No. 120</u>	Salary
4/10/1968 (ARCHIVED)	<u>RESOLUTION -121</u>	Water Pollution Control Grant Application
4/10/1968	<u>Ordinance No. 122</u>	Amends Zoning Ordinance and Re- zoning
4/10/1968 (ARCHIVED)	<u>unnumbered</u>	Sewage Works Improvements Grant Application
11/27/1968 (ARCHIVED)	<u>Ordinance No. 122-68-1</u>	Sewage Works Construction Documents
12/11/1968 (ARCHIVED)	<u>Ordinance No. 123</u>	Sewage Works Grant
12/11/1968 (ARCHIVED)	<u>Ordinance No. 124</u>	Sewage Works Grant
4/17/1969	<u>Ordinance Number 126</u>	Sewage Works Use of Streets and Alleys
4/25/1969 (ARCHIVED)	<u>Ordinance No. 127</u>	Sewage Works Contract - Engineering
4/25/1969 (ARCHIVED)	<u>Ordinance Number 128</u>	Sewage Works Contract - Legal Counsel
5/19/1969	<u>Ordinance No. 129</u>	Sewage Works Revenue Bond
6/10/1969 (VOID)	<u>Ordinance No. 130</u>	Sewage Works Rates and Charges

6/10/1969	(VOID)	<u>Ordinance No. 131</u>	Sewer Rules and Regulations
7/3/1969		<u>Ordinance Number 132</u>	Sale of Bond to Farmer's Home Administration
8/13/1969	(ARCHIVED)	<u>Ordinance Number 133</u>	Sewage Works Contract - Sanitary Sewers
8/13/1969	(ARCHIVED)	<u>Ordinance Number 134</u>	Sewage Works Contract - Treatment Plant
8/25/1969	(ARCHIVED)	<u>Ordinance Number 135</u>	Sewage Works Contract - Inspector
10/12/1969	(VOID)	<u>Ordinance Number #137</u>	Waterworks Tap-in Charge, Deposit, and Reconnect Fee

1970 to 1980

5/13/1970	(VOID)	<u>Ordinance No. 138</u>	Designating Allen County Plan Commission
12/11/1970	(ARCHIVED)	<u>unnumbered</u>	Court Case (Rose Yoder VS. Grabill)
11/19/1971		<u>Ordinance No. 141</u>	Re-zoning
7/12/1972		<u>Ordinance No. 141 -72</u>	Approving the Sale of Real Estate
12/6/1972		<u>Ordinance No. 146</u>	Create Revenue Sharing Trust Fund
9/12/1973		<u>Special Ordinance No. 149</u>	Approving Cooperative Firefighting Purchases, etc.
11/14/1973		<u>Ordinance No. 150</u>	Designating Allen County Plan Commission
2/6/1974		<u>Ordinance No. 151</u>	Annexation

2/6/1974	<u>Ordinance No. 152</u>	Annexation
3/6/1974	<u>Ordinance No. 153</u>	Adopting Master Plan
3/6/1974	<u>Ordinance No. 154</u>	Subdivision Regulations
5/8/1974	<u>Ordinance No. 155</u>	Re-zoning
8/13/1975 (VOID)	<u>Ordinance No. 159</u>	Waterworks Rates and Charges - Amendment
11/19/1975 (VOID)	<u>Ordinance No. 162</u>	Specific Salary Ordinance
9/14/1977	<u>Ordinance No. 166</u>	Emergency Traffic Lights at Fire Department
9/14/1977	<u>Ordinance No. 167</u>	Acceptance of Real Estate
9/14/1977 (ARCHIVED)	<u>Ordinance Number 168</u>	Water Treatment and Distribution System Contract - Legal Counsel
9/14/1977 (ARCHIVED)	<u>Ordinance Number 169</u>	Water Treatment and Distribution System Contract - Engineering
9/14/1977 (ARCHIVED)	<u>Ordinance Number 170</u>	Water Treatment and Distribution System Contract - Accounting
10/12/1977 (VOID)	<u>Ordinance No. 171</u>	Specific Salaries Ordinance
2/8/1978 (ARCHIVED)	<u>unnumbered</u>	Housing Rehabilitation Program with CDBG Money
2/17/1978	<u>Ordinance No. 172</u>	Waterworks Revenue Bond

2/17/1978 (VOID)	<u>Ordinance No. 173</u>	Waterworks Rates and Charges
3/15/1978	<u>Ordinance No. 174</u>	Waterworks Rules and Regulations
5/15/1978	<u>Ordinance No. 175</u>	Amends No. 172, Waterworks Revenue Bond
5/15/1978	<u>Ordinance No. 176</u>	Local Road & Street Special Distribution Fund
5/15/1978	<u>Ordinance No. 177</u>	Motor Vehicle Highway Special Distribution Fund
5/31/1978 (VOID)	<u>Ordinance No. 178</u>	Waterworks Rates and Charges
7/9/1978 (VOID)	<u>Ordinance No. 179</u>	Salary
7/18/1979	<u>Ordinance No. 183</u>	Traffic Signals and Enforcement
11/14/1979	<u>ORDINANCE NO. 155, Amend. 1</u>	Zoning Ordinance Amendment
11/14/1979	<u>ORDINANCE NO. 155, Amend. 2</u>	Zoning Ordinance Amendment

1980 to 1985

1/9/1980	<u>Ordinance No. 154</u>	Amends Subdivision Regulations
6/11/1980	<u>Resolution No. 185</u>	Acceptance of Water Quality Management Responsibilities
6/11/1980	<u>Ordinance No. 186</u>	Parking of Semi-trailers
7/16/1980	<u>Ordinance No. 187</u>	Traffic Restrictions
7/16/1980	<u>Ordinance No. 188</u>	Conveyance of Real Estate - Fairview Drive

1/14/1981	<u>Ordinance No. 193</u>	Acquisition of Real Estate for City Park
3/11/1981	(ARCHIVED) <u>Ordinance No. 194</u>	Funds to Acquire Real Estate for City Park
4/8/1981	(ARCHIVED) <u>Ordinance No. 195</u>	Funds to Acquire Real Estate for City Park
1/20/1982	<u>Ordinance No. 197</u>	Contract with Grabill Country Fair, Inc
3/17/1982	(VOID) <u>Ordinance No. 198</u>	Accounting Services Contract
6/9/1982	(VOID) <u>Ordinance No. 199</u>	Sewage Works Rates and Charges
7/14/1982	(VOID) <u>Ordinance Number 201</u>	Annexation
8/11/1982	<u>ORDINANCE NO. 200</u>	Accepting Real Estate Gift
9/24/1982	<u>Ordinance Number 203</u>	Repeals No. 201
12/15/1982	(ARCHIVED) <u>Ordinance No. 205</u>	Investment Incentive Program - Eagle-Picher
12/15/1982	(VOID) <u>Ordinance No. 206</u>	Election of Town Officials
12/15/1982	<u>Ordinance No. 207</u>	Lease of Railway Property - Norfolk and Western
3/9/1983	(VOID) <u>Ordinance No. 155-2</u>	Re-zoning - Grabill, Limited
3/9/1983	<u>Ordinance No. 208</u>	Denial of Vacation Petition
3/9/1983	<u>Ordinance No. 209</u>	Organization Membership Dues
3/21/1983	<u>Ordinance No. 155-2</u>	Re-zoning - Grabill, Limited
4/13/1983	<u>Ordinance Number 210</u>	Annexation

7/20/1983 (ARCHIVED) [Ordinance Number 211](#)

7/20/1983 (VOID) [Ordinance No. 212](#)

11/2/1983 (ARCHIVED) [Ordinance Number 216](#)

2/15/1984 (ARCHIVED) [RESOLUTION NO. 218](#)

3/14/1984 (VOID) [Ordinance No. 219](#)

7/20/1984 [unnumbered](#)

1985 to 1990

1/16/1985 (ARCHIVED) [RESOLUTION 223](#)

5/15/1985 (VOID) [Ordinance Number 224](#)

5/15/1985 (ARCHIVED) [Ordinance No. 225](#)

8/14/1985 (ARCHIVED) [Ordinance No. 227](#)

12/20/1985 (VOID) [Ordinance Number 229](#)

1/8/1986 (ARCHIVED) [RESOLUTION NO. 230](#)

3/3/1986 [Ordinance Number 231](#)

Investment
Incentive Program
- Eagle-Picher

Salary

Approving Site
Plan for Woodland
Glen

CDGB Funds to
Eagle Picher
Plastics

Wastewater Tap
and Connection
Fees

Vacation - Grabill
Missionary Church

CDGB funds for
Sewage Works
Rehabilitation

Prohibits
Mailboxes

Contract with
TRIAX
Cablevision

License Agreement
with Norfolk and
Western Railway

Accounting
Services Contract

CDGB funds for
Sewage Works
Rehabilitation

Sewage Treatment
Agreement with
Fort Wayne

3/3/1986	(VOID)	Ordinance Number 232	Sewage Transportation Contract
6/11/1986	(ARCHIVED)	RESOLUTION #234	Transfer of Cable Television Franchise
8/13/1986		Ordinance Number 235	Criteria for Economic Revitalization Area
8/27/1986		unnumbered	Agreement with Allen County Plan Commision - Economic Revitalization Areas
1/14/1987	(ARCHIVED)	RESOLUTION 237	CDGB funds for Sewage Works Rehabilitation
5/13/1987		Ordinance No. 239	Sewage Rules and Regulations
5/13/1987	(VOID)	Ordinance Number 240	Election Wards
6/10/1987	(VOID)	Ordinance No. 242	Lease of Norfolk and Western Property
7/8/1987	(VOID)	Ordinance #244	Salary
7/23/1987		Ordinance No. 243	License Agreement with Norfolk and Western Railway
9/16/1987	(VOID)	Ordinance No. 246	Sewage Rates and Charges
9/16/1987		Ordinance No. 247	Amends No. 239, Sewage Rules and Regulations
9/16/1987		Ordinance No. 248	Adoption of Sewage Rules and Regulations

9/16/1987	<u>Ordinance No. 249</u>	Agreement with Allen Co. Building Department
9/16/1987	(ARCHIVED) <u>Ordinance No. 250</u>	Accounting Services Contract
9/16/1987	(ARCHIVED) <u>Ordinance No. 251</u>	Signatory Authorization
12/9/1987	(VOID) <u>Ordinance No. 252</u>	Requesting IURC Approval of Waterworks Rates and Charges Increases
1/12/1988	(ARCHIVED) <u>Ordinance No. 253</u>	Extension of Sewer Lines - Eagle- Picher
2/9/1988	<u>Ordinance No. 255</u>	Sewage Rules and Regulations Amendments
5/10/1988	<u>Ordinance No. 256</u>	Sewage Works Revenue Bonds
5/10/1988	<u>ORDINANCE NO. 257</u>	Water Works Revenue Bonds
5/23/1988	<u>ORDINANCE NO. 258</u>	Sewage Revenue Bonds - Amending No. 256
5/23/1988	<u>ORDINANCE NO. 259</u>	Water Works Revenue Bonds - Amending No. 257
6/14/1988	<u>Ordinance Number 260</u>	Acceptance and Conveyance - Portion of Indiana St.
6/28/1988	(VOID) <u>Ordinance No. 261</u>	Waterworks Rates and Charges
8/23/1988	<u>Ordinance No. 262</u>	Removes Water Utility from IURC Regulation

9/13/1988	(ARCHIVED)	Resolution No. 266	Grant application for Water & Sewage Extensions
10/11/1988		Ordinance Number 264	Acceptance and Conveyance - Portion of Main St.
10/11/1988	(EXPIRED)	Resolution No. 265	Economic Revitalization Area - Showcase Creations
10/11/1988		Ordinance Number 267	Acceptance and Conveyance - Portion of David Dr.
10/11/1988		Ordinance Number 268	Annexation
11/10/1988	(EXPIRED)	RESOLUTION NO. 269	Designation of Economic Revitalization Area No. 3
11/10/1988	(EXPIRED)	RESOLUTION NO. 270	Designation of Economic Revitalization Area No. 4
11/21/1988	(ARCHIVED)	Ordinance Number 271	East Industrial Park Development Agreement
11/21/1988	(ARCHIVED)	Ordinance Number 272	Industrial Development Loan Agreement with Allen Co.
12/1/1988	(ARCHIVED)	Resolution #254	Funds Re-Capture Applied to Waterworks
12/13/1988		Ordinance Number 273	Amending No. 267 - Acceptance of David Dr.
1/10/1989	(ARCHIVED)	Ordinance Number 274	Waterworks Extension and

		Easement - Wieland Furniture Co.
2/14/1989	<u>Ordinance Number 276</u>	Amending No. 273 - Change David Dr. to David Lane
4/18/1989	<u>Ordinance Number 277</u>	Adopting Agreement with Allen Co. Highway Department
7/11/1989 (VOID)	<u>Ordinance #279</u>	Salary
8/8/1989	<u>ORDINANCE NO. 278</u>	Sewage Works Rates and Charges
8/8/1989 (VOID)	<u>Ordinance No. 281</u>	Agreement with Grabill Volunteer Fire Dept
9/12/1989 (EXPIRED)	<u>RESOLUTION NO. 282</u>	Designation of Economic Revitalization Area No. 5
10/17/1989	<u>Ordinance #283</u>	Establish Payroll Account
12/12/1989	<u>Ordinance No. 284</u>	Revised Fire Protection Agreement
1990 to 1995		
5/8/1990 (EXPIRED)	<u>RESOLUTION NO. 285</u>	Designation of Economic Revitalization Area No. 66
6/12/1990	<u>Ordinance No. 286</u>	Establishes Dept. of Parks and Recreation
6/12/1990	<u>Ordinance No. 287</u>	Abolishes Election Wards
7/10/1990 (VOID)	<u>Ordinance #288</u>	Salary

9/11/1990	(VOID)	<u>AMENDMENT NO. 291</u>	Zoning Ordinance Amendment - Floodplain Regulations
9/--/1990		<u>RESOLUTION NO. 290</u>	National Flood Insurance Program Establishes
6/12/1991		<u>Ordinance No. 292</u>	Economic Development Dept. and Commission
7/9/1991	(VOID)	<u>Ordinance #293</u>	Salary
12/19/1991		<u>RESOLUTION NO. 296</u>	Economic Development Revenue Bonds
5/12/1992	(ARCHIVED)	<u>Ordinance No. 297</u>	Approves Platting, etc. - Countryside Crossing
6/29/1992		<u>Ordinance Number 298</u>	Disposal of Town Real Estate
7/14/1992	(VOID)	<u>Ordinance # 313</u>	Salary
7/15/1992	(VOID)	<u>Ordinance # 299</u>	Salary
11/18/1992		<u>Ordinance No. 301</u>	Re-zoning - Mark Jones/Wieland Furniture
11/18/1992	(EXPIRED)	<u>RESOLUTION NO. 302</u>	Community Development Plan/Capital Improvements Program
12/12/1992		<u>Ordinance No. 306</u>	License - Michiana Metronet
2/10/1993		<u>Ordinance No. 307</u>	License - Michiana Metronet
2/10/1993		<u>Ordinance No. 308</u>	Agreement with Gregory A. Smitley - Easement and Utilities

2/10/1993	<u>ORDINANCE NO. 309</u>	Fair Housing
2/10/1993 (VOID)	<u>Ordinance No. 310</u>	Warranty Deed to Don Lengacher
2/10/1993 (EXPIRED)	<u>RESOLUTION NO. 311</u>	Designation of Economic Revitalization Area No. GR7
3/10/1993 (EXPIRED)	<u>RESOLUTION NO. 312</u>	Designation of Economic Revitalization Area No. GR7
4/20/1993	<u>Ordinance No. 315</u>	Economic Development Revenue Bonds
6/9/1993	<u>Ordinance Number 314</u>	Annexation
9/1/1993	<u>Ordinance Number 318</u>	Prohibition of Mailboxes
12/8/1993	<u>Ordinance No. 319</u>	Creates Wellhead Protection Plan Subfund
4/13/1994	<u>Ordinance No. 322</u>	Re-zoning - Mendenhall-Roy Chevrolet
6/8/1994	<u>Amendment No. 327</u>	Amends Zoning Ordinance
7/13/1994 (EXPIRED)	<u>RESOLUTION NO. 323</u>	Designation of Economic Revitalization Area No. GR8
7/13/1994 (VOID)	<u>Ordinance # 324</u>	Salary
7/13/1994	<u>Ordinance No. 325</u>	Economic Development Income Tax Fund
7/13/1994 (VOID)	<u>Ordinance No. 326</u>	Pre-Approval of Certain Claims
7/31/1994	<u>Ordinance No. 329</u>	Warranty Deed to Don Lengacher

8/10/1994	(EXPIRED)	RESOLUTION NO. 328	(Corrected) Designation of Economic Revitalization Area No. GR8
9/14/1994		Amendment No. 330	Amending Floodplain Regulations
11/9/1994		Ordinance No. 332	Re-zoning - Brace Wieland
1995 to 2000			
1/11/1995		ORDINANCE NO. 338	Trees
1/11/1995		Ordinance No. 339	Re-zoning - McClure's Management Corp.
1/11/1995	(ARCHIVED)	340	Share Cost of Street Work
5/10/1995		Ordinance No. 341	Wholesale Water - Maysville Regional W&S District
7/12/1995	(VOID)	Ordinance # 342	Salary
8/10/1995		Ordinance No. 343	Pre-Approval of Certain Claims
9/25/1995		Ordinance No. 344	Amends No. 341 - Wholesale Water
12/18/1995	(ARCHIVED)	RESOLUTION # 347	Park Board/DNR funds
1/10/1996		Ordinance Number 348	Annexation
1/10/1996		Ordinance Number 349	Annexation
7/10/1996	(VOID)	Ordinance # 351	Salary
8/14/1996		Ordinance Number 352	Annexation
8/21/1996	(VOID)	Ordinance # 353	Salary Amendment
11/13/1996		356	Yard Waste Ban - Allen County Solid Waste District

12/16/1996	<u>ORDINANCE NO. 355</u>	Personnel Policies
4/7/1997	(ARCHIVED) <u>#359</u>	Transfer of Cable Television Franchise
4/7/1997	(VOID) <u>ORDINANCE 360</u>	Fixed Asset Capitalization Policy
4/15/1997	<u># 362</u>	Wastewater Transportation Agreement - Leo- Cedarville Reg. Sewer Dist.
5/14/1997	<u>RESOLUTION 361</u>	Park Fund Interest Reverts to Park Fund
11/19/1997 (VOID)	<u>ORDINANCE # 364</u>	Salary
11/19/1997 (VOID)	<u>ORDINANCE # 365</u>	Salary
3/18/1998 (ARCHIVED)	<u>RESOLUTION 368</u>	Downtown Public Restrooms
4/8/1998 (VOID)	<u>RESOLUTION 369</u>	Agreement with Severn Trent Environmental Services
4/8/1998 (EXPIRED)	<u>RESOLUTION # 370</u>	Park & Recreation Board
4/8/1998	<u>RESOLUTION 371</u>	Municipal Government Week
4/13/1998 (EXPIRED)	<u>RESOLUTION 372</u>	Park & Recreation Master Plan
4/13/1998 (ARCHIVED)	<u>RESOLUTION 373</u>	Application to DNR for Hometown Indiana Funds
6/24/1998 (ARCHIVED)	<u>RESOLUTION</u>	Road Improvement
6/24/1998	<u>Ordinance No. 375</u>	Establish Promotional Fund
8/6/1998 (VOID)	<u>ORDINANCE # 376</u>	Salary

8/26/1998 (ARCHIVED) [ORDINANCE NO. 400](#)

11/11/1998 [ORDINANCE NO. 377](#)

11/11/1998 [ORDINANCE NO. 378](#)

11/11/1998 (ARCHIVED) [RESOLUTION # 381](#)

12/9/1998 (ARCHIVED) [Resolution # 380](#)

12/23/1998 [unnumbered](#)

3/10/1999 (VOID) [ORDINANCE NO. 384](#)

3/10/1999 (VOID) [ORDINANCE NO. 385](#)

4/14/1999 (EXPIRED) [RESOLUTION # 386](#)

6/15/1999 [Ordinance No. 390](#)

8/25/1999 [RESOLUTION NO. 388](#)

9/15/1999 [ORDINANCE 387](#)

9/15/1999 (VOID) [ORDINANCE 389](#)

10/13/1999 (ARCHIVED) [Ordinance 393](#)

12/8/1999 (VOID) [ORDINANCE NO. 394](#)

2000 to 2005

Water Main
Extension -
Resource
Properties Inc.
Town Council -
Staggered Terms,
Duties
Purchasing Agency
and Agent
Donation to Youth
Group
Application for
State Revolving
Loan Funds
Indiana Public
Employees Plan (I-
PEP)
Sewage Works
Rates and Charges
Waterworks Rates
and Charges
Park & Recreation
Board
Re-zoning -
Romary Associates
Transfer of Cable
Television
Franchise
Removal of Weeds,
Grass, Vegetation
Salary
Donation to Youth
Group
Election
Clarification

1/12/2000	<u>ORDINANCE NO. 396</u>	Waterworks Revenue Bonds
4/12/2000	<u>Ordinance No. 397</u>	Re-zoning - Resource Properties
5/10/2000 (EXPIRED)	<u>RESOLUTION NO. 401</u>	Designation of Economic Revitalization Area No. GR9
10/11/2000 (ARCHIVED)	<u>Ordinance 404</u>	Donation to Youth Group
12/27/2000 (VOID)	<u>Ordinance 406</u>	Salary
2/28/2001 (EXPIRED)	<u>RESOLUTION # 407</u>	Park & Recreation Board
3/28/2001	<u>RESOLUTION # 405</u>	Water Pollution Control Agreement with Fort Wayne
7/11/2001 (VOID)	<u>ORDINANCE 408</u>	Salary
10/17/2001 (ARCHIVED)	<u>Ordinance 410</u>	Donation to Youth Group
12/12/2001 (VOID)	<u>RESOLUTION # 499</u>	Establishes Rainy Day Fund
1/9/2002	<u>Ordinance No. 358/02</u>	Vacation of Street - Portion of North St.
1/9/2002	<u>Ordinance No. 359/02</u>	Vacation of Alley - West of Henry Street
1/9/2002	<u>Ordinance No. 601</u>	New Public Street - Home Guard Way
3/7/2002 (ARCHIVED)	<u>Resolution # 409</u>	Appraisal of Town Property
3/23/2002	<u>ORDINANCE NO. 407</u>	Cable Television Franchise - Mediacom Indiana LLC

4/10/2002	(ARCHIVED)	Resolution # 411	Contract for Waste Water Rates Study
5/10/2002	(ARCHIVED)	Resolution # 412	Review of Invoices for Two Town Projects
5/15/2002		413	Traffic Code
5/15/2002	(VOID)	Ordinance No. 502	Sewage Works Rates and Charges
5/15/2002		ORDINANCE NO. 503	Establish Water Utility Cash Reserve Fund
5/15/2002	(EXPIRED)	RESOLUTION NO. 504	Sewage Works Capital Improvements
6/5/2002		ORDINANCE NO. 415-A	Sale of Real Estate
6/5/2002		ORDINANCE NO. 416-A	Establishes Rainy Day Fund
6/26/2002		#414	Promotional Fund Amendment
6/26/2002		ORDINANCE NO. 415	Amends No. 502 - Sewer Connections Fees and Charges
6/26/2002		ORDINANCE NO. 416	Unclaimed Water Meter Deposits
7/10/2002		ORDINANCE NO. 417	Burning Regulations - Air Pollution Control Standards
7/31/2002		ORDINANCE NO. 418	Requirements for Smoke Detectors
9/25/2002	(EXPIRED)	RESOLUTION NO. 419	Designation of Economic Revitalization Area No. GR 10
10/9/2002	(EXPIRED)	RESOLUTION NO. 420	Designation of Economic

		Revitalization Area No. GR 10
12/11/2002 (VOID)	<u>ORDINANCE # 421</u>	Salary
1/8/2003	<u>RESOLUTION NO. 422</u>	Declaration of Blighted Area
2/26/2003 (EXPIRED)	<u>RESOLUTION # 424</u>	Park & Recreation Board
8/13/2003	<u>RESOLUTION # 427</u>	Purchase of Property
9/24/2003	<u>ORDINANCE NO. 428</u>	Authorizes Acceptance of Gifts
10/22/2003 (ARCHIVED)	<u>RESOLUTION # 432</u>	Road Access to Proposed Library
11/5/2003 (ARCHIVED)	<u>Ordinance 435</u>	Donation to Youth Group
12/10/2003 (VOID)	<u>ORDINANCE # 436</u>	Salary
2/9/2004 (EXPIRED)	<u>unnumbered</u>	Park & Recreation Master Plan
2/25/2004 (EXPIRED)	<u>Resolution # 438</u>	Park & Recreation Board
3/10/2004	<u>Ordinance No. 439</u>	Re-zoning - Town of Grabill
4/28/2004	<u>Ordinance No. 440</u>	Re-zoning - B & L Partnership
7/27/2004 (EXPIRED)	<u>Ordinance No. 444</u>	Authorize Borrowing for a Highway Capital Improvement Project
11/10/2004 (VOID)	<u>ORDINANCE NO. 441 -A</u>	Waterworks Rates and Charges
2005 to 2010		
1/12/2005 (VOID)	<u>ORDINANCE # 442</u>	Salary
1/12/2005 (VOID)	<u>RESOLUTION 443</u>	Fire Protection Rates

3/8/2006	(VOID)	<u>ORDINANCE NO. 505</u>	Sewage Works Rates and Charges
4/12/2006	(ARCHIVED)	<u>RESOLUTION NO. 507</u>	Acceptance of PER for Sewage Works
4/12/2006		<u>RESOLUTION NO. 508</u>	Water Pollution Control Project
5/24/2006		<u>ORDINANCE NO. 551</u>	Sewage Works Revenue Bonds
6/14/2006	(VOID)	<u>ORDINANCE NO. 552</u>	Sewage Works Rates and Charges
7/19/2006	(ARCHIVED)	<u>Resolution No 449</u>	Quote for Pavement Markings
7/26/2006		<u>RESOLUTION NO. 450</u>	Stop Signs
12/13/2006		<u>ORDINANCE 520</u>	Public Nuisance
6/13/2007		<u>ORDINANCE #2007-6-13</u>	Opting Out of County Ordinance - Smoking in Public Places
7/11/2007		<u>ORDINANCE NO. 07-11-2007</u>	Department of Redevelopment and Commission
8/8/2007		<u>RESOLUTION 2007-08-08-B</u>	Employee Medical Insurance
8/28/2007		<u>RESOLUTION 2007-08-28</u>	Snow Plowing Contract
11/28/2007	(VOID)	<u>ORDINANCE # 11-28-2007-1</u>	Salary
11/28/2007		<u>RESOLUTION NO. 1128-2007 -2</u>	Town of Grabill Food Bank Fund
4/10/2008		<u>RESOLUTION OF EAC -4-706</u>	Reorganization of East Allen Communities
5/14/2008		<u>ORDINANCE NO. 2008-1</u>	Economic Development Revenue Bonds - Cedars Project

8/26/2008	<u>RESOLUTION # 1239-09</u>	Establish Redevelopment Area TIF Fund
9/23/2008 (VOID)	<u>ORDINANCE NO. 622-2009</u>	Salary
12/17/2008	<u>RESOLUTION 123509</u>	Economic Redevelopment Plan
12/17/2008 (VOID)	<u>Ordinance No. 602-08</u>	Salary
4/17/2009	<u>1238-09</u>	Agreement with Allen Co. re: Wheel Tax & Surtax Revenue
4/22/2009	<u>RESOLUTION NO. 1236-09</u>	Designation of Economic Revitalization Area No.GR 11
5/13/2009	<u>RESOLUTION NO. 1237-09</u>	Designation of Economic Revitalization Area No.GR 11
6/10/2009	<u>Ordinance No. 612-09</u>	Re-zoning - Martin Schmucker
6/10/2009	<u>AMENDMENT NO. 619-09</u>	Floodplain Regulations - Amendment
7/22/2009	<u>ORDINANCE 620 -09</u>	Golf Carts on Public Ways
7/22/2009	<u>ORDINANCE 621-09</u>	Adopts National Incident Management System (NIMS)
7/22/2009	<u>unnumbered</u>	Identity Theft Prevention Program
9/23/2009	<u>RESOLUTION NO. 1242-09</u>	Exchange of Properties - Jim's Auto Care

10/8/2009	<u>RESOLUTION NO. 1243-2009</u>	Memo of Understanding - Pioneer Properties of Leo
10/28/2009	<u>RESOLUTION NO. 1244-2009</u>	Annexation
10/--/2009	<u>unnumbered</u>	Fiscal Plan for Annexation
11/23/2009	<u>RESOLUTION NO. 1244-2009</u>	Fiscal Plan for Annexed Area
12/16/2009	<u>RESOLUTION NO. 1249-2009</u>	Acceptance of Roadways within Surrey Trace Subdivision
12/16/2009	<u>Ordinance No. 623-2009</u>	Annexation
12/16/2009	<u>ORDINANCE 624-2009</u>	Park Pavilion Rental Fees

2010 to 2015

5/26/2010	<u>ORDINANCE 625-2010</u>	Capital Improvement Plan for CEDIT Funds
6/9/2010	<u>RESOLUTION 1249-2010-A</u>	Traffic Signage - Surrey Trace Addition
6/9/2010	<u>RESOLUTION 1250-2010</u>	No Parking - North Edge of Ball Diamond
7/14/2010	<u>ORDINANCE NO. 628-2010</u>	Establishes Primary Elections
7/28/2010	<u>ORDINANCE NO. 627-2010</u>	Amending Wholesale Water Rates and Charges
8/25/2010	<u>RESOLUTION 1251-2010</u>	No Through Trucks - Surrey Trace and Stowe Drive

8/25/2010	<u>RESOLUTION 1252-2010</u>	Speed Limit 30 MPH - 2nd Street
9/22/2010 (VOID)	<u>ORDINANCE NO. 631-2010</u>	Salary (after 12/31/2010)
10/11/2010	<u>ORDINANCE NO. 629-2010</u>	Waterworks Rates and Charges
10/11/2010 (VOID)	<u>ORDINANCE NO. 630-2010</u>	Sewage Works Rates and Charges
10/21/2010	<u>ORDINANCE No. 632-2010</u>	Capital Assets Policy
2/9/2011	<u>Resolution No. 1253-2011</u>	2010 Year End Budget Transfers
5/18/2011	<u>RESOLUTION NO. 1254-2011</u>	Dead End Street Sign on First Street Extension
6/15/2011	<u>RESOLUTION NO. 1255-2011</u>	No Overnight Parking at North/South Parks Parking Lots
9/7/2011	<u>RESOLUTION 1256-2011</u>	Construction Wage Hearing Representatives
9/21/2011	<u>ORDINANCE NO. 633-2011</u>	Amends Terms of Rainy Day Fund
9/21/2011	<u>ORDINANCE NO. 634-2011</u>	Salary for 2012
10/5/2011	<u>RESOLUTION NO. 1257-2011</u>	Designation of Economic Revitalization Area GR 12
2/15/2012	<u>Resolution No. 1258-2012</u>	2011 Year End Budget Transfers
3/21/2012	<u>RESOLUTION 1259-2012</u>	Appointing Officers of the Town Council
3/22/2012	<u>ORDINANCE NO. 635-2012</u>	Adopts Capital Improvement Plan from CEDIT Funds

5/2/2012	<u>Resolution No. 1260-2012</u>	2012 Rainy Day Budget Transfers
5/2/2012	<u>RESOLUTION NO. 1261-2012</u>	Regarding Americans with Disabilities Act (ADA)
6/20/2012	<u>RESOLUTION 1262-2012</u>	Nepotism Policy and Contracting with a Unit Policy
8/22/2012	<u>RESOLUTION NUMBER 1264-2012</u>	Credit Card Usage
10/17/2012 (VOID)	<u>ORDINANCE NO. 1263-2012</u>	Salary for 2013
1/1/2013	<u>RESOLUTION NO. 1267-2013</u>	Accepting Voluntary Annexation Petition
3/13/2013	<u>Resolution No. 1265-2013</u>	2012 Year-End Budget Transfers
4/17/2013	<u>RESOLUTION NO. 1266-2013</u>	ADA Self- Evaluation and Transition Plan
6/19/2013	<u>No. 637-2013</u>	Establishes Cumulative Capital Development Fund
7/17/2013	<u>ORDINANCE NO. 636-2013</u>	Annexation (re: Cement Finishers, Inc.)
10/16/2013 (VOID)	<u>ORDINANCE NO. 639-2013</u>	Salary for 2014
2/12/2014	<u>Resolution No. 1268-2014</u>	2013 Year-End Budget Transfers
2/12/2014	<u>Resolution No. 1270-2014</u>	Keystone Financial Software
3/19/2014	<u>ORDINANCE NO. 638-2014</u>	Vacate a Portion of a Public Way (re: Grabill Rail Terminal)

5/21/2014	<u>RESOLUTION NO. 1271-2014</u>	Sanitary Sewer Improvements (re: 13221 State Street)
10/15/2014	<u>Resolution No. 1269-2014</u>	2013 Rainy Day Budget Transfers
11/12/2014 (VOID)	<u>ORDINANCE NO. 642-2014</u>	Salary for 2015
12/--/2014	<u>ORDINANCE NO. 643-2014</u>	Rates and Charges for Sewage Works
12/10/2014	<u>RESOLUTION NO. 1274-2014</u>	Stop Signs at County Shoal Lane and Windstone Drive

2015 to 2020

2/11/2015	<u>RESOLUTION # 1276-2015</u>	2014 Encumbrances
2/11/2015	<u>Resolution No. 1277-2015</u>	2014 Year-End Budget Transfers
4/8/2015	<u>ORDINANCE NO. 644-2015</u>	Contract for Park Pavilion Cleaning
4/8/2015	<u>ORDINANCE NO. 645-2015</u>	Contract for Hanging Flowers
4/8/2015	<u>ORDINANCE NO. 646-2015</u>	Contract for Town Maintenance
5/10/2015	<u>ORDINANCE NO. 647-2015</u>	Contract for Mowing
6/3/2015	<u>ORDINANCE NO. 649-2015</u>	Contract Repairs to Watering Tractor
6/3/2015	<u>ORDINANCE NO. 651-2015</u>	Contract for Town Hall Cleaning
6/17/2015	<u>ORDINANCE NO. 648-2015</u>	Unlawful to Maintain Certain Animals
6/17/2015	<u>ORDINANCE NO. 652-2015</u>	Contract for Landscaping
7/1/2015	<u>ORDINANCE NO. 653-2015</u>	Contract for Street Sweeping

10/7/2015	<u>RESOLUTION NO. 1277-2015b</u>	Sewage Overcharge/Refund
10/7/2015 (VOID)	<u>ORDINANCE NO. 654-2015</u>	Salary for 2016
12/9/2015	<u>ORDINANCE NO. 655-2015</u>	Automatic Sewage Tracking Adjustment
1/6/2016	<u>Resolution No. 1279-2016</u>	2014-2015 Rainy Day Budget Transfers
2/10/2016	<u>Resolution No. 1280-2016</u>	2015 Year-End Budget Tranfers
4/13/2016	<u>Ordinance No. 656-2016</u>	Rezoning (re: 13330 Witmer Road)
5/18/2016	<u>ORDINANCE NO. 657-2016</u>	Materiality Policy
6/15/2016	<u>ORDINANCE NO. 258-2016</u>	Adopts Uniform Internal Control Standards
6/15/2016	<u>ORDINANCE NUMBER 259-2016</u>	Creates a LOIT Special Disbribution Fund
6/29/2016	<u>260-2016</u>	Creates a Cumulative Capital Devlopment Fund
8/3/2016	<u>RESOLUTION NO. 1281-2016</u>	Stop Signs, Second and Indiana, Second and West Streets
9/7/2016	<u>Resolution 1282-2016</u>	Strategic Investment Plan - 2016
10/19/2016 (VOID)	<u>ORDINANCE NO. 661-2016</u>	Salary for 2017 Refunding
10/19/2016	<u>ORDINANCE NO. 662-2016</u>	Revenue Bond (re: Cedar Creek Retirement Home)

11/9/2016	<u>RESOLUTION NO. 1283-2016</u>	Declares Economic Revitalization Area (re: GR-13, Sauder Feeds Inc.)
12/7/2016	<u>RESOLUTION NO. 1284-2016</u>	Confirms Economic Revitalization Area (re: GR-13, Sauder Feeds Inc.)
2/15/2017	<u>Resolution No. 1285-2016</u>	2016 Year-End Budget Transfers
5/17/2017	<u>RESOLUTION NO. 1286-2017</u>	Solid Waste and Recycling
5/17/2017	<u>RESOLUTION NO. 1287-2017</u>	Dedicating Eicher Drive in Sawmill Industrial Park
6/28/2017	<u>RESOLUTION NO. 1289-2017</u>	Real and Personal Property Compliance with Statement of Benefits
8/2/2017	<u>RESOLUTION NO. 1295-2017</u>	Reimbursement for Sewage and Waterworks Improvements
9/20/2017	<u>RESOLUTION NO. 1290-2017</u>	Voluntary Annexation Petition (re: Blake Annexation Area)
10/18/2017 (VOID)	<u>ORDINANCE NO. 665-2017</u>	Salary for 2018
10/19/2017	<u>Ordinance No. 670-2017</u>	Rezoning (re: Sauder Feeds)
10/27/2017	<u>RESOLUTION NO. 1302-2017</u>	Dedicating, Naming of Street in Sawmill Industrial Park
11/8/2017	<u>ORDINANCE NO. 1300-2017</u>	Saddle Creek Sewer Connection

11/8/2017	<u>ORDINANCE NO. 1301-2017</u>	Fee Saddle Creek Water Connection Fee
11/15/2017	<u>ORDINANCE 669-2017</u>	Amend Personnel Policy (re: Travel and Insurance)
1/3/2018	<u>RESOLUTION NO. 1308-2017</u>	Contract for Economic Development Services
2/7/2018	<u>Resolution No. 1303-2018</u>	2017 Year-End Budget Transfers
3/14/2018	<u>RESOLUTION NO. 1309-2018</u>	Write-Off of Delinquent Utility Account Receivables
3/14/2018	<u>RESOLUTION NO. 1310-2018</u>	Voluntary Annexation Petition (re: Pine Creek)
3/14/2018	<u>RESOLUTION NO. 1311-2018</u>	Voluntary Annexation Petition (re: Blake Annexation Area)
4/19/2018	<u>Ordinance No. 675-2018</u>	Rezoning (re: 13600 to 13700 Fairview Drive)
5/2/2018	<u>ORDINANCE NO. 672-2018</u>	Annexation (re: 100 Antwerp Road)
5/2/2018	<u>ORDINANCE NO. 673-2018</u>	Annexation (re: Pine Creek)
5/--/2018	<u>RESOLUTION NO. 1312-2018</u>	Adopting Internal Control Standards
5/2/2018	<u>RESOLUTION NO. 1313-2018</u>	Adopting Fiscal Plan (re: Blake Annexation)

5/2/2018	<u>RESOLUTION NO. 1314-2018</u>	Adopting Fiscal Plan (re: Pine Creek Annexation)
5/16/2018	<u>ORDINANCE NO. 674-2018</u>	Capital Improvement Plan
5/16/2018	<u>RESOLUTION NO. 1315-2018</u>	Stop Sign (re: Third and Indiana Streets)
5/16/2018	<u>Resolution No. 1316-2018</u>	Community Crossing Grant Fund and Transfer Fund
6/20/2018	<u>ORDINANCE NO. 676-2018</u>	Creating Department of Parks and Recreation
6/20/2018	<u>RESOLUTION NO. 1317-2018</u>	Real and Personal Property Compliance with Statement of Benefits
7/11/2018	<u>RESOLUTION NO. 1318-2018</u>	Waiving Non-Compliance (re: Our Country Home Enterprises)
7/11/2018	<u>RESOLUTION NO. 1319-2018</u>	Declaratory, Designation of Economic Revitalization Area GR-14
7/25/2018	<u>RESOLUTION NO. 1320-2018</u>	Confirming Designation of Economic Revitalization Area GR-14
9/5/2018	<u>RESOLUTION 1322-2018</u>	Financial Commitment (re:

9/19/2018	<u>RESOLUTION NO. 1321-2018</u>	East Allen Rural Revival) Adopting Internal Control Standards
9/19/2018	<u>RESOLUTION NO. 1323-2018</u>	Waiving Non-Compliance (re: Our Country Home Enterprises)
9/19/2018	<u>RESOLUTION NO. 1324-2018</u>	Street Sign on Roth Road
10/17/2018	<u>ORDINANCE NO. 679-2018</u>	Salary for 2019
1/9/2019	<u>Ordinance No. 680-2019</u>	Rezoning (re: Henry Street Realty LLC)
2/13/2019	<u>Resolution No. 1328-2019</u>	Charges for Northeast Fire and EMS, Inc.
2/13/2019	<u>Resolution No. 1327-2019</u>	2018 Year-End Budget Transfers
2/13/2019	<u>ORDINANCE NO. 681-2019</u>	Capital Plan for Use of CEDIT Funds

Resolution No 449

Editor's Note: This resolution is Archived. It refers to a one-time quote for services.

Editor's Note: Photographs of the pages of this resolution:



(ARCHIVED) #449R: Quote for Pavement Markings (7/19/2006)

ORDINANCE NO. 155
GRABILL, INDIANA

COMES NOW, the Board of Trustees of the Town of Grabill, Indiana, and pursuant to the authority vested in them by Indiana Code 18-7-5, as amended, enacts the following:

Grabill Zoning Ordinance No. 155
Amendment No. 1

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

That Section 18: Signs be amended to read, to-wit:

A. STATEMENT OF PURPOSE

The purpose of this Ordinance is to promote the public health, safety, and welfare by regulating existing and proposed signs. It is intended to protect property values and reduce potential hazards while creating a positive economic and business environment.

B. DEFINITIONS

Building Surface - The total surface of a building face to which a sign is attached.

Construction Signs - Any sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.

Directional Sign - An on-premise sign in front of the building containing information relative to expediting pedestrian or vehicular traffic flow and parking.

Embellishment - Letters, figures, characters or representatives in irregular forms which are to be used as a supplement to the primary sign structure.

Entrance Sign - A sign used to identify a planned district or platted subdivision with the intention of providing knowledge about the complete project and not a single entity or unit.

Facia Sign - A sign attached to or erected against a wall of a building.

Freestanding Sign - A sign which is completely or principally self-supported by posts or other supports independent of any building.

Flashing Sign - Any sign which contains an intermittent or flashing light source.

Frontage - The length of the property line of any parcel along each street which it borders.

Freestanding Building - An independent building which is physically separated from any other structures on the same parcel and is further identified by its own parking lot and landscaping layout, circulation flow and other features which qualify a building as a complete independent unit.

Height of Sign - The vertical distance measured from the base ground level to the highest point of said sign.

Identification Sign - Any permanently attached freestanding, roof, or projecting on-premise sign which advertises or identifies the premises where a business, service or activity is located.

Incidental Sign - Any accessory sign which advertises goods, services or facilities which are available on the premises where the sign is located. Any sign required by law shall not be counted as an incidental sign.

Major Arterial - Those highways shown on the map contained in the Comprehensive Plan and entitled, "1990 Transportation Plan".

Marquee Sign - A sign displayed, erected or supported upon an overhanging marquee, canopy, awning, or other similar cover or shelter.

Mobile Sign - A sign which is designed to be moved from one location to another and is not intended to remain as a permanent sign.

Multi-Faced Sign - Any sign in a three dimensional configuration including but not limited to cubes, spheres and cylinders.

On-Premise Sign - Any sign identifying or advertising a business, person, activity, good, product, or service located on the premises where the sign is installed.

Off-Premise Sign - Any sign located on premises other than those of the business or activity it is intended to identify or describe.

Projecting Sign - A sign which is affixed to any building, wall or structure and extends greater than 13 inches beyond the building wall or parts thereof.

Painted Graphics - Any advertisement painted directly onto the wall of a building,

Political Sign - Any temporary sign pertaining to an election or a referendum or carrying the picture or name of a person seeking election or appointment to a public office.

Public Information Sign - Signs of a public, non-commercial nature to include safety signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, and all signs erected by or an order of a public office in the performance of a public duty.

Real Estate Sign - An on-premise sign pertaining to the sale, construction, rental or lease of the property upon which it is located.

Roof Sign - A sign erected upon or above a roof or parapet of a building.

Sign - Any identification, description, illustration or device which is in view of the general public and which directs attention to a person, place, commodity, activity, institution, organization or business.

Temporary Sign - A sign which is not permanently installed such as an advertising display constructed of cloth, canvas, light fabric, cardboard or other light material.

C. GENERAL REQUIREMENTS

Signs may be erected and maintained as long as the requirements of this Ordinance and all applicable ordinances and codes of the County, State and Federal Government are met.

- Permit Requirements - Improvement Location Permits shall be obtained for all new signs prior to placement except temporary
1. signs, real estate signs, construction signs or signs of 25 square feet or less in area.

Traffic Hazard - Any sign that is deemed a traffic hazard for reason of obstructing the view of an approaching road or intersection,

2. railroad, school playground or park pedestrian crosswalk or any other situation which may endanger health and welfare of any pedestrian or occupant of any vehicle shall be prohibited.

Lighting - Lights used to illuminate signs shall be installed to

3. concentrate the illumination on the sign in such a manner as to reflect light away from a public street or adjacent properties.

No sign shall be erected or maintained at any location where, by

- a. reason of its illumination, it may obstruct, impair, obscure or interfere with the view of any traffic control device.

- b. Signs which involve rotating or revolving beams of light shall not be permitted.

Enforcement - The Zoning Administrator shall have the authority to enforce all the provisions of this sign ordinance, including the

4. powers of removal, if a sign or advertising structure violates the intent of this ordinance or creates a hazard to the safety, health, and welfare of persons or property.

Nonconforming Signs - All permanently attached or affixed signs legally existing prior to Nov 14, 1979, but no longer

5. conforming to the provisions of this Ordinance, shall be regarded as legal nonconforming signs and may be continued, subject to being properly repaired and maintained as well as meeting the conditions set forth in Sections C-2 or C-8 of this Ordinance;

Flashing Signs - No flashing signs shall be permitted within 300 feet

6. of an A-3, RS, RSP and MH zoning district. Electronically controlled message boards are excluded from this requirement.

Exemption - The following signs are not restricted by this

7. Ordinance: Public or government sign, window signs, plaques or tablet signs, no trespassing, dumping or hunting signs, painted graphics and political signs.

Obsolete Signs - Any sign which advertises a product or service no

8. longer available on the premises or a business which has closed permanently or moved from the premises on which the sign is located must be removed.

9. Area of a Sign

Single-faced Signs - Area shall be determined by the smallest

- a. circle, triangle, or rectangle that can be used to enclose the sign exclusive of supporting members that bear no message.

Double-faced Signs - Area shall be determined in the same

- b. manner as single-faced signs (above) and shall be allowed on each side, provided, the facings are back-to-back and parallel, or within 45 degrees of parallel, to one another.

Multi-faced Signs - Area shall be determined by the smallest

- c. circle, triangle, or rectangle that can be used to enclose the largest single surface or largest cross-section of the sign, exclusive of supporting members that bear no message.

- d. Embellishment - Off-premise signs shall be permitted embellishments up to 15 percent of the actual sign size.

Spacing - All freestanding and/or mobile signs shall be separated by

10. a minimum of 30 feet and shall be located no closer than 15 feet to a side property line.

Clear Vision Areas - No part of any sign or sign structure including supports, shall be located within a clear vision area except

11. directional signs which must be less than three feet in height. A sign may project or extend into a clear vision area only if the sign's lowest edge is greater than 8 feet above ground level or if the sign is less than 3 feet in total height. A clear vision area is described as:

An area formed by the intersection of the right-of-way lines of

- a. two public roadways and a line connecting points measured 25 feet from the intersection of these right-of-way lines; and
- b. A strip 5 feet wide adjacent and parallel to all proposed or existing public right-of-way lines, whichever is greater.

The following provisions designate maximum sign areas, districts in which signs are permitted, sign locations and separation distances required:

ON-PREMISE SIGNS

Limited to one sign per entrance for each
CONSTRUCTION SIGNS: parcel. 100 sq. ft. maximum area;
permitted in all. zoning districts.

Two directional signs are permitted per
DIRECTIONAL SIGNS: entrance (exempt from clear vision
restriction). 8 sq. ft. maximum area;
permitted in all zoning districts.

Permitted when identifying a planned district,
or plat, including office parks, industrial parks,
and subdivisions; an entrance sign is permitted
on each side of the ingress point provided the
combined area of the two signs does not exceed
the maximum square footage allowed.

ENTRANCE SIGNS: Shopping Centers: One sign permitted on each
thoroughfare.

100 sq. ft. maximum area permitted in A-1, A-
2, A-E, A-3, RS, Mil and C-1A districts; 600 sq.
ft. maximum area permitted in C-2 and I-4
districts.

FACIA SIGNS: Coverage up to 30% of any wall surface is permitted
in C-1, C-1A, C-2, C-3, C-4, I-1, I-2 and I-3 districts.

Two signs per property frontage. 12 sq. ft.
FARM PRODUCE SIGNS: maximum area; permitted in A-1, A-2 and
A-E districts.

One sign permitted per dwelling unit.
HOME OCCUPATION SIGNS: 12 sq. ft. maximum area in A-1, A-2,
A-E districts; 2 sq. ft. maximum area
in A-3, RS and MH districts.

IDENTIFICATION SIGNS: Roof; Projecting; Freestanding Signs

General Commercial and Industrial Signs: Any combination of signs is permitted provided the gross signage area (2 sq. ft. of sign area for each one foot of frontage) is not exceeded and the maximum size of any sign does not exceed 300 sq. ft.; a second freestanding sign not exceeding 150 sq. ft. in area is permitted on parcels having 300 ft. of frontage or greater. Permitted in C-1, C-3, C-4, I-1, I-2, and I-3 zoning districts.

Interchange and Drive-In Commercial Signs: In the C-5 and C-6 zoning districts the size and number of signs shall be approved as part of the development plan review process.

Shopping Center Signs: In the C-2 zoning district, the following provisions prevail:

Roof signs are not permitted.

One freestanding sign not to exceed 100 sq. ft. in area in permitted per freestanding building, if located within 30 ft. of the building.

Each freestanding sign shall be separated by a minimum of 75 feet.

One projecting sign is permitted per business not to exceed 8 sq. ft. in area.

Office and Planned Industrial Signs: In the C-1A and I-4 districts any combination of signs is permitted provided the maximum gross signage area per lot (one sq. ft. of sign area for one foot of frontage) is not exceeded, and no single sign is greater than 100 sq. ft. in area.

INCIDENTAL SIGNS: Two incidental signs are permitted per frontage in front of the building line not to exceed a total of 16 sq. ft. in area (excluding those required to explain gas pump operations and government required signs). An unlimited

number of incidental signs are permitted behind the building line not to exceed 24 sq. ft. in area. Incidental signs are permitted in C-1, C-1A, C-3, C-4, C-5, C-6, I-1, I-2, and I-3 zoning districts.

INSTITUTIONAL SIGNS: One sign permitted per frontage with a 24 sq. ft. maximum area in A-3, RS and MH districts; 32 sq. ft. maximum area permitted in all other zoning districts.

MOBILE SIGNS: One sign is permitted per parcel for a maximum of 60 days during any 12-month period of time; a 60 sq. ft. maximum area is allowed; permitted in C-1, C-3, C-4, I-1, I-2 and I-3 districts.

REAL ESTATE SIGNS: One real estate sign shall be allowed per street or highway frontage advertising the sale, lease or rental of real estate. A second real estate sign is allowed during the construction phase, giving the name of the contractor, engineers, etc.

A 12 sq. ft. maximum area is permitted in zoning districts A-3, RS and MB; a 32 sq. ft. maximum area is permitted in all other zoning districts.

OFF-PREMISE SIGNS

A-1, A-2 and A-E Zoning Districts

Off-premise signs not exceeding 300 sq. ft. in area are permitted along major and minor arterials, as defined herein, if the following conditions are met:

- a. One thousand (1,000) foot separation from a sign on the same side of the road.
- b. Three hundred (300) foot separation from any road intersection.
- c. Three hundred (300) foot separation from a residence on either side of the road.

In these districts, the separation requirements between signs need not be met where a physical obstruction exists which prevents viewing two off-premise signs simultaneously.

Two adjacent signs are permitted in these zoning districts if (a) they are separated by less than 12 inches, and (b) the area of both signs does not exceed the maximum permitted for a single freestanding off-premise sign.

A-3, RS and MH Zoning Districts

No off-premise signs permitted.

C-1, C-3, C-4, I-1, I-2 and I-3 Zoning Districts

Off-premise signs not exceeding 300 sq. ft. are permitted along any street if separated by 500 ft. and if placed a minimum distance of 100 ft. from an A-3, MH or RS district. Additionally, off-premise signs not exceeding 700 sq. ft. in area are permitted along major arterials, as defined herein, in the C-3, C-4, I-1, I-2 and I-3 districts if separated by 750 ft. and if placed a minimum distance of 100 ft. from an A-3, RS or MH district.

In these districts the separation requirements between signs need not be met where a physical obstruction exists which prevents viewing two off-premise

signs simultaneously.

Two adjacent signs are permitted in these districts if (a) they are separated by less than 12 inches, and (b) the area of both signs does not exceed the maximum permitted for a single freestanding off-premise sign.

C-1A, C-2 Zoning Districts

No off-premise signs permitted.

C-5, C-6 and I-4 Zoning Districts

Off-premise signs are permitted if approved as part of the development plan review process. The size and location of the sign shall be approved by the Commission.

PASSED by the Board of Trustees of the Town of Grabill, Indiana, on the 14th day of November, 1979 and in full force and effect from this date.

BOARD OF TRUSTEES OF THE TOWN
OF GRABILL, INDIANA

Ronald W. Shaw

Wilbur Secrist

M. Joanne Sauder

Attachments:

☐ Adoption Recommendation - Allen County Plan Commission
(10/30/1979)

**GRABILL TOWN COUNCIL
RESOLUTION NO. 1249-2009**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA ACKNOWLEDGING AND ACCEPTING
PETITION FOR ACCEPTANCE OF CERTAIN ROADWAYS
LOCATED WITHIN THE SURREY TRACE SUBDIVISION**

WHEREAS, B&L Partnership (hereinafter referred to as the "Petition") developed the Surrey Trace subdivision ("Surrey Trace") located within the Town of Grabill, Allen County, Indiana ("Town") and the secondary plat for Surrey Trace was approved by the Allen County Plan Commission on May 4, 2005;

WHEREAS, Surrey Trace includes the following roadways: (i) Surrey Trace; (ii) Illinois Street; (iii) Surrey Cove; and (iv) Stowe Drive (collectively, the "Surrey Trace Streets");

WHEREAS, the Petitioner has filed with the Town Council for the Town a certain Petition for Acceptance by Town of Grabill of Roads or Streets setting forth the general description of the Surrey Trace Streets including the length, width, material type and drainage type and further seeking the Town's acceptance and public dedication of the Surrey Trace Streets; and

WHEREAS, pursuant to such Petition, the Town desires to acknowledge and accept the Petition thereby publically dedicating the Surrey Trace Streets to the Town's care and maintenance pursuant to the care and maintenance provided by the Town to other public streets and roadways located within the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL
OF THE TOWN OF GRABILL, ALLEN COUNTY, STATE OF
INDIANA, THAT:**

Section 1. The Town Council of the Town of Grabill, Allen County, Indiana, hereby acknowledges and approves the Petition for Acceptance by Town of Grabill of Roads or Streets, which Petition is attached hereto and made part

hereof and, in accordance with Indiana Code § 36-9-2-5, hereby publicly dedicates (i) Surrey Trace; (ii) Illinois Street; (iii) Surrey Cove; and (iv) Stowe Drive for public use and further agrees to implement the care and maintenance of such roadways and streets as the Town currently maintains its existing public roadways and streets.

Section 2. Any monies necessary for the provision of services described herein shall be budgeted and appropriated from the applicable funds pursuant to state law, and the Town's budget procedure.

Passed by the Town Council of the Town of Grabill, Allen County, State of Indiana, this 16th day of December, 2009.

**TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, STATE OF INDIANA**

Wilmer Delagrang
Wilmer Delagrang, President

Lynn Witt
Lynn Witt

Jeff Smead
Jeff Smead

Constituting all of the members of the
Town Council, Town of Grabill, Indiana

ATTESTED BY:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Allen County,
State of Indiana

Attachments:

☐ +/- Petition for Acceptance by Town of Grabill of Roads or Streets
(12/15/2009) - Page 1

☐ +/- Petition for Acceptance by Town of Grabill of Roads or Streets
(12/15/2009) - Page 2

☐ +/- Letter from Allen County Highway Department (12/9/2008)

ORDINANCE NO. 552

Editor's Notes: This ordinance is (*mostly*) Void. It was replaced by [Ordinance No. 630-2010](#), adopted 10/11/2010.

Photographs of the pages of this ordinance:

-  (VOID) #552: Sewage Works Rates and Charges (6/14/2006) - Page 1
-  (VOID) #552: Sewage Works Rates and Charges (6/14/2006) - Page 2
-  (VOID) #552: Sewage Works Rates and Charges (6/14/2006) - Page 3
-  (VOID) #552: Sewage Works Rates and Charges (6/14/2006) - Page 4
-  (VOID) #552: Sewage Works Rates and Charges (6/14/2006) - Page 5
-  (VOID) #552: Sewage Works Rates and Charges (6/14/2006) - Page 6

Editor's Note: Paragraph (d), detailing the base rate as of January 1, 2007, can be found on Page 6. This base rate was reduced by [Ordinance No. 630-2010](#), adopted 10/11/2010.

- (d) In the event two (2) or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids, into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times base rates per month of \$41.45, effective July 1, 2006 and \$42.55, effective January 1, 2007. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through a meter. A dwelling unit shall be

interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

+/- (VOID) #552: Sewage Works Rates and Charges (6/14/2006) - Page 7

+/- (VOID) #552: Sewage Works Rates and Charges (6/14/2006) - Page 8

+/- (VOID) #552: Sewage Works Rates and Charges (6/14/2006) - Page 9

+/- (VOID) #552: Sewage Works Rates and Charges (6/14/2006) - Page 10

+/- (VOID) #552: Sewage Works Rates and Charges (6/14/2006) - Page 11

ORDINANCE NO. 505

Editor's Notes: This ordinance is Void. It was replaced by [Ordinance No. 552](#), adopted 6/14/2006.

Photographs of the pages of this ordinance:

☐ +/- (VOID) #505: Sewage Works Rates and Charges (3/8/2006) - Page 1

☐ +/- (VOID) #505: Sewage Works Rates and Charges (3/8/2006) - Page 2

☐ +/- (VOID) #505: Sewage Works Rates and Charges (3/8/2006) - Page 3

☐ +/- (VOID) #505: Sewage Works Rates and Charges (3/8/2006) - Page 4

☐ +/- (VOID) #505: Sewage Works Rates and Charges (3/8/2006) - Page 5

☐ +/- (VOID) #505: Sewage Works Rates and Charges (3/8/2006) - Page 6

☐ +/- (VOID) #505: Sewage Works Rates and Charges (3/8/2006) - Page 7

☐ +/- (VOID) #505: Sewage Works Rates and Charges (3/8/2006) - Page 8

☐ +/- (VOID) #505: Sewage Works Rates and Charges (3/8/2006) - Page 9

☐ +/- (VOID) #505: Sewage Works Rates and Charges (3/8/2006) - Page 10

Ordinance No. 2

An ordinance giving the marshall the power to compell property owners and tenants of property owners to clean sidewalks and alleys.

Section No. 1: - Be it ordained by the board of trustees of The Town of Grabill to empower the marshall of the above named town to order the freeholders or tenants of freeholders to clean sidewalks and alleys when neccessary.

Section No. 2: - Be it further ordained if any freeholder or tenant of freeholder refuses to comply with the above act the marshall or some one appointed by him shall clean sidewalks and alleys and further the marshall shall collect from freeholder or tenant of same for services rendered by him or party appointed by him.

Done at the Town of Grabill this 3rd day of Feb 1913.

Marcus Yager

J. S. Klopfenstein

David Witmer



Trustees

Attest Aaron Sauder

Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included:

+/- #2: Clean Sidewalks and Alleys (2/3/1913)

ORDINANCE NO. 239

AN ORDINANCE REGULATING THE CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE TOWN OF GRABILL, INDIANA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

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

Section 1. Unless the context specifically indicates otherwise the meaning of terms used in this ordinance shall be as follows:

(a) "Biochemical Oxygen Demand" (or BOD) shall mean the quantity of oxygen expressed in mg/1 utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five (5) days at 20 degrees C.

(b) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

Building drain - Sanitary. - A building drain which conveys sanitary or industrial sewage only.

Building drain - Storm - A building drain which conveys stormwater or other clearwater drainage, but no wastewater.

(c) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

Building sewer - Sanitary - A building sewer which conveys sanitary or industrial sewage only.

Building sewer - Storm - A building sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage.

(d) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

(e) "Compatible pollutant" shall mean biochemical oxygen demand, suspended solids, pH, and fecal conform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- (a) chemical oxygen demand,
- (b) total organic carbon,
- (c) phosphorus and phosphorus compounds,
- (d) nitrogen and nitrogen compounds, and
fats, oils, and greases of animal or vegetable origin
- (e) (except as prohibited where these materials would interfere with the operation of the treatment works).

(f) "Easement" shall mean an acquired legal right for the specific use of land owned by others.

(g) "Fecal coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

(h) "Floatable oil" shall mean oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a

pretreatment facility approved by the Town.

(i) "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.

(j) "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

(k) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.

(l) "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow.)

(m) "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

(n) "Inflow" shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from, infiltration.)

(o) "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 sewers and their connection to the public sewer system.

(p) "Major contributing industry" shall mean an industry that:

- (1) has a flow of 50,000 gallons or more per average work day;
- (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
- (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of PL 92-500; or
- (4) has a significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

(q) "NH₃-N" shall mean the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in paragraph (11).

(r) "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.

(s) "Natural Outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(t) "Normal domestic sewage" shall have the same meaning as defined in the Sewage Rate Ordinance.

(u) "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.

(v) "Phosphorus (or P)" shall mean the chemical element phosphorus, total. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in paragraph (11).

(w) "Person" shall mean any individual, firm, company, association, society, corporation, group or other entity.

(x) "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.

(y) "Private sewer" shall mean a sewer which is not owned by a public authority.

(z) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has 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.

(aa) "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:

Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

Force main shall mean a pipe in which wastewater is carried under pressure.

Pumping station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

(bb) "Sanitary sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface, and groundwater are not intentionally admitted.

(cc) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and

institutions, (including polluted cooling water). The three most common types of sewage are:

Sanitary sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

Industrial sewage shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

Combined sewage shall mean wastes including sanitary sewage, industrial sewage, stormwater, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

(dd) "Sewage works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

(ee) "Sewer" shall mean a pipe or conduit for carrying sewage.

(ff) "Shall" is mandatory; "May" is permissive..

(gg) "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than three times the average 24 hours concentration of flows during the normal operation and shall adversely affect the collection system.

(hh) "Standard methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, The American Water Works Association and the Water Pollution Control Federation.

(ii) "Storm sewer" shall mean a sewer for conveying water, groundwater or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

(jj) "Superintendent" shall mean the Superintendent of the municipal sewage works of the Town of Grabill, Indiana, or his authorized deputy, agent or representative.

(kk) "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 under standard laboratory procedure.

(ll) "Total solids" shall mean the sum of suspended and dissolved solids.

(mm) "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500.

(nn) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(oo) "Volatile organic matter" shall mean the material in the sewage solids transformed to gases or vapors when heated at 55 degrees C for 15 to 20 minutes.

(pp) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

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 other objectionable waste.

(b)

- No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff,
- (i) subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer; and,
- Storm water 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
- (ii) 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.

Amended by [Ordinance No. 255](#), adopted 2/9/1988.

+/- { *view archive* }

(c) Stormwater, surface water, groundwater, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the Town.

(d) No new connection shall be made to any sanitary combined or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.

(e) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit.

(f) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit.

(g) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(h) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line. Any subdivision plat proposed after the enactment of this ordinance shall be required to have, at the developer's expense, sanitary sewer systems therein connected to the public sanitary sewer before any building therein shall be occupied.

Amended by [Ordinance No. 255](#), adopted 2/9/1988.

+/- { *view archive* }

(i) All private sanitary sewage disposal systems, semiprivate sanitary sewer lines and lift stations shall be maintained by the owners of the property serviced by such facilities; and if not properly maintained, the Town may make such repairs, and undertake such maintenance and collect from such property owners serviced thereby, the charges of such activities, and the costs of enforcing the provisions herein, including reasonable attorneys' fees.

Section 3.

(a) Where a public sanitary sewer is not available under the provisions of Section 2(h), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

(b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the

Clerk-Treasurer. A permit and inspection fee of Fifty Dollars (\$50.00) shall be paid to the Town at the time the application is filed.

(c) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Town. The Town shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Clerk-Treasurer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made weekdays within Forty-Eight (48) hours of the receipt of notice by the Clerk-Treasurer.

(d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Allen County Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town; and if not properly maintained, the Town may make such repairs, and undertake such maintenance and collect from such property owners serviced thereby, the charges of such activities, and the costs of enforcing the provisions herein, including reasonable attorneys' fees.

(f) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance within ninety (90) days; and any septic tanks, cesspools and similar sewage disposal facilities shall cease to be used; and shall be cleaned of sludge and filled with clean bank-run gravel or dirt immediately.

(g) When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(h) No statement contained in this ordinance shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

Section 4.

(a) No unauthorized person shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

(b) There shall be two (2) classes of building sewer permits:

- (1) For residential, governmental, institutional, and commercial service, and

Amended by [Ordinance No. 255](#), adopted 2/9/1988.

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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

- (2) considered pertinent in the judgment of the Inspector. A permit and inspection fee of One Hundred Dollars (\$100.00) for a residential or commercial building sewer permit and Five Hundred Dollars (\$500.00) for an industrial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

(e) Old building sewers 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 a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. FD-5 shall apply.

(g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(h) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. FD-5. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Town before installations.

(j) The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.

(k) All excavations for building 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 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.
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
- (2) 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.
Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing
- (3) damage or hazard to structures, equipment, and personnel of the sewage works or interfere with any treatment process.
- (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, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshing, entrails, paper,

dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

(b) No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Town 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 its opinion as to the acceptability of these wastes, the Town 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 and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (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 (32) and one hundred fifty (150) degrees Fahrenheit or zero and sixty-five (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 ($\frac{3}{4}$) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Town.
- (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 iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material

received in the composite sewage at the sewage treatment works exceeds the limits established by the Town for such materials.

Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Town

- (6) as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction of such discharge to the receiving waters.

- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable State or Federal regulations.

- (8) Any waters or wastes having pH in excess of 9.5.

- (9) Materials which exert or cause:

Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime (i) 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 BOD, 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 amendable to treatment or reduction by the sewage treatment processes employed, or are amendable 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.

(c) 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(a) of this article, and which in the judgment of the Town 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 Town may:

With sufficient cause, require users to submit

- (1) information on wastewater quantities characteristics and obtain prior approval for discharge.

Amended by [Ordinance No. 255](#), adopted 2/9/1988.

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- (2) Reject the wastes in whole or in part for any reason deemed appropriate by the Town.

- (3) Require pretreatment of such wastes to within the limits of normal sewage as defined.

- Require control or flow equalization of such wastes so as
- (4) to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or

- Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover
- (5) the additional costs of having capacity for and treating such wastes.

If the Town permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Town and subject to the requirements of all applicable codes, ordinances and law.

(d) 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 its expense.

(e) When required by the Town, the owner of any property serviced by a building sewer carrying industrial wastes 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 Town. The manhole shall be installed by the owner at his expense, and shall be maintained so as to be safe and accessible at all times. Agents of the Town, the State Water Pollution Control Agencies, and the U. S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

(f) 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 of 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, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (40 CFR Part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. 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, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.

(g) All waters or wastes which are discharged to the public sewers are subject to, as a minimum, the restrictions and limitations thereto, as specified in the "City of Fort Wayne, Indiana, Sewer Use and Rate Ordinances", as now codified in Chapter 24 of its Code, and any amendments which may be hereafter made thereto, and the Rules and Regulations of the Fort Wayne Water Pollution Control Utility as promulgated by the Board of Public Works of that city and any amendments thereto which may hereafter be promulgated, all of which are made a part hereof by reference."

Amended by [Ordinance No. 247](#), adopted 9/16/1987.

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(h) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance.

Section 6. Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA) (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition to any more stringent requirements established by the Town and/or City of Fort Wayne subsequent State or Federal Guidelines and Rules and Regulations.

Section 7. Plans, specifications, and any other pertinent information relating to the pretreatment or control facilities shall be submitted for approval of the Town and no construction of such facilities shall be commenced until approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Town and/or City of Fort Wayne to determine that such facilities are being operated in conformance with applicable Federal, State

and local laws and permits. The owner shall maintain operating records and shall submit to the Town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records.

Section 8. Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, and such use is approved by the Town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Town and/or the Allen County Drainage Board and/or the State of Indiana. Where a storm sewer or natural outlet is not available, such unpolluted water may be discharged to a sanitary sewer after written approval by the Town.

Section 9. Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above section.

Section 10. The Town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be made at the users' expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town.

Section 11. The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the Town may elect, or, at any place mutually agreed upon between the user and the Town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the Town.

Section 12. Grease, oil and sand interceptors or traps shall be provided by the owner of the affected property when, in the opinion of the Town they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other

harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Town and shall be located as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all time.

Section 13. Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

Section 14.

(1) All provisions of this ordinance and limits set herein shall comply with any applicable State and/or the City of Fort Wayne and/or the County of Allen and/or Federal Requirements now, or projected to be in effect.

(2) The Town of Grabill shall, in accordance with the statutes of the State of Indiana, and subject to the provisions and requirements of this Ordinance, as amended, make and enforce appropriate rules and regulations for the safe, economical, and efficient management and operation of the town's sewage utility, for the construction and use of sewers, building sewers, appurtenances, and connections to the sewage system; for the regulation, collection, and refunding of rates and charges for sewage service; and for the implementation of the provisions of this Ordinance, as amended.

(3) The violation of the Rules and Regulations set forth in Section 5 (g) of this Ordinance and the Rules and Regulations of the Town as provided for in Section 14 (2), as amended, shall constitute a violation of the provisions of this Ordinance and be subject to the penalty provisions set out in Section 18 of Ordinance No. 239.

Amended by [Ordinance No. 247](#), adopted 9/16/1987.

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Section 15. No person shall maliciously, willfully or negligently break, damage, 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 liable for all damages caused by such action, including, but not limited to, incidental and consequential damages, and such treble damages and punitive damages and attorneys' fees as are provided for under Indiana Code 34-4-30-1.

Section 16.

(a) Duly authorized employees of the Town and representatives of the City of Fort Wayne bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. They 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 sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in Section 16(a) above, the duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5(e).

(c) Duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying

within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms or the duly negotiated easement pertaining to the private property involved.

Section 17.

(a) Any persons found to be violating Section 2(b), Section 2(c) and Section 4(h) of this ordinance, shall be subject to a penalty not to exceed Fifty Dollars (\$50.00) per month, per billing account. This penalty shall be imposed beginning the month immediately following passage and adoption of this ordinance by the Board of Trustee.

(b) There shall be a moratorium upon the requirements for payment by any persons for a period of twelve (12) months from the time of enactment of this ordinance of the penalty as set forth in Section 17(a) above. Further, any person who has, pursuant to Section 17(c) below, consented to the inspection of their respective premises with thirty (30) days of the date of adoption of this ordinance, shall not be liable for payment for such inspection. After thirty (30) days from the date of the adoption of this ordinance, each property owner in the Town shall be required to have each of his properties inspected at a charge of Fifty Dollars (\$50.00) per inspection. Inspection shall be performed by the Town at its convenience after the enactment of the ordinance, and periodically thereafter, with such tests as may be determined to be necessary by the Town of Grabill to maintain, insure, and monitor compliance with the provisions of this ordinance.

(c) A person may avoid liability for payment of the penalty established in Section 17(a) above upon a showing that he is in compliance with all provisions of Section 4(h), 2(b), and 2(c) or this ordinance, which showing shall consist of the following procedures and conditions as to each building or appurtenance connected to the sanitary sewer:

- (1) Each such person shall, as to each such building or appurtenance so connected to the sanitary sewer, execute a "Grant of Permission" to the Town of Grabill, to come upon the property and within the premises thereon, of such persons to inspect and/or perform sewer test as may

be deemed necessary by the Town to verify the compliance hereinbefore referred to;

The Grant of Permission set forth in Section 17(c) shall be deemed to include periodic inspections and/or tests as (2) may be determined to be necessary by the Town of Grabill to maintain, insure and monitor compliance with the provisions of this ordinance;

The term "Town of Grabill" as used herein, shall mean and include such employees, or designees or the Town of Grabill, Indiana, as it shall, from time to time utilize in (3) making the inspections and/or tests heretofore referred to. Such persons shall have on their persons, identification to verify that they in fact represent said Town for said purposes.

The inspection shall be made upon reasonable notice of (4) at least forty-eight (48) hours. There shall be no fee charged for said inspection.

If, upon the initial inspection contemplated by Section 17(b) above to verify compliance, a person is in fact not (5) found to be in compliance, said person shall be given ninety (90) days from the date of said inspection to so comply.

(d) In the event, a person if found to be in compliance as heretofore set forth, and, upon subsequent inspection is found not to be in compliance, said person shall be liable for payment of an amount equal to the sum of the months since adoption of this ordinance, multiplied by the monthly penalty in effect during such periods as the case may be. In the event a person is found to be in a state of non-compliance a second or subsequent time, then said person shall be liable for a sum equal to Five Hundred Dollars (\$500.00), plus an amount equal to the sum of the months since adoption of this ordinance multiplied by the monthly penalty in effect during such period as the case may be.

(e) Any person refusing the inspection provided for herein shall be subject to a penalty not to exceed Fifty Dollars (\$50.00) per month per billing account during the time that such refusal continues.

(f) The Board of Trustees has determined that the measures heretofore set out are a reasonable means of insuring compliance with Sections 4(h), 2(b) and 2(c) of this ordinance and are further necessary to protect and insure the health, safety and welfare of the citizens of Grabill, Indiana, and surrounding areas.

Section 18.

(a) Any person found to be violating any provision of this ordinance except provisions covered under Section 17 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.

(b) Any person who shall continue any violation beyond the time limit provided for in Section 18(a) shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding One Thousand Dollars (\$1,000.00) 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 by the Town by reason of such violation.

Section 19. 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 20. 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 Grabill on the 13th day of May, 1987.

M. Joanne Sauder

Board Member

Jeff Gray

Board Member

R. E. Miller

Board Member

ATTEST:

Alleen Kipfer

Clerk-Treasurer

SALARY OVERVIEW

- +/- (VOID) Ordinance No. 8: Salary (2/2/1914)
- +/- (VOID) Amendment to Ordinance No. 8: Town Clerk Salary (9/7/1916)
- +/- (VOID) Ordinance No. 56: Salary (11/10/1953)
- +/- (VOID) Ordinance No. 120: Salary (12/13/1967)
- +/- (VOID) Ordinance No. 162: Specific Salary Ordinance (11/19/1975)
- +/- (VOID) Ordinance No. 171: Specific Salaries Ordinance (10/12/1977)
- +/- (VOID) Ordinance No. 179: Salary (7/9/1978)
- +/- (VOID) Ordinance No. 212: Salary (7/20/1983)
- +/- (VOID) Ordinance No. 244: Salary (7/8/1987)
- +/- (VOID) Ordinance No. 279: Salary (7/11/1989)
- +/- (VOID) Ordinance No. 288: Salary (7/10/1990)
- +/- (VOID) Ordinance No. 293: Salary (7/9/1991)
- +/- (VOID) Ordinance No. 313: Salary (7/14/1992)
- +/- (VOID) Ordinance No. 299: Salary (7/15/1992)
- +/- (VOID) Ordinance No. 324: Salary (7/13/1994)
- +/- (VOID) Ordinance No. 342: Salary (7/12/1995)

- ☐ +/- (VOID) Ordinance No. 351: Salary (7/10/1996)
- ☐ +/- (VOID) Ordinance No. 353: Salary Amendment (8/21/1996)
- ☐ +/- (VOID) Ordinance No. 364: Salary (11/19/1997)
- ☐ +/- (VOID) Ordinance No. 365: Salary (11/19/1997)
- ☐ +/- (VOID) Ordinance No. 376: Salary (8/6/1998)
- ☐ +/- (VOID) Ordinance No. 389: Salary (9/15/1999)
- ☐ +/- (VOID) Ordinance No. 406: Salary (12/27/2000)
- ☐ +/- (VOID) Ordinance No. 408: Salary (7/11/2001)
- ☐ +/- (VOID) Ordinance No. 421: Salary (12/11/2002)
- ☐ +/- (VOID) Ordinance No. 436: Salary (12/10/2003)
- ☐ +/- (VOID) Ordinance No. 442: Salary (1/12/2005)
- ☐ +/- (VOID) Ordinance No. 11-28-2007-1: Salary (11/28/2007)
- ☐ +/- (VOID) Ordinance No. 602-08: Salary (12/17/2008) - Page 1
- ☐ +/- (VOID) Ordinance No. 602-08: Salary (12/17/2008) - Page 2
- ☐ +/- (VOID) Ordinance No. 622-2009: Salary (9/23/2008) - Page 1
- ☐ +/- (VOID) Ordinance No. 622-2009: Salary (9/23/2008) - Page 2
- ☐ +/- (VOID) Ordinance No. 631-2010: Salary (9/22/2010) - Page 1
- ☐ +/- (VOID) Ordinance No. 631-2010: Salary (9/22/2010) - Page 2

(VOID) [Ordinance No. 634-2011](#), (9/21/2011), Salaries for 2012

(VOID) [ORDINANCE NO. 1263-2012](#), (10/17/2012), Salary for 2013

(VOID) [ORDINANCE NO. 639-2013](#), (10/16/2013), Salary for 2014

(VOID) [ORDINANCE NO. 642-2014](#), (11/12/2014), Salary for 2015

(VOID) [ORDINANCE NO. 654-2015](#), (10/7/2015), Salary for 2016

(VOID) [ORDINANCE NO. 661-2016](#), (10/19/2016), Salary for 2017

(VOID) [ORDINANCE NO. 665-2017](#), (10/18/2017), Salary for 2018

[ORDINANCE NO. 679-2018](#), 10/17/2018, Salary for 2019

ORDINANCE NO. 679-2018

**SALARY ORDINANCE ESTABLISHING RATES OF
COMPENSATION FOR THE TOWN OF GRABILL, ELECTED
OFFICIALS, PARK BOARD, EMPLOYEES**

WHEREAS, Pursuant to I.C. 36-1-4-15, the Town Council for the Town of Grabill, Indiana, hereby fixes the level of compensation for elected officials, park board and employees; and

WHEREAS, compensation and wages will be taken from items budgeted in the general, water, sewer, parks funds; and

WHEREAS, the Town Council of Grabill, Indiana, sets the bi-weekly elected salary positions; and

WHEREAS, sets the appointed Park Board bi-weekly salary; and

WHEREAS, sets the hourly compensation; and

NOW THEREFORE, be it ordained by the town council of the Town of Grabill, Indiana, sets the elected bi-weekly salary positions and appointed bi-weekly salary positions and hourly compensation to be received by the elected officials serving on the Grabill Town Council, Clerk-Treasurer, appointed Grabill Park Board Members, and Grabill town employees shall be as follows:

Section 1. The Grabill Municipal Code is hereby amended by adding a new Chapter to be numbered 679-2018 and to be entitled: Salary Ordinance, which shall read as follows:

Elected Officials:

Effective January 1, 2019 the President of the Council shall be

(A) compensated at the rate of \$342.28 bi-weekly, from water, sewer, and general funds.

(B) Effective January 1, 2019 the council members of the Town of Grabill, other than the Council President, shall be compensated at the rate of

\$308.38 bi-weekly, from water, sewer, general funds.

Effective January 1, 2019 the Town Clerk-Treasurer shall be
(C) compensated \$1,507.07 bi-weekly, from water, sewer, general, and
park funds.

Appointed Park Board:

(D) Effective January 1, 2019 the Park Board position shall be
compensated at \$16.45 bi-weekly.

Hourly Employees:

Effective January 1, 2019. the hourly employees shall be compensated
(E) from water sewer, general, park, at the rate followed hereof; as
determined by council a rate between or on these amounts:

1. Clerical	10.00-15.00 hr
2. Clerical-Deputy Clerk Utility billing clerk	10.00-15.00 hr.
3. Seasonal-General Maintenance	10.00-15.00 hr
4. Seasonal-Help	9.00-15.00 hr.

Section 2 That any and all such ordinances in conflict with the provisions
of this ordinance are hereby repealed and are of no further in force or effect.
***The Clerk-Treasurer shall be authorized to assign appropriate section
numbers in support of the codification of the particular provisions of this
ordinance.***

Section 3 This ordinance shall become and be in full force and effect from
and after the date of its passage and adoption upon its signatures by the
executives in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 17 day of October , 2018. Consideration on
same day or at same meeting of introduction, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 17 day of October , 2018 by the
Town Council of the Town of Grabill, Allen County, Indiana.

TOWN COUNCIL of the TOWN of GRABILL, INDIANA

Wilmer Delagrange
**Wilmer
Delagrange,
President**

Jeff Smead
**Jeff Smead, Vice
President**

Claude E. Schrock
**Claude Schrock,
Councilman**

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

RESIGNATIONS OVERVIEW

+/- (VOID) Ordinance No. 15: Resignation of Clerk-Treasurer (5/3/1915)

+/- (VOID) Ordinance No. 26: Resignation of Clerk-Treasurer
(12/6/1918)

+/- (VOID) Ordinance No. 27: Resignation of Town Health Officer
(4/7/1919)

+/- (VOID) Ordinance No. 28: Resignation of Street Commissioner
(4/7/1919)

+/- (VOID) Ordinance No. 33: Resignation of Clerk-Treasurer
(4/24/1922)

+/- (VOID) Ordinance No. 36: Resignation of Town Marshal (5/5/1922)

+/- (VOID) Ordinance No. 38: Resignation of Town Marshal (12/4/1922)

+/- (VOID) Ordinance No. 45: Resignation of Clerk-Treasurer
(1/20/1930) - Page 1

+/- (VOID) Ordinance No. 45: Resignation of Clerk-Treasurer
(1/20/1930) - Page 2

ORDINANCE NO. 116

Editor's Note: This ordinance is Void. Voting wards were abolished by [Ordinance No. 287](#), adopted 6/12/1990.

Editor's Note: Photographs of the pages of this ordinance: ☐ (VOID)
#116: Redistricting Voting Wards (6/14/1967) - Page 1

☐ (VOID) #116: Redistricting Voting Wards (6/14/1967) - Page 2

☐ (VOID) #116: Redistricting Voting Wards (6/14/1967) - Page 3

ORDINANCE NO. 206

Editor's Note: This ordinance is Void. Voting wards were abolished by [Ordinance No. 287](#), adopted 6/12/1990.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #206: Election of Town Officials (12/15/1982)

ORDINANCE NUMBER 240

Editor's Note: This ordinance is Void. Voting wards were abolished by [Ordinance No. 287](#), adopted 6/12/1990.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #240: Election Wards (5/13/1987)

ORDINANCE NO. 287

An Ordinance eliminating the Town's council districts and providing for the election of all council members at large.

Be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: The council districts heretofore established upon the effective date of this Ordinance shall be abolished.

SECTION 2: The Town Council shall continue to be comprised of three (3) members, all of whom shall be elected at large by the voters of the whole town.

SECTION 3: This Ordinance shall be in full force and effect on January 1, 1991; provided, however, that the term of the present members of the Town Council shall continue until their successors are elected and qualified.

SECTION 4: All Ordinances and parts of Ordinances in conflict with the provisions herein are hereby repealed.

Passed and approved the 12 day of June , 1990, by 3 () voting aye and 0 () voting no.

Recorded the 12 day of June , 1990.

Presented to and approved to me this 12 day of June , 1990.

M. Joanne Sauder
M. JOANNE SAUDER, as President of
the Town Council of the Town
of Grabill, Indiana.

Attest:

Mary Ann Carnahan

Mary Ann Carnahan
Clerk/Treasurer

TOWN ORDINANCE NO.

377

TOWN COUNCIL TERM

PRESCRIBING A STAGGERING TERM OF OFFICE

- Members of Town Council: The legislative body for the Town shall consist of three (3) members and shall be referred to in this Code as the
- (A) Town council of the Town of Grabill, Indiana or as the "Town Council" or "Council".

- Election of Town Council members: Elections of all town council
- (B) members as well as the clerk/treasurer shall be at large within the boundaries of the Town of Grabill.

- (C) A member of the Council forfeits his office if he ceases to be a resident of the town.

- (D) Terms of Office: The term of office of each Council member shall be four (4) years, beginning at noon on January 1 after the election on which the Council member is elected to office, and shall continue until a successor is elected and qualified. However, in order to provide for staggered elections of the Council in the future for the Council election held in 1999, the Council member elected with the lowest number of votes shall be elected for a term of three (3) calendar years, commencing on January 1, 2000. The successor of this Council member's 3-year term shall be elected on the November election day in the year 2002 and begin serving a 4-year term commencing January 1, 2003. Thereafter this term shall be four (4) calendar years.

The remaining two (2) Council members shall be elected for a term of four (4) calendar years each, commencing January 1, 2000. The successors of these two Council members elected in 1999 shall be elected on the November election day in the year of expiration of their respective terms of four (4) years, and likewise every four (4) years thereafter.

President of Town Council: At the first meeting of the Town Council, for each calendar year, the Council shall elect one (1) of its members to (E) serve as its President for a term of one (1) year, commencing on the date of that meeting and running until the date of the first Council meeting on the following calendar' year.

(F) Duties of Town Council: The Town Council shall:

1. Adopt ordinances and resolutions for the performance of functions of the Town;

Conduct public hearings, at least one (1) time per month, or as necessary to carry out the business of the Town or

2.

to perform the functions of the Town;

- Enter into agreements or contracts on behalf of the Town with any other local government or government agency, state government or
3. government agency, federal government or government agency, or foreign government, or private entity, unless otherwise prohibited by state or federal law:

- Create departments, boards, or committees, and appoint persons to those departments, boards, or committees, and to hire employees as
4. necessary to carry out the ordinances and resolutions enacted by the Council, maintain Town property, or otherwise assist the Council in performing the functions of the Town as needed;
 5. Purchase, hold, and convey any interest in property, for the use of

the Town; and

6. Oversee, direct, and regulate the public utilities owned by the Town.

(G) Duties of President: The President of the Council shall perform the following duties:

1. Preside over all meetings, preserve order and decorum and decide all questions of order subject to appeal to the Council;
2. Call all necessary special or emergency meetings of the Council; and
Sign all ordinances and resolutions passed by the Council before
3. submitting the ordinance or resolution to the Clerk-Treasurer for publication in the Code.

THIS ORDINANCE unanimously accepted and signed by the Town Council on this

11th day of

November , 1998.

M. Joanne Sauder
M. Joanne
Sauder, President

Wilmer
Delagrangé,
Board Member

Gregory Smitley
Greg Smitley,
Board Member

ATTEST:

Glenda A. Whittern
Glenda Whittern, Clerk Treasurer

TOWN ORDINANCE NO. 394

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #394: Election Clarification (12/8/1999)

ORDINANCE NO. 628-2010

AN ORDINANCE OF THE TOWN OF GRABILL, INDIANA ESTABLISHING PRIMARY ELECTIONS

WHEREAS, Town of Grabill, Indiana ("Town of Grabill") currently uses the town convention or caucus method pursuant to Indiana Code § 3-8-5 *et seq.* for the purpose of choosing nominees for the applicable political parties in the event more than one candidate from the same political party files a declaration of candidacy for the same office;

WHEREAS, Indiana Code § 3-8-5-2(c) permits a town legislative body to adopt an ordinance for the purpose of using the primary election method of selecting nominees rather than the town convention or caucus method;

WHEREAS, the Town of Grabill Town Council has determined that it is in the best interests of the residents of the Town of Grabill and candidates seeking political party nominations for office in the Town of Grabill that nomination of such candidates be held by a primary election and not a town caucus or convention; and

WHEREAS, upon passage of this Ordinance, (i) the Allen County Election Board shall conduct the primary election for the Town of Grabill, (ii) all Indiana statutes governing primary elections for towns shall apply, and (iii) the Town of Grabill may not change the method of nominating candidates for town office for a period of at least twelve (12) years following the date of this Ordinance.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

Section 1. Beginning in calendar year 2011 and continuing thereafter until this Ordinance is duly repealed or modified, candidates for a town office for the Town of Grabill, Allen County, Indiana shall be nominated by a primary

election conducted by the Allen County Election Board and pursuant to all Indiana statutes governing primary elections for Indiana towns.

Section 2. That these primary elections shall be governed by all relevant provisions of Indiana law including, but not limited to, the provisions of I.C. 3-8-5-2 (e).

Section 3. The Town Clerk-Treasurer is instructed to send a copy of this Ordinance to the Allen County Circuit Court Clerk and the Allen County Election Board.

Section 4. The provisions of any and all other Ordinances in conflict with the provisions hereof are no further in force or effect and are hereby repealed.

This Ordinance presented, approved and passed by the Town Council of the Town of Grabill, Indiana on this 14 day of July 2010.

Wilmer Delagrang
Wilmer
Delagrang,
President

Lynn Witt
Lynn Witt, Council
Member

Jeff Smead
Jeff Smead,
Council Member

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Attachments:

☐ +/- Letter (email) from Attorney (re: Election Ordinance)

☐ +/- Letter to Director of Elections

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF GRABILL, INDIANA

RESOLUTION 1259-2012

A RESOLUTION APPOINTING CERTAIN)
OFFICERS OF THE TOWN COUNCIL OF THE)
TOWN OF GRABILL, INDIANA)

WHEREAS, the undersigned members of the Town Council of the Town of Grabill, Indiana (the "Town") were duly elected under Ind. Code §3-10-6 or Ind. Code §3-10-7 and constitute the legislative body of the Town; and,

WHEREAS, the undersigned Town Council members desire to select and appoint one of its members to be its President and Vice President for the 2012 fiscal year of the Town in accordance with Ind. Code §36-5-2-7; and,

WHEREAS, the Town Council may adopt ordinances and resolutions for the performance of functions of the Town in accordance with Ind. Code §36-5-2-9.

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

1. Wilmer Delagrange is hereby selected and appointed as the President of the Town Council of the Town of Grabill, Indiana for the Town's 2012-2015 fiscal years.
2. Jeff Smead is hereby selected and appointed as the Vice President of the Town Council of the Town of Grabill, Indiana for the Town's 2012-2015 fiscal years.

ADOPTED this 21 day of March, 2012 by the Town Council of the Town of Grabill, Indiana.

ATTEST:

Cynthia Barhydt
Cynthia
Barhydt, Clerk-
Treasurer

THE TOWN COUNCIL OF THE TOWN
OF GRABILL, INDIANA

By: Wilmer Delagrang

Wilmer Delagrang

By:

Jeff Smead

By: Candace DeCamp

Candace Decamp

TOWN OF GRABILL

ORDINANCE NO. 209

AN ORDINANCE providing 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, participation in certain membership organizations provides information and services that are necessary for the efficient operation and betterment of local government;

THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF GRABILL, INDIANA, THAT:

The Town Board is authorized to budget and appropriate funds from the General Fund or from other funds to provide membership for the Town of Grabill and the elected and appointed officials and members of the municipality's boards, council, departments or agencies 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; and

The Board of Trustees is further authorized to budget and appropriate funds to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which the municipality belongs.

Passed and approved the 9th day of March , 1983, by 3 voting aye and 0 voting no.

Recorded the 9th day of March , 1983.

Presented to and approved by me this 9th day of March , 1983.

M. Joanne Sauder
M. Joanne Sauder, as President of
the Board of Trustees of the Town
of Grabill, Indiana.

ATTEST:

Alleen Kipfer
Alleen Kipfer
Clerk-Treasurer

ORDINANCE NO. 355

An Ordinance establishing personnel policies for the Town of Grabill.

Be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: DEFINITIONS. For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACTIVE PAID STATUS. An employee shall be in an active paid status when he/she is drawing earned compensation time for employment, paid sick leave, or paid vacation time.

EMPLOYEE. Refers to anyone who is a regularly scheduled worker and receives a scheduled wage for work performance.

REGULAR FULL-TIME. Includes all employees who are regularly employed to work a minimum of 35 hours per calendar week and whose term of employment is intended to exceed six consecutive months.

REGULAR PART-TIME. Includes all employees who are regularly scheduled to work less than 35 hours per calendar week and whose term of employment is intended to exceed six consecutive months.

SPECIAL EMPLOYEES. Includes those employees who occupy work positions which may be established from time to time as a result of grants to supplemental assistance, grants-in-aid or other such purpose.

TEMPORARY FULL-TIME. Includes all employees who are regularly scheduled to work a minimum of 35 hours per calendar week and whose term of employment is intended to expire on or before the last day of the sixth consecutive month of employment. These employees are not eligible for benefits.

TEMPORARY PART-TIME. Includes all employees who are regularly scheduled to work less than 35 hours per calendar week and whose term of employment is intended to expire on or before the last day of the sixth

consecutive month of employment. These employees are not eligible for benefits.

CLERK-TREASURER. Refers to the elected Clerk-Treasurer of the Town of Grabill, Indiana.

TOWN COUNCIL. Members are considered by definition full-time based on their being subject to availability to resolve town matters twenty-four hours a day.

WORKFORCE. Refers to the collective labor, skills, and traits of the employees of the town.

SECTION 2: EMPLOYMENT POLICY.

(A) Policy. It is the intention of the town to set forth a listing of policies and procedures in order that all town employees and applicants have reasonable assurance that said policies and procedures shall be pursued in a uniform, consistent and equitable manner. These policies and procedures are approved by the Town Council.

(B) Responsibility. It shall be the responsibility of the Town Council to interpret these policies and procedures, and to ensure that they are administered in a consistent and impartial manner.

(C) General provisions. Personnel policies and procedures are subject to modification and revision to meet the needs of both the Town and workforce as new conditions arise. Additions, modifications, and deletions to this Ordinance will be issued by the Town Council.

SECTION 3: RECRUITMENT, SELECTION, AND HIRING.

Equal Employment Opportunity (EEO) Statement and Complaints.

(A) The town shall comply with and uphold all federal laws and administrative guidelines prohibiting discrimination on the basis of race, sex, color, ancestry, national origin, religion, disability, or age. It is the policy of the town that, on the basis of the above causes of prejudice, no

applicant or employee shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity for which the town is responsible or for which it receives financial assistance from the county, state, or federal governments. Employees and applicants with questions or potential complaints regarding equal employment opportunities are urged to bring these matters to the attention of their immediate supervisor, and the Town Council in order that appropriate review and/or action can occur.

(B) Town employees and applicants who believe that they have been denied equal employment opportunity because of race, sex, ancestry, national origin, religion, disability or age, may file a complaint with the Equal Employment Opportunity Commission (EEOC) and/or the Indiana Civil Rights Commission (ICRC).

SECTION 4: QUALIFICATION AND SELECTION.

The Town Council or their assignee shall screen all applicants for a position using the following criteria except where said criteria cannot be shown to be job-related:

(A) Prior job-related work experience.

(B) Knowledge, education, skills, and abilities.

(C) Physical requirements for the job.

(D) Work history.

(E) Applicant's stated ambitions and goals.

(F) Special qualifications, licenses, or certifications required for job.

SECTION 5: PHYSICAL QUALIFICATIONS.

Before an employee is hired, he or she may be required to pass a physical examination. If a candidate is required to take a physical for a town job, the town will pay for the exam. After an employee is hired, he or she may be

asked to take another physical exam, conducted by a town-appointed physician, if a question regarding the health of the employee arises.

SECTION 6: DRUG SCREENING.

The Town Council may require drug screening tests prior to hiring. The Town Council may order such tests at any time during the employee's tenure. Refusal to submit to drug screening tests may be grounds for dismissal.

SECTION 7: EMPLOYING RELATIVES.

Members of an immediate family (spouse, parent, child, or sibling) may not be employed in situations where one member is in a position of direct supervision or direct reporting to the other. Employees who are related to each other by blood or marriage may not work together within the same department of the town. Any exceptions to this policy must be approved by the Town Council on a case-by-case basis.

SECTION 8: SECURITY AND BACKGROUND INFORMATION.

Applicants for any position with the town may be required to undergo an investigation including the following: reference checks, credit checks, employment records, medical records, educational records, criminal histories, and driving records. Applicants must aid the town in obtaining any of the above information as may be requested. Incomplete information may be grounds for disqualification during the application process. All information will be kept confidential.

SECTION 9: EMPLOYMENT ANNIVERSARY DATE.

The first day of regular full-time employment is the employee's anniversary date. This date is used to compute the employee's eligibility for vacation and other benefits.

SECTION 10: EDUCATION AND CAREER DEVELOPMENT.

The functions and services offered by the town and its employees are best performed by a workforce that is skilled, trained, and educated. The town encourages its employees to take part in courses, seminars, and programs which offer training and education and are endorsed by the Supervisor and/or Town Council.

SECTION 11: TUITION REIMBURSEMENT.

The Town Council may approve on a case-by-case basis requests for tuition and reimbursement for classes and preparatory courses that are work-related.

SECTION 12: TRAINING PERIODS.

The training period is an introductory period during which an employee has the opportunity to demonstrate, and the employer to assess, the skill, ability, and motivation of an employee. Discharge and/or transfer may take place at any time during the training period.

(A) The training period is the first 120 calendar days of the tenure of an employee hired by the town.

(B) The only paid leave time which employees may take during the training period is holidays, provided they are otherwise entitled to such paid leave. Vacation leave may be used under certain situations but approval must be granted by the Town Council.

SECTION 13: TRAVEL AND EXPENSE REIMBURSEMENTS.

(A) Employees who wish to attend seminars, meetings, or programs that directly relate to their duties and town responsibilities must give the Town Council written request of their wish to attend. The employee must also provide the Town Council with information about time, location, and the relevant gains to be obtained from attending the functions. Any travel expenses incurred for such training that is on the approved list will be reimbursed by the town. Employees will be entitled only to regular 8 hours per day pay while attending approved seminars, meetings, or programs.

(B) For in-state travel, overnight stay may be permitted if the trip exceeds 50 miles one way if approved by the Town Council. Meal allowances will only be allowed for those meals that are not a part of the conference or training. Such reimbursement will be on a per diem basis as approved by the Town Council.

(C) An employee may be reimbursed for mileage at the federal government mileage rate for the use of privately owned automobiles for official business. However, such reimbursement may be made only if the employee carries motor vehicle liability insurance as required by law, and demonstrates proof,

(D) An employee must file all receipts on a claim form. Employee must state origin and destination of each trip in sufficient detail to account for the mileage claimed. No reimbursements are payable for travel between home and office. Claims, with receipts, must be turned into the Clerk treasurer's office within thirty-(30) days of the trip. Charges for parking are reimbursable on any day when an employee is entitled to claim reimbursement for mileage during the business trip.

(E) Travel by commercial airlines, rail service, or bus will be reimbursed for the prevailing "tourist" or "couch" rate when authorized and supported by original receipts.,

(F) Meals will be reimbursed when supported by original receipts. Such gratuity should be reasonable and not to exceed twenty percent.

(G) Reimbursement for lodging costs shall include room costs, associated local taxes, and necessary business related charges.

(H) Personal expenses incurred in traveling are not reimbursable, including but not limited to, personal telephone calls, laundry, entertainment, in room movies and alcoholic beverages.

Editor's Note: Section Title and Subsections C through H added by [Ordinance No. 669-2017](#), adopted 11/15/2017.

SECTION 14: OVERTIME.

Overtime will be paid only where approved by the Town Council and where the hours exceed the maximum allowable under the Federal Fair Labor Standard Act and its guidelines.

SECTION 15: HOLIDAYS.

Each calendar year, the Town Council will approve a listing of the paid holidays.

SECTION 16: VACATION.

Regular Full-time employees, except for persons in elected positions, shall have 1 week of vacation when they have completed 1 year of service and shall have two weeks of vacation when they have completed 2 or more years of service. Application for vacation leave is the sole responsibility of the employee. Exception to vacation leave guidelines may only be made by the Town Council.

(A) Employees who have worked on a continuous basis for the years indicated will be eligible for bonus vacation days as designated below:

Continuous Years of Service		Bonus Vacation Days
		1
		2
5 - 9	10 - 14	2
	15 - 19	3
	20	
		8 days maximum bonus

(B) Any employee who resigns or leaves in good standing after giving 2 weeks notice, or leaves voluntarily upon request, shall be entitled to his/her earned vacation days. It is understood that employees shall not be entitled to any unpaid vacation days upon dismissal for cause.

(C) Only two consecutive weeks of vacation may be taken at any one time and all scheduling of vacation shall be subject to approval by the Town Council.

SECTION 17: INSURANCE.

All employees of the town are covered by a worker's compensation insurance policy as mandated by law. Funding by the town shall be determined annually as a part of the budget process.

The Town Council recognizes the importance of providing medical insurance for employees of the town, and establishes that full time employees shall be fully insured for insurance coverage; (medical, dental, eye, life) 100% coverage of their monthly premiums by the Town of Grabill as set forth.

Editor's Note: Previous Paragraph added by [Ordinance No. 669-2017](#), adopted 11/15/2017.

SECTION 18: SAFETY EQUIPMENT.

The town will provide safety equipment to full or part-time workers deemed necessary to perform the job.

SECTION 19: USE OF TOWN PROPERTY.

Only those employees assigned take-home vehicles by the Town Council are authorized to use town vehicles for commuting purposes. All other employees are strictly forbidden to use town vehicles for commuting purposes or for personal reasons, except for nonbusiness stops (such as lunch) between two business stops. Any and all town property other than vehicles are also not to be borrowed or used by employees for personal purposes.

SECTION 20: PERSONAL VEHICLES FOR TOWN BUSINESS.

Employees who use personal vehicles for town business may be reimbursed at the rate publicized by the Internal Revenue Service annually. Written mileage records will be required for such reimbursement.

SECTION 21: LEGAL COUNSEL.

In litigation relating directly to his/her job for the town, an employee shall receive legal counsel by the attorney of the Town if approved by the Town Council.

SECTION 22: PENSION PLAN.

The town is a member of the State Employee's Retirement Fund and will abide by and follow retirement options available to regular full-time employees, the Clerk-Treasurer and Town Council members.

SECTION 23: LEAVE MANAGEMENT:

The purpose of leave management is to construct clear procedures for the request of leaves such as vacation, military duty, and other appropriate areas for time away from the job. Leave management also removes the uncertainty that can accompany illness and injury, and the loss of work time that may be involved.

SECTION 24: MEDICAL LEAVE.

Medical leave is defined as absence from work with pay by any regular full-time employee as a result of physical or mental disability that incapacitates the employee to a degree that performance of job assignment is impaired.

(A) If illness or injury prevents an employee from reporting for work, he/she must contact the Clerk-Treasurer of his/her absence prior to time he/she is to begin the work day.

(B) A minor illness or injury to an employee may cause a temporary medical leave of up to three days to be granted by the Clerk-Treasurer. No certified medical form is required, but the town reserves the right to obtain such document at any time. In addition, the town may request further review of the employee by a town-designated physician.

(C) When on medical leave, in less of 3 days, employees must be at home, at a medical facility, or at another place for purpose of recuperation. Failure to provide formal documentation as to one of the three requirements will result

in severe disciplinary action that may include termination. No employee on medical leave will be permitted to perform any off-duty employment.

(D) After the 1 year probationary period is met a regular full-time employee shall receive 5 days medical leave. These medical leave days will only be used for injury, illness, and medical appointments and cannot be carried forward to the following year. Earned vacation time may be used for medical leave if accrued medical leave is unavailable.

SECTION 25: EXTENDED MEDICAL LEAVE.

Extended medical leave is leave without pay beyond regular leave, and is discretionary upon individual extenuating circumstances. It may be reasonable to extend the medical leave rather than seek disability status or approve a leave of absence.

(A) Only employees who have no available days off can apply for an extended medical leave. Extended medical leave may cover time up to but not exceeding 60 calendar days.

(B) The Town Council must approve all extended medical leaves.

(C) To obtain extended medical leave, an employee must present a written request to the Town Council as early as possible before available time off is exhausted. The request must be accompanied by medical documentation submitted by the employee's physician. Furthermore, a town-appointed doctor may be required to examine the employee at the town's expense if the Town Council so directs. The Town Council will determine if the request for extended medical leave is to be granted.

(D) An extended medical leave employee must be at home, at a medical facility, or be able to explain their whereabouts. Failure to comply will result in severe disciplinary action and may include termination. No employee on extended medical leave will be permitted to perform any off-duty employment.

SECTION 26: ABSENTEEISM AND ABUSE OF MEDICAL LEAVE POLICY.

The following shall be grounds for discipline up to and including termination:

(A) Use of sick leave for reasons other than illness or injury, except as expressly permitted in this chapter.

(B) Pattern of medical leave abuse. This includes recurring use of sick days on Fridays or Mondays, days before or after holidays, or days before or after scheduled time off such as vacations, birthdays, personal business days. This also includes repeated use of medical leave days at times which the employee reasonably should know to be important to his/her job because of workload, deadlines, or other causes rendering absences particularly troublesome to his/her job. Any combination of the above may constitute a pattern of abuse of medical leave.

SECTION 27: CIVIC LEAVE.

An employee required to serve as a juror, or to attend court or a coroner's inquest as a witness, shall be excused from work for the days on which he/she serves and shall receive for each day of said service on which he/she otherwise would have worked, the difference between his/her regular rate of pay and the sum he/she receives for that service. The employee will present proof of service (subpoena) and of the amount of payment received thereof from the clerk of the court or coroner. If an employee is released from jury duty by the court any time prior to noon, he/she shall report to work as soon as possible within at least two hours of being released by the court.

SECTION 28: MILITARY LEAVE (NONPAID).

Military leave is time away from work with pay. IC 10-2-4-3(1), (2) and (3) states that leave must be allowed by employers in order to provide for military assembly. In addition, this code dictates the amount of time to be allotted. For an employee who is a member of the Reserves or the National Guard, he/she will receive 15 working days per calendar year with no deduction of pay or vacation leave, so as to enable he/she to fulfill military training obligations.

(A) Military leaves are to be applied only to military training, and are not cumulative. (Any leave not used in a calendar year shall not be carried over to the following year.)

(B) Leave not consumed during the two-week training assembly may be applied to weekend exercises in the same calendar year up to the total of 15 working days. If more time is needed, it can be obtained through vacation leave.

(C) Written leave requests by the employee are to be made to the Town Council. Upon return from training, certification from the employee's commanding officer of performance of duty in accordance with the terms of the orders must also be filed.

SECTION 29: LEAVE OF ABSENCE.

Leave of absence without loss of seniority may be granted to any full-time employee after one year of employment with the town, subject to the following conditions:

(A) Leave of absence shall not normally exceed six months, but in special circumstances and with the approval of the Town Council, may be granted for a period of up to one year. Each case will be decided on an individual basis.

(B) Leave of absence may be granted for any reason deemed to be in the best interest of the town or the employee. Examples include job-related education or medical disability. Written requests must be submitted to the Town Council by the employee. In case of medical disability, a physician acceptable to both the town and the employee must certify that the employee is medically disabled.

(C) During a leave of absence, an employee shall remain eligible for benefits but such benefits shall not accrue or be used for the duration of the leave of absence. An employee may retain his/her insurance benefits by paying the full premium (employer and employee's share) for a period not to exceed 18 months.

SECTION 30: FUNERAL LEAVE.

If there is a death in the immediate family (spouse, child, sibling, parent, or parent of spouse) necessary time off for the attendance of funeral matters will be approved with pay providing the total absence does not exceed three days. In the case of the death of a grandparent, grandchild, brother-in-law, sister-in-law, or mate with whom the relative resides, absence with pay will be approved providing the total absence does not exceed one day. Any other absence in connection with funerals of other relatives or friends may be excused without pay at the discretion of the Town Council's President. For purposes of this provision, a day equals the number of hours the employee would regularly have been scheduled to work on the day taken off.

SECTION 31: MATERNITY LEAVE.

An employee who is unable to work because of pregnancy, child delivery, or other pregnancy-related causes, shall be treated for purposes of sick leave, vacation leave, leaves of absence, and other benefits, as any other employee with a medical disability.

SECTION 32: ON-THE-JOB INJURY.

Employees medically disabled on the job shall receive their normal rate of pay for up to five days of their normally scheduled work period, provided that a physician acceptable to the town certifies that the employee is unable to work. This five-day period shall not be charged against the employee's medical leave account. Employees who are injured or become ill on the job should report the injury or illness immediately to the Clerk-Treasurer.

(A) The employee shall, at the earliest convenient time, file a report of the incident with the supervisor. The report must include all relevant information about the incident.

(B) The Clerk-Treasurer is responsible for assuring the employee receives proper care as well as for ensuring completion of the incident report.

(C) Within 72 hours, a Worker's Compensation Insurance Form must be completed by the involved employee or, if necessary, by the Clerk-

Treasurer.

SECTION 33: ON-THE-JOB SAFETY.

All employees must report in writing to the Town Council any working conditions which they believe to be potentially unsafe or harmful.

SECTION 34: JOB FITNESS EVALUATIONS.

The return from a serious injury or illness, unusually erratic behavior, or other expressions of personal problems may be cause for job fitness evaluations of the employee in question. Job fitness evaluations are performed to ensure both the employee's contentment and the effectiveness of his/her capabilities on the job. Refusal to appear at an evaluation may be grounds for disciplinary action and even termination. Job fitness evaluations include medical and psychological examinations, lab testing, drug testing, and any other appropriate evaluations. These may be at the Town's request and expense.

SECTION 35: ANNUAL PHYSICAL EXAMINATIONS.

Employees of the town may be required to take annual physical exams. These may be at the Town's request and expense.

SECTION 36: REST PERIODS.

Employees of the town shall be allowed one 15-minute rest break for every four hours worked. The break is to be taken so as to least interfere with the efficient continuity of the work. Employees are required to take their rest breaks on the work site unless specifically authorized to leave the work site by the Clerk-Treasurer.

SECTION 37: ACCIDENT REVIEW PROCESS.

As a policy, the accident review process seeks to make a fair, uniform system for reporting and evaluating vehicular accidents. The system determines whether or not accidents were preventable as well as who or what was responsible for a preventable accident.

(A) To implement the policy, an Accident Review Board will be established. It will consist of the Town Council of the town. The Accident Review Board will investigate and answer the questions of preventability and responsibility.

(B) The reporting of an accident will occur immediately after the incident; failure to do so shall be considered cause for disciplinary action and possible termination.

(C) An employee involved in a vehicular accident shall observe the following procedure:

(1) Do not move the vehicle unless ordered to do so by a law enforcement officer.

(2) Check for injuries to people on the scene.

(3) Obtain all appropriate information from participants and witnesses. Discussion of the accident are to be limited to only law enforcement personnel, the Accident Review Board, and appropriate employees of the town on a need-to-know basis. At the direction of the Town Council's President, the employee shall also discuss the accident with representatives of the Town's insurance carrier and the Town attorney.

(4) As soon as possible, written reports should be filed for employees involved in the accident. An Indiana State Police Accident Form must be filled out and submitted with the departmental incident report.

(D) The Accident Review Board is to conduct its investigation of the accident as soon as possible after the report of the incident.

(1) The Accident Review Board will have access to all report and materials from an accident.

(2) At a designated time, the Accident Review Board will weigh the evidence pertaining to an accident and determine whether the accident could have been prevented. If the accident is deemed preventable, the Accident Review Board shall recommend the appropriate disciplinary

action. (A decision about the preventability of the accident must be based on a thorough application of the idea of defensive driving.)

(3) No further action in the case will occur if the accident is judged to be nonpreventative. All findings and recommendations of the Accident Review Board will be put in writing. The employee in question will be notified of the Board's decision within five days and shall have access to the Board's written findings and recommendations.

(4) If the employee is dissatisfied with the findings and recommendations, he/she may make one appeal to the Town Council. The decision of the Town Council will be final.

(5) All evidence, findings, and recommendation are to be permanently inserted in the employee's personnel file.

(6) All Board hearings will be in public, but the deliberations are to occur in private.

SECTION 38: GRIEVANCE PROCEDURE.

A grievance is a written expression by an employee who believes that he/she has been treated unfairly or unjustly. A grievance may refer to practices or working conditions. All employees are encouraged to use the grievance procedure.

(A) After a grievance is filed, the Town Council's President may either discuss the grievance with the party involved or refer the matter to the Town Council.

(B) The Town Council may initially discuss the grievance or may refer it to an individual member or other person for discussion.

(C) Upon referral to an individual, member or designated person he/she shall review the grievance with the employee and examine all relevant facts. A final recommendation by the Town Council's member or designee will be the result of the meeting.

(D) The Town Council shall then determine whether or not any appropriate action is necessary. The recommendation of the Town Council's designee and determination by the Town Council shall be put in writing and filed in the employee's personnel file.

SECTION 39: DISCIPLINE AND DISCHARGE.

(A) The purpose of sections 41 through 46 inclusive is to give employees a reasonable view of the standards, requirements and expectations of the town which are not covered elsewhere in this Ordinance. Work rules described herein are not all-inclusive and the omission of a specific policy prohibiting a particular kind of conduct does not mean the conduct is acceptable to the town.

(B) It is also the purpose of sections 41 through 46 inclusive to describe the town's general philosophy concerning discipline and discharge. Each relevant situation presents a unique set of circumstances which will be reviewed and decided on its individual facts and in the context of the surrounding circumstances.

SECTION 40: GROUNDS FOR DISCIPLINARY ACTION.

Employees who engage in one or any combination of the following infractions will be subject to disciplinary action by the Town Council:

- (A) Negligence on the job.
- (B) Disobedience of orders.
- (C) Conduct that disregards the public good.
- (D) Repeated tardiness and/or absence.
- (E) Immorality or illegal behavior or actions.

SECTION 41: TARDINESS.

Tardiness for nonsupervisory personnel is defined as late arrivals past the stated starting time for the work day. Two late arrivals in a pay period may

result in written notice from the Department Head. Three written notices in any 12-month period may result in termination of employment.

SECTION 42: EXTENT OF AUTHORITY.

The Town Council may discipline an employee who commits any of the above infractions and may impose any of the following disciplinary actions without a hearing:

- (A) Verbal warning.
- (B) Written reprimand.
- (C) Suspension from work with or without pay.
- (D) Discharge.

SECTION 43: PROGRESSIVE DISCIPLINE.

(A) Normally, misconduct or unsatisfactory performance by an employee will be subject to a progressive disciplinary system, except as circumstances might otherwise suggest.

(B) A progressive system of discipline is designed to allow both the town and its employees to address misbehavior through communication and consistent action.

(1) Verbal warnings will first be used in all offenses, but may not be the only means of discipline applied, depending upon the severity of the situation as determined by the Town Council.

(2) Should the offense continue past the occasion upon which the verbal warning was given, the result will then be a written reprimand.

(3) An additional offense, including but not limited to a repetition of the first offense or incident, within 12 months of the first offense or incident, will result in a written warning and a one- to three-day suspension with or without pay.

(4) A third offense or incident, including but not limited to the repetition of previous offenses or incidents, within 12 months of the second offense or incident, will result in immediate discharge.

SECTION 44: OFFENSES THAT MAY RESULT IN IMMEDIATE DISCHARGE.

The offenses listed below are examples of conduct for which the employee may be discharged immediately. This listing is not intended to be all-inclusive but rather to be illustrative in nature.

(A) Reporting to work under the influence of alcohol or other drugs except as prescribed by a physician.

(B) Drinking and/or possession of alcoholic beverages or using and/or possessing drugs except as prescribed by a physician while on the job, and/or any violation of the Drug-Free Workforce Policy contained in the 1989 Drug-Free Workforce Act.

(C) Fighting while on the job.

(D) Threatening employees or other citizens while on the job.

(E) Theft while on the job.

(F) Theft from the town, which shall include unauthorized use of town property or equipment.

(G) Intentional or grossly negligent destruction or damaging of property.

(H) Representing oneself as a town employee in order to aid in committing or attempting to commit a felony or misdemeanor.

(I) Failure to comply with a Town order.

(J) Possession of dangerous weapons while on the job, except when an employee is specifically authorized to possess dangerous weapons.

(K) Immoral or indecent conduct or use of abusive language while on the job.

(L) Falsification of town records or any records kept by the town.

(M) Conviction of a felony.

(N) Unauthorized disclosure of any confidential town information.

SECTION 45: RULES AND REGULATIONS.

The purpose of the stated rules and regulations in sections 49 through 60 inclusive is to help maintain a high level of conduct on the part of the employees of the town. In no way do these directives try to dictate personal manners or lifestyles, but they do seek to promote the effective skills and services that characterize the town's employees. The rules and regulations are to be used as guidelines and should not be seen as applying only to the general ideas listed here; town employees should also incorporate their own view of positive work habits.

SECTION 46: PERFORMANCE ON THE JOB.

Every town employee shall devote his/her full time and attention to the task at hand while on the job.

SECTION 47: EMPLOYEES TO OBEY LAWS.

Employees must obey all laws, ordinances, and statutes of the town, the state, and the United States of America.

SECTION 48: DISAGREEMENTS.

Differences of opinion between town employees about any policies or practices must be settled with tact and courtesy. If a final judgment is required, the supervisor or immediate superior may be requested to make it. Arguments will not be tolerated.

SECTION 49: SLANDER.

False or base statements, written or verbal, about the conduct of another employee are strictly forbidden. The name of another employee may not be used for the purposes of criticizing other employees without the consent of the said employee. Both offenses are liable for disciplinary action.

SECTION 50: SOLICITATION.

No town employee shall attempt to obtain the services of either a female, child, or adult, in order to perform an illicit act. Violation of this regulation will result in termination.

SECTION 51: THEFT.

Employees will not take articles of any kind, regardless of value, from any work site, emergency scene, or property that is public or private with the intent of depriving the legal owner. Violation of this regulation will result in swift and sure punishment.

SECTION 52: BRIBERY.

Employees shall reject any attempt by an individual, group, or organization to bribe or compensate for services rendered while on the job; and shall report all such attempts to the Town Council.

SECTION 53: NOTICE OF ABSENCE OR DELAY.

Employees who realize that they will be unavoidably late or absent from work must notify the Town's Clerk-Treasurer at the earliest possible moment. Persistent lateness or absenteeism will not be tolerated.

SECTION 54: FAILURE TO NOTIFY

Failure to appear at work without notification and without a reasonable explanation will be considered as absent without leave and subject to disciplinary action.

SECTION 55: COMMITMENT TO QUALITY.

Employees will strive to obtain all skills and knowledge necessary to perform their job and effectively represent the town. Indifference, insubordination, and improper conduct will not be tolerated.

SECTION 56: SEXUAL AND RACIAL HARASSMENT.

Sexual and racial harassment in writing, speech, visual or audio display, and gestures, are serious violations against American society and will be severely punished. Victims of such harassment are encouraged to report violations to the Town Council who must then take immediate disciplinary action.

SECTION 57: POLITICAL INVOLVEMENT.

An employee may not perform any election or political campaign-related function or act if said employee is wearing his/her uniform of the town. This does not pertain to voting.

SECTION 58: PERSONNEL REPORT.

Employees who change their address, telephone number, marital or dependent status must report the new information to the Clerk-Treasurer within five calendar days of the change.

SECTION 59: All references made in this Ordinance to the Town Council's President shall be deemed to designate the Town's Clerk-Treasurer or other person designated by the Town Council's President whenever the Town Council's President shall not be available.

SECTION 60: All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.

SECTION 61: This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed and approved the 16th day of December , 1996, by 3 (X) voting aye and 0 () voting no.

Recorded the 16th day of Dec , 1996.

Presented to and approved to me this 16 day of December , 1996.

M. Joanne Sauder
M. JOANNE SAUDER, as President of
the Town Council of the Town
of Grabill, Indiana.

Attest:

Glenda A. Whittern
Glenda Whittern
Clerk/Treasurer

RESOLUTION
OF
TOWN OF GRABILL

WHEREAS, pursuant to IC 36-1-7 and IC 23-7-1.1, the TOWN OF GRABILL desires to combine with other governmental entities of the State of Indiana in a group self-funded program to be known as the "Indiana Public Employers' Plan, Inc.", an Indiana not-for-profit corporation, (hereinafter referred to as "I-PEP" or the "Plan") for the purpose of paying and administering their respective obligations to their employees and dependents under the Indiana Worker's Compensation Act (IC 22-3-2 through IC 22-3-7), the Indiana Employers' Liability Act (IC 22-3-9), hereinafter referred to as the "Acts", and;

WHEREAS, as the governing body of the aforesaid governmental entity of the State of Indiana, as defined by IC 34-4-16.5-2 (c), we desire to give and grant authority the below-named person to execute for and on behalf of this body a Membership Agreement with the Plan and to provide and execute such other documents as are necessary to affect membership in and the purposes of the Plan.

THEREFORE, SE IT RESOLVED THAT:

1. Glenda Whittern is hereby authorized to execute for and on behalf of this body a Membership Agreement in the Indiana Public Employers' Plan, Inc., ("Plan") and provide and execute such other documents as may be necessary to affect membership in and the purposes of the Plan.
2. The fiscal officer of TOWN OF GRABILL is hereby authorized to pay or cause to be paid any and all amounts required of the Plan in order to affect membership in and the purposes of the Plan, subject to the prior appropriation of such amounts by the body.

SO RESOLVED, this 23rd day of December , 19 98 at 19 Grabill , Indiana.

(appropriate signatures)

Glenda A. Whittern, Clerk Treasurer

GLEND A WHITTERN, CLERK TREASURER

ORDINANCE NO. 428

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF GIFTS

Be it ordained by the Town of Grabill, County of Allen, State of Indiana, as follows:

PREAMBLE

WHEREAS, state law authorizes a town to accept donations of money or other property; and WHEREAS, the Town of Grabill from time to time may receive contributions, donations or gifts; and WHEREAS, contributions, donations or gifts may be unrestricted or proposed as restricted and some donors may wish to remain anonymous, NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, COUNTY OF ALLEN, STATE OF INDIANA, AS FOLLOWS:

SECTION ONE

- A. Unrestricted donations, contributions or gifts are defined as those to which the donor does not attach terms, conditions or purposes.
- B. Restricted donations, contributions or gifts are defined as those to which the donor attaches terms, conditions or purposes.
Donations, contributions or gifts are referred to hereafter as either
- C. "unrestricted donations", "restricted donations", "donation" or "donations".

SECTION TWO

- A. The Town Council must accept or reject, in writing, any proposed donation.
 - 1. The Town Clerk Treasurer may accept and provide a receipt for unrestricted donations.
Restricted donations may be accepted only if the Town Council
 - 2. agrees in writing to the terms, conditions or purposes attached to the proposed donation.
Unrestricted donations, if accepted, must be deposited into the Town's general operating fund. Expenditures of such donations from the general operating fund shall be made only after an appropriation has been
- B. approved for such expenditure. Following such appropriation, claims must be filed and approved before disbursements can be made from the general operating fund.
- C. Restricted donations, if accepted, shall be placed into a separate fund dedicated to each such donation and appropriately designated to identify

it. Expenditures from each such fund may be made only for the purpose and under the terms and conditions agreed to upon accepting the donation.

1. No further appropriation is required for expenditure of a restricted donation for the designated purpose.
2. Claims must be filed and approved before disbursements can be made from a restricted fund.

At the discretion of the Town Clerk Treasurer, a control fund may be established for all restricted donations. Separate accounts would then

3. be established for each restricted donation or for each type of restricted donation. Receipts, disbursements, and balances of the separate accounts would be entered in the control fund.

- Income from investments on restricted donations must be credited into the same fund or account into which the principal of the donation has been deposited. Such income must be used for the same purpose as the principal except when the terms under which the donation was accepted require that the principal be held in trust in perpetuity and
4. that only the income therefrom be used for the purpose set forth in the acceptance of the donation. When only the income can be expended, two funds or accounts shall be established; one account is to be designated as the "principal" and the other is to be designated as the "interest", with expenditures to be permitted only from the interest account.

SECTION THREE

Pursuant to the provisions of IC 5-14-3-4, the identity of a donor of a donation shall not be disclosed if the donor requires nondisclosure of his or her identity as a condition of making the gift or if, after the gift is made, the donor or a member of the donor's family requests nondisclosure.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, ON THE 24th DAY OF September , 2003.

Town Council of the Town of Grabill, Indiana

Wilmer Delagrange

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern

Glenda A Whittern

Clerk Treasurer

RESOLUTION 2007-08-08-B

**WHEREAS, the Town Council of Grabill recognizes the importance of providing medical insurance for employees of the town and
WHEREAS, the cost of doing so has been found to be within the ability of the General Fund to provide**

THE TOWN COUNCIL OF GRABILL hereby resolves to provide 50% of the premium each month for the first 12 months and an additional 10% each year until the entire premium is covered.

So Approved this 8th day of Aug , 2007

**Town Council of Grabill
Wilmer Delagrange
Wilmer Delagrange,
President**

**Gregory Liechty
Gregory Liechty**

Lynn Witt

ATTEST:

**Glenda A. Whittern
Glenda A Whittern
Clerk Treasurer**

RESOLUTION NUMBER 1264-2012
CREDIT CARD USAGE

BE IT RESOLVED, By the Town Council of the Town of Grabill, Indiana.

WHEREAS, There are times for the needed usage of a credit card for business related services: and

WHEREAS, The Town Council hereby authorizes the Clerk-Treasurer to hold and control the usage of said credit card; and

WHEREAS, The employee user will be required to state the purpose for which the card will be issued and then sign the credit card out, once the purpose for which the card was issued is accomplished, the card should be returned to the designated official. It would go without saying; all costs incurred and charged with the credit card must be business related and not personal in nature.

WHEREAS, All claims filed in connection with use of the credit cards must be itemized as provided in IC 5-11-10 before being approved and paid. If the claims are not itemized or properly documented, they will be returned to the employee user for correction. If an employee incurs any interest or penalty due to late filing or the furnishing of documentation, the employee will be held responsible for paying the interest or penalty charged.

BE IT ORDAINED by the Town Council of the Town of Grabill; hereby allows the usage of paying claims filed in the proper manner with a credit card held by the Clerk- Treasurer of the Town of Grabill.

This Resolution was read and approved by the Town Council of the Town of Grabill on this 22 day of Aug 2012.

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead

Jeff Smead, Vice President

Candace DeCamp
Candace Decamp,
Councilwoman

ATTEST: Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

ORDINANCE 669-2017
AMEND PERSONNEL POLICY
TRAVEL SECTION 13 AND
INSURANCE SECTION 17

BE IT RESOLVED, By the Town Council of the Town of Grabill, Indiana.

WHEREAS, The Grabill Town Council agrees to amend its personnel policy [ORDINANCE NO. 355](#); section 13 and Section 17, and

WHEREAS, The Grabill Town Council strikes the wording from [Section 13](#): “ATTENDING SIMINARS AND MEETINGS” to insert “Travel and Expense Reimbursements”; and **WHEREAS**, The Grabill Town Council agrees to add C. D. E. F. G. H. to Section 13 Travel and Expense Reimbursements:

C. An employee may be reimbursed for mileage at the federal government mileage rate for the use of privately owned automobiles for official business. However, such reimbursement may be made only if the employee carries motor vehicle liability insurance as required by law, and demonstrates proof, D: An employee must file all receipts on a claim form. Employee must state origin and destination of each trip in sufficient detail to account for the mileage claimed. No reimbursements are payable for travel between home and office. Claims, with receipts, must be turned into the Clerk treasurer’s office within thirty-(30) days of the trip. Charges for parking are reimbursable on any day when an employee is entitled to claim reimbursement for mileage during the business trip.

E: Travel by commercial airlines, rail service, or bus will be reimbursed for the prevailing “tourist” or “couch” rate when authorized and supported by original receipts., F: Meals will be reimbursed when supported by original receipts. Such gratuity should be reasonable and not to exceed twenty percent.

G: Reimbursement for lodging costs shall include room costs, associated local taxes, and necessary business related charges.

H: Personal expenses incurred in traveling are not reimbursable, including but not limited to, personal telephone calls, laundry, entertainment, in room movies and alcoholic beverages.

WHEREAS, The Grabill Town council shall add to the towns' personnel policy [Section 17](#) second paragraph titled under Insurance: The Town Council recognizes the importance of providing medical insurance for employees of the town, and establishes that full time employees shall be fully insured for insurance coverage; (medical, dental, eye, life) 100% coverage of their monthly premiums by the Town of Grabill as set forth.

WHEREAS; All other ordinances, resolutions, or parts therefore in conflict with the provisions and intent of this ordinance are hereby repealed.

WHEREAS: This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the state of Indiana.

BE IT ORDAINED by the Grabill Town Council of the Town of Grabill; hereby passed.

This ORDINANCE was read and approved by the Town Council of the Town of Grabill on this 15 day of November 2017.

Wilmer Delagrange
Wilmer
Delagrange,
President

Jeff Smead
Jeff Smead, Vice
President

Claude E. Schrock
Claude Schrock,
Councilman

ATTEST: Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

ORDINANCE NUMBER 114

An Ordinance to Create a Cumulative Capital Improvement Fund.

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana:

SECTION 1. In accordance with the requirements of Section 8 of Chapter 225, Acts 1965 General Assembly, there is hereby created a special fund to be known as the Cumulative Capital Improvement Fund of the Town of Grabill into which the cigarette taxes allotted to the Town of Grabill by reason of subsection C (1) (C) of section 27C and section 27d of the Indiana Cigarette Tax Law being Chapter 222 of the Acts of 1947 as amended shall be deposited. Said fund shall be a cumulative fund and all of the monies deposited into said fund shall be appropriated and used solely for capital improvements as herein-after defined and none of such monies shall revert to the general fund or be used for any purposes other than capital improvements.

SECTION 2. The term "capital improvements" means the construction or improvement of any property owned by the town of Grabill including but not limited to streets, thoroughfares and sewers and the retirement of general obligation bonds of Grabill, Indiana issued, and the proceeds used for the purpose of constructing capital improvements. The term capital improvement shall not include salaries of any public officials or employees except those which are directly chargeable to a capital improvement.

SECTION 3. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved the 15th day of December , 1965.

Recorded the 15th day of December , 1965.

Presented to and approved by me this the 13th day of January , 1966.

R. E. Miller
Ray Miller as President of the

Board of Trustees of the Town
of Grabill, Indiana.

Attest:

Donna Short
Donna Short, Clerk-Treasurer.

ORDINANCE NO. 146

An Ordinance to create a special trust fund.

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana:

SECTION 1. In accordance with the requirements of Section 123 subsection A (1) of the State and Local Fiscal Assistance Act of 1972 (public law 92-512), there is hereby created a special trust fund to be known as the REVENUE SHARING TRUST FUND OF THE TOWN OF GRABILL into which the payments received under the State and Local Fiscal Assistance Act will be deposited.

SECTION 2. The moneys deposited in said trust shall be used only for priority expenditures as defined in Section 103 subsection A of the State and Local Fiscal Assistance Acts of 1972 as follows: A. Ordinary and necessary maintenance and operating expenses for --

1. public safety (including law enforcement, fire protection, and building code enforcement).
2. environmental protection (including sewage disposal, sanitation, and pollution abatement).
3. public transportation (including transit systems and streets and roads).
4. health.
5. recreation.
6. libraries.
7. social services for the poor or aged.
8. financial administration.

B. Ordinary and necessary capital expenditures authorized by law including said act and amendments thereto.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved the 6th day of December, 1972.

Recorded the 6th day of December, 1972.

Presented to and approved by me this 6th day of Dec. , 1972.

Carlton Sauder
as President of the Board of Trustees
of the Town of Grabill, Indiana.

Attest:

Alleen Kipfer
Clerk-Treasurer

ORDINANCE NO. 176

AN ORDINANCE ESTABLISHING A LOCAL ROAD AND STREET
SPECIAL DISTRIBUTION FUND, AND OTHER MATTERS
CONNECTED THEREWITH.

WHEREAS, the Town of Grabill, Indiana, will from time to time receive from various sources funds which should be properly deposited in a separate fund known as the Local Road and Street Special Distribution Fund

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

Section 1. That there is hereby established as a separate fund of the Town of Grabill a fund to be known as the Local Road and Street Special Distribution Fund.

Section 2. The Clerk-Treasurer is hereby authorized to deposit in said fund all funds properly depositable in said fund, including, without limitation, such funds as are received from other governmental sources for maintenance purposes of the streets, roads, and alleys, of the Town.

Section 3. The Clerk-Treasurer is hereby authorized to make disbursements from said Fund, in accordance with such appropriations as the Board of Trustees shall make from time to time.

Section 4. 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 Grabill, on the 15th day of May , 1978.

TOWN OF GRABILL, INDIANA

Ronald W. Shaw
Ronald W. Shaw

Wilbur S. Secrist
Wilbur S. Secrist

M. Joanne Sauder
M. Joanne Sauder

BOARD OF TRUSTEES

ATTEST:

Alleen Kipfer
Alleen Kipfer, Clerk-Treasurer

ORDINANCE NO. 177

AN ORDINANCE ESTABLISHING A MOTOR VEHICLE HIGHWAY FUND, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town of Grabill, Indiana, will from time to time receive from various sources funds which should be properly deposited in a separate fund known as the Motor Vehicle Highway Special Distribution Fund.

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

Section 1. That there is hereby established as a separate fund of the Town of Grabill a fund to be known as the Motor Vehicle Highway Special Distribution Fund.

Section 2. The Clerk-Treasurer is hereby authorized to deposit in said fund all funds properly depositable in said fund, including, without limitation, such funds as are received from other governmental sources for maintenance purposes of the streets, roads, and alleys, of the Town.

Section 3. The Clerk-Treasurer is hereby authorized to make disbursements from said Fund, in accordance with such appropriations as the Board of Trustees shall make from time to time.

Section 4. 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 Grabill, on the 15th day of May , 1978.

TOWN OF GRABILL, INDIANA

Ronald W. Shaw
Ronald W. Shaw

Wilbur S. Secrist

Wilbur S. Secrist

M. Joanne Sauder

M. Joanne Sauder

BOARD OF TRUSTEES

ATTEST:

Alleen Kipfer

Alleen Kipfer, Clerk-Treasurer

ORDINANCE NO. 325

An Ordinance establishing an economic development income tax fund.

Be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: There is hereby established an economic development income tax fund.

SECTION 2: The revenue received by the Town pursuant to the provisions of the County Economic Development Income Tax as provided in I.C. 6-3.5-7 shall be deposited in the Town's Economic Development Income Tax Fund and shall be used for the purposes set forth in said law as designated by the Town Council from time to time.

SECTION 3: All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed and approved the 13th day of July, 1994, by 3 () voting aye and 0 () voting no.

Recorded the 13th day of July, 1994.

Presented to and approved to me this 13th day of July, 1994.

M. Joanne Sauder
M. JOANNE SAUDER, as President of
the Town Council of the Town
of Grabill, Indiana.

Attest:

Glenda A. Whittern

Glenda Whittern
Clerk/Treasurer

GRABILL TOWN COUNCIL

Ordinance No. 375

AN ORDINANCE ESTABLISHING THE TOWN OF GRABILL PROMOTIONAL FUND FOR GRABILL INDIANA

WHEREAS, it is in the best interests of the citizens of Grabill, Indiana that a fund be established under the supervision and control of the Grabill Town Council, for the promotion of the Town of Grabill, Indiana.

NOW, THEREFORE, BE IT ORDAINED that:

1. There is hereby established the Town of Grabill, Indiana, a Promotional Fund for Grabill, Indiana.

Any person, corporation, or other legal entity may, by written application to the Grabill Town Council, request monies from this fund for the promotion of the Town of Grabill or for the benefit of its citizens or organizations. Promotion of the Town of Grabill or the benefit of its citizens or organizations includes, but is not limited to, events, entertainment, awards or gifts to individual citizens or organizations and includes matters involving development of the Town of Grabill,

2. assistance to its organizations or citizens, improvement of the environment, and the protection of the health, safety, and welfare of the Town and its citizens as it relates to the economic benefit and betterment of the Town of Grabill, its citizens and organizations.

Amended by [Ordinance No. 414](#), adopted 6/26/2002.

☐ +/- { view archive }

- Any written application for proceeds from this fund may be submitted for consideration by the Town Council at it's next regularly scheduled
3. meeting. The Clerk-Treasurer may advise the applicant of the meeting date and time, in order that the applicant may appear and be heard by the Town Council as to the merits of the applicant's request.

At the hearing before the Town Council, the applicant may appear and supplement its application by verbal testimony, written exhibit, or such
4. other information it deems will illustrate its request. The Town Council may request additional information regarding the applicant's application as it deems necessary.

After the presentation of all information, the Town Council, at its sole discretion, shall determine whether or not the applicant's petition should be approved or denied. In the event an application is approved, the Town
5. Council, at its sole discretion, shall establish, as part of its approval, the amount of money which should be granted to the applicant from the fund. All decisions of the Town Council regarding approval, disapproval, and amount of funds approved, if any, are final and non-appealable.

Passed by the Town Council of the Town of Grabill, this 24th day of June , 1998.

TOWN COUNCIL, TOWN OF GRABILL,
ALLEN COUNTY, INDIANA:

M. Joanne Sauder
M. Joanne Sauder, President

Gregory Smitley
Greg Smitley, Board Member

Wilmer Delagrange
Wilmer Delagrange, Board Member

ATTEST:

Glenda A. Whittern
Glenda Whittern, Clerk-Treasurer of
the Town of Grabill, Indiana

RESOLUTION # 499

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 416-A](#), adopted 6/5/2002.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #499R: Establishes Rainy Day Fund (12/12/2001)

ORDINANCE NO. 416-A

**AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A
GRABILL, INDIANA RAINY DAY FUND**

Be it ordained by the Town of Grabill, County of Allen, State of Indiana, as follows:

PREAMBLE

WHEREAS, state law authorizes a town to establish a rainy day fund; and

WHEREAS, the Town of Grabill has unused and unencumbered funds from time to time; and

WHEREAS, as circumstances require, there may be a need to appropriate unused funds for other needs of the Town of Grabill, in accordance with statutory procedures and requirements, for the welfare and benefit of the town as a whole.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, COUNTY OF ALLEN, AS FOLLOWS:

SECTION ONE

Pursuant to the provisions of IC 36-1-8-5.1, a Rainy Day Fund for the Town of Grabill is hereby established.

SECTION TWO

The Rainy Day Fund is subject to the same appropriation process as other funds which receive tax money.

SECTION THREE

Before making an appropriation from the Rainy Day Fund, the Town Council shall make a finding that the proposed use of the Rainy Day Fund is consistent with the intent of the fund, which is to use the funds for infrastructure and capital improvement projects.

SECTION FOUR

In any fiscal year, not more than ten percent (10%) of the Town of Grabill's total budget for that year may be transferred to the Rainy Day Fund.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, on the 5th day of June , 2002.

Town Council of the Town of Grabill, Indiana

Wilmer Delagrange

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern

Glenda A Whittern, Clerk-Treasurer

Editor's Note: See [Ordinance 633-2011](#), adopted 9/21/2011, regarding amendments to the terms of the Rainy Day Fund.

**AN ORDINANCE AMENDING ORDINANCE No. 375 OF THE
ORDINANCES OF THE TOWN OF GRABILL, INDIANA**

WHEREAS, [Ordinance No. 375](#) was passed by the Town Council of the Town of Grabill, State of Indiana, on June 24, 1998; and WHEREAS, an amendment of a portion of the wording in [Section 2 of Ordinance No. 375](#) is necessary to clarify the intent of the original ordinance; NOW, THEREFORE, BE IT ORDAINED that;

[Ordinance No. 375, Section 2](#), is hereby amended by deleting the present Section 2 and replacing it with the following:

Any person, corporation, or other legal entity may, by written application to the Grabill Town Council, request monies from this fund for the promotion of the Town of Grabill or for the benefit of its citizens or organizations. Promotion of the Town of Grabill or the benefit of its citizens or organizations includes, but is not limited to, events,

2. entertainment, awards or gifts to individual citizens or organizations and includes matters involving development of the Town of Grabill, assistance to its organizations or citizens, improvement of the environment, and the protection of the health, safety, and welfare of the Town and its citizens as it relates to the economic benefit and betterment of the Town of Grabill, its citizens and organizations.

This amendment to [Section 2 of Ordinance 375](#) shall be in full force and effect from and after its passage by the Town Council of Grabill, Indiana.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, on the 26th day of June , 2002.

Town Council of the Town of Grabill, Indiana

Wilmer Delagrange

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern

Glenda A Whittern, Clerk Treasurer

RESOLUTION NO. 1128-2007-2

To create a donation fund entitled Town of Grabill Food Bank

We, the town council of the town of Grabill, do hereby resolve to create a donation fund as described in [Ordinance #428](#), entitled Town of Grabill Food Bank

All contributions or gifts received by this fund will be distributed to individuals that are referred by the Cedar Creek Township Trustee, the Grabill Missionary Church, or the Crossview Church.

This fund will also distribute gifts and monetary donations to "Christmas Families" referred by the Cedar Creek Township Trustee, the Grabill Missionary Church, or the Crossview Church.

This fund will in all ways be governed by the aforementioned [Ordinance #428](#).

Passed and accepted this 28 day of Nov , 2007

Town Council of Grabill

Wilmer Delagrange
Wilmer Delagrange

Greg Liechty
Greg Liechty

Lynn Witt
Lynn Witt

Attest:

Glenda A. Whittern
Glenda A Whittern
Clerk Treasurer

No. 637-2013

**ORDINANCE ESTABLISHING
CUMULATIVE CAPITAL DEVELOPMENT FUND
UNDER INDIANA CODE §36-9-15.5 *et seq.***

BE IT RESOLVED by the Town Council of the Town of Grabill, Allen County, Indiana that a need now exists for the establishment a Cumulative Capital Development Fund (the “Fund”) for all uses set out in INDIANA CODE § 36-9-15.5-2;

BE IT FURTHER RESOLVED that, the Town Council will adhere to the provisions of INDIANA CODE § 36-9-15.5-5-6. The Fund will not exceed:

\$0.0167 per \$100 of assessed valuation beginning with taxes payable in 2014;

\$0.0333 per \$100 of assessed valuation payable in 2015, and

\$0.05 per \$100 of assessed valuation payable in 2016 and thereafter, continuing until duly reduced or rescinded.

BE IT FURTHER RESOLVED that, the Clerk-Treasurer for the Town of Grabill is hereby directed, in accordance with INDIANA CODE § 6-1.1-41-3, to publish a Notice of Adoption in accordance with INDIANA CODE § 5-3-1-2(i).

BE IT FURTHER RESOLVED that, proofs of publication of the public hearing held on the 19th day of June, 2013, and a certified copy of this Ordinance be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. This Cumulative Fund is subject to the approval of the Department of the Local Government Finance.

Passed by the Town Council of the Town of Grabill, Allen County, State of Indiana, this 19th day of June, 2013.

TOWN COUNCIL OF THE TOWN
OF GRABILL, INDIANA

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead
Jeff Smead, Member

Candace J. DeCamp, Member

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

**ORDINANCE NUMBER 259-2016
OF THE TOWN OF GRABILL, INDIANA**

**AN ORDINANCE CREATING A LOIT SPECIAL DISTRIBUTION
FUND**

Whereas, the Common Council of the Town of Grabill, Indiana, pursuant to Indiana Code § 6-3.6-9-17, establishes the LOIT Special Distribution Fund to be governed by the applicable statutory provisions provided therein.

Now, Therefore the Common Council of the Town of Grabill, Indiana, Ordains and Enacts the Following:

- 1) **Creation of LOIT Special Distribution Fund.** A new non-reverting fund to be known as the LOIT Special Distribution Fund (“Fund”), and which is to be given number 257 as instructed by the Indiana State Board of Accounts, is now established. The Fund shall receive monies from the one-time special distribution under SEA 67.

Senate Bill 67

Local income tax distributions. Provides for a supplemental distribution of local income taxes when the balance in a county’s local income tax trust account exceeds 15% (rather the 50%, under current law) of the certified distributions to be made to the county. Specifies the accounting, allocation, method and distribution requirements for supplemental distributions. Requires before May 2016 a one time special allocation of the balance in a county’s trust account as December 31, 2014. Provides that a taxing unit’s allocation amount is to be determined in the same manner as a supplemental distribution would have generally been determined under the former income taxes. Requires a special distribution of the allocation amount. Provides that at least 75% of the distributions made to a county, city, or town must be: (1) used exclusively for local road contraction, maintenance, or repair, or capital projects for aviation, including capital projects of an airport authority; or (2) deposited in a rainy day fund and later used for

those purposes. Provides that any remaining distribution to a county, city, or town may be used for any purposes of the county, city, or town. Requires the allocation amount for other taxing units to be deposited in the taxing unit's rainy day fund.

- Construction of Clause Headings.** The clause headings appearing in this ordinance have been provided for convenience and reference, and
- 2) do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

- Repeal of Conflicting Ordinances.** The provisions of all other
- 3) ordinances in conflict with the provisions of this ordinance are of no further force or effect, and are now repealed.

- Severability of Provisions.** If any part of this ordinance is held to be
- 4) invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

- Duration and Effective Date.** The provisions set forth in this ordinance
- 5) become and will remain in full force and effect on day of the passage and adoption of this ordinance by signature of the executive in the manner prescribed by Indiana Code § 36-4-6-15, 16.

Introduced and Filed on the 15 day of June , 2016.

DULY PASSED on this 15 day of June , 2016, by the Common Council of the Town of Grabill, Allen County, Indiana.

June , 2016 at 8:55 o'clock a.m./p.m.

Town of Grabill, Indiana, By it Common Council:

Wilmer Delagrange
Wilmer
Delagrange,
President

Jeff Smead
Jeff Smead, Vice

President

Claude E. Schrock
Claude Schrock,
Councilman

Attest:

Cynthia Barhydt
Cynthia Barhydt
City Clerk-Treasurer

260-2016

**ORDINANCE ESTABLISHING
CUMULATIVE
CAPITAL DEVELOPMENT FUND
UNDER INDIANA CODE § 36-9-15.5 *et seq.***

BE IT RESOLVED by the Town Council of the Town of Grabill, Allen County, Indiana that a need now exists for the re-establishment a Cumulative Capital Development Fund (the “Fund”) for all uses set out in INDIANA CODE § 36-9-15.5-2: BE IT RESOLVED. that the Town Council will adhere to the provisions of INDIANA CODE § 36-9-15.5-5-6. The proposed Fund will not exceed:
\$0.0333 per \$100 of assessed valuation beginning with taxes payable in 2017; and
\$0.05 per \$100 of assessed valuation payable in 2018, thereafter, continuing until duly reduced or rescinded.

BE IT FURTHER RESOLVED that. the Clerk-Treasurer for the Town of Grabill is hereby directed, in accordance with INDIANA CODE § 6-1.1-41-3. to publish a Notice of Adoption in accordance with INDIANA CODE §5-3-1-2(i).

BE IT FURTHER RESOLVED that proofs of publication of the public hearing held on the 29th day of June, 2016, and a certified copy of this Ordinance be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. This Cumulative Fund is subject to the approval of the Department of the Local Government Finance.

Passed by the Town Council of the Town of Grabill, Allen County, State of Indiana. this 29th day of June, 2016.

TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA

Wilmer Delagrange, President

Jeff Smead

Jeff Smead, Member

Claude E. Schrock

Claude E. Schrock, Member

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer

Resolution No. 1316-2018

COMMUNITY CROSSING GRANT FUND AND TRANSFER FUND

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,

WHEREAS, the Town Council was informed of the need to transfer (\$100.000.00) of CEDIT funds into a newly created revenue fund called fund number **447** Community Crossing Matching Grant Fund classification; and

WHEREAS, the said Town Council having considered the sums as determined by Clerk-Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office,

NOW, THEREFORE, BE IT ORDAINED AND PASSED by the Common Council of the Town of Grabill meeting in regular sessions as follows:

Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others pursuant to I.C. 6-1.1-18-6, as evidenced by [Exhibit “A”](#), attached hereto and incorporated by reference herein.

DULY PASSED AND ADOPTED this 16th day of May, 2018 by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 16 day of May 2018, at the hour of 7:30 P.M.

Town Council of Grabill

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead, Vice-President

Claude E. Schrock
Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

EXHIBIT A

1000,000.00 FROM CREDIT FUND 444 TO FUND **447** COMMUNITY
CROSSING MATCHING GRANT FUNDS

RESOLUTION

Editor's Note: This resolution is Archived. It deals with Housing Rehabilitation using CDBG money.

Editor's Note: Photographs of the pages of this resolution:

 (ARCHIVED) Housing Rehabilitation Program with CDBG Money
(2/8/1978)

ORDINANCE NO. 198

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 229](#), adopted 12/20/1985.

Editor's Note: Photographs of the pages of this ordinance: ☐ (VOID)
#198: Adopting Account Services Contract (3/17/1982)

☐ (VOID) #198: Account Services Contract (3/17/1982) - Page 1

☐ (VOID) #198: Account Services Contract (3/17/1982) - Page 2

☐ (VOID) #198: Account Services Contract (3/17/1982) - Page 3

☐ (VOID) #198: Account Services Contract (3/17/1982) - Page 4

☐ (VOID) #198: Account Services Contract (3/17/1982) - Page 5

ORDINANCE NUMBER 229

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 250](#), adopted 9/16/1987.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #229: Accounting Services Contract (12/20/1985)

ORDINANCE NO. 250

Editor's Note: This ordinance is Archived. It has not been replaced, but has likely expired or been allowed to lapse.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (ARCHIVED) #250: Accounting Services Contract (9/16/1987)

Ordinance # 283

The Town Council of Grabill does hereby establish a Payroll Account effective October 1, 1989.

Approved and adopted October 17, 1989

M. Joanne Sauder

R. E. Miller

Jeff Gray

Mary Ann Carnahan
ATTEST

ORDINANCE NO. 326

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 343](#), adopted 8/10/1995.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #326: Pre-Approval of Certain Claims (7/13/1994) - Page
1

 (VOID) #326: Pre-Approval of Certain Claims (7/13/1994) - Page
2

AMENDED ORDINANCE NO. 343

An Ordinance granting approval to the Clerk-Treasurer to make certain claim payments in advance of Council allowance.

Be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: The Clerk-Treasurer is hereby authorized, by the written approval of the Town Council, evidenced by this Ordinance, to make claim payments in advance of the Council's allowance for the following type of expenses to-wit:

1.01 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.

1.02 License fees or permit fees.

1.03 Insurance premiums

1.04 Utility payments or utility connection charges.

1.05 Federal grant programs if:

- (A) advance funding is not prohibited; and
- (B) the contracting party provides sufficient security for the amount advanced.

1.06 Grants of state funds authorized by statute.

1.07 Maintenance agreements or service agreements.

1.08 Lease agreements or rental agreements.

1.09 Principal and interest payments on bonds.

1.10 Payroll.

1.11 State, federal, or county taxes.

1.12 Emergency payments.

1.13 Products or services for which the town legislative body has accepted a bid.

SECTION 2: Each payment of expenses pursuant to this Ordinance must be supported by a fully itemized claim.

SECTION 3: The Town Council shall review and allow the claim at the body's next regular or special meeting following the pre-approved payment of the expense.

SECTION 4: All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed and approved the 10 day of Aug , 1995, by 3 (3) voting aye and 0 (0) voting no.

Recorded the 10th day of Aug , 1995.

Presented to and approved to me this 10 day of Aug , 1995.

M. Joanne Sauder
M. JOANNE SAUDER, as President
of the Town Council of the Town
of Grabill, Indiana.

Attest:

Glenda A. Whittern
Glenda Whittern
Clerk/Treasurer

ORDINANCE 360 CAPITALIZATION POLICY

Editor's Notes: This ordinance is Void. It was replaced by [Ordinance No. 632-2010](#), adopted 10/21/2010.

Photographs of the pages of this ordinance:

- ☐ +/- (VOID) #360: Fixed Asset Capitalization Policy (4/7/1997) - Page 1
- ☐ +/- (VOID) #360: Fixed Asset Capitalization Policy (4/7/1997) - Page 2
- ☐ +/- (VOID) #360: Fixed Asset Capitalization Policy (4/7/1997) - Page 3
- ☐ +/- (VOID) #360: Fixed Asset Capitalization Policy (4/7/1997) - Page 4
- ☐ +/- (VOID) #360: Fixed Asset Capitalization Policy (4/7/1997) - Page 5
- ☐ +/- (VOID) #360: Fixed Asset Capitalization Policy (4/7/1997) - Page 6

ORDINANCE NO. 378 PURCHASING ORDINANCE

A. Designation of Purchasing Agency and Purchasing Agent

The Grabill Town Council is hereby designated as the Purchasing Agency for the Town of Grabill, and shall exercise all of the powers and duties authorized under I.C. 5-22 *et. seq.*

The Grabill Town Council hereby designates the Clerk-Treasurer for the Town of Grabill as the Purchasing Agent for the Town of Grabill. The Clerk-Treasurer shall exercise all of the powers and duties of a purchasing agent authorized under I.C. 522 *et. seq.* The Town Council retains the right to change this designation or to designate additional purchasing agents as necessary.

The following are the required purchasing rules for Grabill, Indiana:

B. Purchase of United States Products Only

The purchasing agent shall purchase only supplies manufactured in the United States unless the Town Council determines that:

- (A) the needed supplies are not manufactured in the United States in reasonably available quantities;
- (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;
- (C) the quality of the supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere; or
- (D) the purchase of supplies manufactured in the United States is not in the public interest.

C. Limitations on Purchasing Agent's Authority

The Purchasing Agent(s) may purchase goods and supplies on behalf of the Town at his/her discretion provided that the amount of the purchase does not exceed five hundred and no/100 Dollars (\$500.00). If the Purchasing Agent(s) expect any single purchase to exceed (\$500.00), then the Purchasing Agent(s) must first obtain approval from the Town Council for the expenditure.

Furthermore, regardless of the size of any individual purchase, the Purchasing Agent(s) may not spend an aggregate amount of more that two thousand and no/100 (\$2,000.00) on goods and supplies in any single month without first obtaining approval of the Town Council.

D. Bidding Requirements

1. Purchases Under 25,000

The Purchasing Agent may purchase supplies with an estimated cost of less than \$25,000 on the open market without inviting or receiving quotes or bids.

2. Purchases Between \$25,000 and \$75,000

If the Purchasing Agent expects a purchase to be at least \$25,000, but not more than \$75,000, the Purchasing Agent may make the purchase by inviting three (3) quotes from persons known to deal in the types of supplies to be purchased.

The Purchasing Agent shall mail an invitation to quote to three persons of his choice at least seven (7) days before the time fixed for receiving the quotes. If the Purchasing Agent receives a satisfactory quote, he shall award the contract to the lowest responsible and responsive offeror. The Purchasing Agent may reject all quotes.

If the Purchasing Agent does not receive a quote from a responsible and responsive offeror, he may use the special purchasing methods set forth in I.C. 5-22-10-1 *et. seq.* to purchase the necessary supplies.

3. Purchases Over \$75,000

If the Purchasing Agent expects a purchase to be over \$75,000, he shall use the competitive bidding procedures set forth in I.C. 5-22-7 *et. seq.*

E. Purchases of Services

The Purchasing Agent must obtain approval of the Town Council before purchasing services on behalf of the Town. With the approval of the Town Council, the purchasing agent may purchase services, as needed, in whatever manner that the Purchasing agent deems reasonable. The Purchasing agent may purchase services on the open market without receiving quotes or bids.

Passed and adopted by the Town Council of the Town of Grabill, Indiana on this 11th day of November , 1998.

M. Joanne Sauder
M. Joanne
Sauder, President

Wilmer
Delagrange,
Board Member

Gregory Smitley
Greg Smitley,
Board Member

ATTEST:

Glenda A. Whittern
Glenda Whittern, Clerk Treasurer

Resolution # 412

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #412R: Review of Invoices for Two Town Projects
(5/10/2002)

1238-09

**INTERLOCAL COOPERATION AGREEMENT FOR THE USEAGE
AND CONVEYANCE OF WHEEL TAX AND SURTAX REVENUE
BETWEEN THE COUNTY OF ALLEN AND THE TOWN OF
GRABILL**

This Interlocal Cooperation Agreement ("Agreement") is entered into by and between the Board of Commissioners of the County of Allen ("County Commissioners") and the Town of Grabill ("Town"). This Agreement shall be effective on the last day in which the duties under Ind. Code § 36-1-7-10 are completed. The County Commissioners and the Town are sometimes individually referred to herein as a "party- and collectively as the "parties."

RECITALS

WHEREAS, the County Commissioners are the executive and legislative body for Allen County, Indiana ("County");

WHEREAS, the County Council is the fiscal body for the County;

WHEREAS, the Town Council for the Town of Grabill ("Town Council") is the legislative body and the Town Council president is the executive for the Town; **WHEREAS**, Ind. Code § 36-1-7-9 allows for an interlocal cooperation agreement between an Indiana municipality and the executive of the county in which it is located concerning highway construction and maintenance and related matters; **WHEREAS**, Ind. Code § 36-1-7-10 provides that before an agreement under Ind. Code § 36-1-7-9 can take effect, it must be (1) approved by the fiscal body of each party; (2) recorded with the county recorder; (3) filed with the executive of the municipality and the auditor of the county; and (4) filed with the auditor of state.

WHEREAS, the County Council has, pursuant to Ind. Code § 6-3.5-5. et seq., passed an ordinance establishing a County Wheel tax ("Wheel Tax"); **WHEREAS**, the County Council has, pursuant to Ind. Code § 6-3.5-4. et seq., also passed an ordinance establishing a license excise surtax ("Surtax"); **WHEREAS**, the rates imposed by the Wheel Tax and Surtax were established in 1987 and have not been raised since that time; and **WHEREAS**, County and Town require additional revenue to construct, reconstruct, repair and maintain streets, roads, and bridges in their jurisdictions.

WHEREAS, County and Town wish to enter into an agreement providing for specific functions and services to be performed or furnished by the County in exchange and consideration for a proportion of distributions from the Wheel Tax and Surtax to be allocated from the Town to the County;
NOW THEREFORE, IN CONSIDERATION OF THE TERMS AND CONDITIONS HEREINAFTER SET FORTH, THE PARTIES AGREE AS FOLLOWS:

1. **Adoption of New Ordinances.** County Council shall adopt an ordinance doubling the current Wheel Tax and Surtax rates for Allen County under Ind. Code § 6-3.5-5-2(c) and Ind. Code § 6-3.5-4-2(a) prior to July 1, 2009 ("New Ordinances") and shall serve a copy of the New Ordinances on the Commissioner of the Bureau of Motor Vehicles. To the extent that County Council fails to adopt a valid ordinance establishing the new rates outlined above, this Agreement shall be null and void. Furthermore, if County Council, during the term of this Agreement, adopts an ordinance to rescind or decrease the Wheel Tax or Surtax this Agreement shall be null and void.

2. **Disbursement and Allocation of Funds.** Commencing January 1, 2010, the Wheel Tax and Surtax funds shall be collected and distributed in accordance with the procedures outlined in Ind. Code § 6-3.5-4, et seq. and Ind. Code § 6-3.5-5, et seq. and this Agreement. In exchange and consideration for the services enumerated below in Section 4, Town agrees to transfer to the County new funds received as a result of the increase in rates adopted under the New Ordinances ("Additional Funds"), as set forth below. The County Auditor shall notify the Town of the amount needed to satisfy the Six Thousand Five Hundred Eleven (\$6,511) dollars, and the Town shall remit the amount to the County in the next monthly reallocation.

3. **Monthly Distributions.** Additional Funds generated by the New Ordinances shall be transferred from the Town to the County on or about January 10, 2010 and shall continue throughout the term of this Agreement on a monthly basis and within a reasonable time after such funds are received from the County Treasurer. Except as provided hereinafter, the amount of Additional Funds transferred to County shall not exceed Six Thousand Five Hundred Eleven (\$6,511) dollars per year ("Maximum Allocation") nor exceed Fifty-Two Thousand Eighty-Eight (\$52,088) dollars in the aggregate over the term of the Agreement. In the event that the Additional Funds transferred for any one year falls below the Maximum Allocation, then the Maximum Allocation of Additional Funds for the subsequent year shall be increased in each subsequent year until the shortfall is made up. Town shall not be required to dedicate any other source of revenue towards this obligation.

4. **Maintenance of Roads and Bridges.** Any Additional Funds transferred to County shall be used only to construct, reconstruct, repair or maintain streets, roads and bridges within Allen County. The parties agree that County will be responsible for the construction, maintenance and inspection (including, but not limited to replacement, rehabilitation, widening and repair) of all bridges including related approaches and grade separations located within Allen County including those located within the Town limits of Grabill, Indiana. The Town shall have no obligation other than those contained herein for the construction, maintenance and inspection of bridges within the Town limits of Grabill.

5. **Term.** This Agreement shall commence upon the completion of approvals under Ind. Code § 36-1-7-10 and the recording of the document and shall continue for a term of four (4) years but shall renew automatically for four (4) additional one-year terms unless notice of termination is given under this Section. The Town may give notice of termination of this Agreement at least three (3) years in advance of the Renewal Date to be effective.

6. **Additional Terms.** If the Town has made all payments timely to County as required by this Agreement and if the Town has not exercised its right to terminate under Section 5, then County agrees to continue financial responsibility for the construction, maintenance and inspection of all bridges located in Allen County, Indiana including those located within the town limits of Grabill, Indiana. Town shall have no further obligation, financial or otherwise, for the construction, maintenance and inspection of bridges at the conclusion of this Agreement. County further agrees to support Sections 78, 80 and 81 of House Bill 1447 as written on March 31, 2009 in their entirety and without further amendment.

7. **Incorporation of Recitals.** The recitals are hereby incorporated by reference.

8. **Amendment of Agreement.** This Agreement may not be amended except by a written addendum or amendment executed and approved by the parties and as required by Indiana law.

9. **Adjudication as Null and Void.** If any provision of this Agreement shall be adjudicated as null and void by any court of competent jurisdiction, then this Agreement shall be wholly null and void and the obligations of either party shall terminate immediately.

This 17th day of April , 2009

[Signature and Notary lines follow]:

Attachments:

- ☐ +/- Signatures of Allen County Commissioners (Notarized)
- ☐ +/- Signatures of Grabill Town Council (Notarized)
- ☐ +/- Signatures of Allen County Council
- ☐ +/- Notarization for County Council Signatures
- ☐ +/- Table: Revenue Projections for Bridge Funding
- ☐ +/- Letter from Allen County Commissioners (4/17/2009) - Page 1
- ☐ +/- Letter from Allen County Commissioners (4/17/2009) - Page 2
- ☐ +/- Letter from Allen County Commissioners (6/24/2009)

ORDINANCE 624-2009

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA TO ESTABLISH THE SOUTH PARK
PAVILION RENTAL FEES**

WHEREAS, the Grabill Town Council is the legislative body of the Town of Grabill; and WHEREAS, the Grabill Town Council has determined that it is in the best interest of the town to establish a pavilion rental fee increase; and WHEREAS: the Pavilion rental is now set at one hundred dollars and will increase to one-hundred and twenty-five as of January 1, 2010.

WHEREAS: I.C. 36-1-3 establishes Home Rule Authority, and

NOW, THEREFORE, BE IT ORDAINED by the Grabill Town Council, Allen County, Indiana, as follows: PASSED AND APPROVED by the Common Council of the Town of Grabill, Indiana this 16 day of December , 2009. This ordinance rebukes any other ordinance pursuit to this passage.

Wilmer Delagrang
Wilmer
Delagrang,
President

Jeff Smead
Jeff Smead,
Councilman

Lynn Witt
Lynn Witt,
Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

ORDINANCE NO. 625-2010

AN ORDINANCE ADOPTING
A CAPITAL IMPROVEMENT
PLAN SPECIFYING THE
USES OF REVENUES TO BE
RECEIVED UNDER THE
COUNTY ECONOMIC
DEVELOPMENT INCOME
TAX

WHEREAS, Allen County has adopted a County Economic Development Income Tax; and

WHEREAS, Indiana Code §6-3.5 -7-15 requires that a Capital Improvement Plan be adopted prior to receipt by the Town of its distributive share of the County Economic Development Income Tax revenues.

NOW THEREFORE, BE IT ORDAINED that the Town of Grabill adopt the following as its Capital Improvement Plan to be funded within the calendar years 2010 and 2011 with City Economic Development Income Tax funds.

EXHIBIT "A" IS ADOPTED AS IF SET OUT HEREIN IN FULL.

To the extent the expense of the described projects is not covered by County Economic Development Income Tax fund, the expense will be paid from Town appropriations made therefore.

This Ordinance shall be in full force and effect from and after its passage by the Common Council, approved by the President, and legal publication as required by law.

Wilmer Delagrang **Presiding Officer**

ATTEST:

Cynthia Barhydt

Presented by me to the President of the Town of Grabill, Indiana, on this 26 day of May , 2010, at the hour of 8:45 p.m.

Cynthia Barhydt
**Town Clerk-
Treasurer
Officer**

This Ordinance approved and signed by me on this 26 day of May , 2010, at the hour of 8:45 p.m.

Wilmer Delagrange
**Wilmer
Delagrange,
President**

Jeff Smead
**Jeff Smead,
Councilman**

Lynn Witt
**Lynn Witt,
Councilman**

Attachments:

☐ CREDIT CAPITAL IMPROVEMENT PLAN FOR 2010/2011

ORDINANCE No. 632-2010

CAPITOL ASSETS POLICY

TOWN OF GRABILL INDIANA

AN ORDINANCE TO ADOPT A CAPITAL ASSETS POLICY,

PURSUANT to IC 36-1-3 ET Seq. AND OTHER RELEVANT STATUTES.

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon all local units the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, IC 5-11-1-24 generally provides authority for the State Board of Accounts to promulgate and require uniform guidelines for accounting and records keeping for units of governments in Indiana;

WHEREAS, the Government Accounting Standards Board ("Board") adopted GASB 34 ("Statement") and incorporated it into Generally Accepted Accounting Principles in 1998; and,

WHEREAS, the Statement mandates that state and local governments, including the Town of Grabill ("Town"), report their infrastructure, general fixed and other capital assets at historical cost net of accumulated depreciation; and,

WHEREAS, the Indiana State Board of Accounts ("SBOA") has advised the Town of deficiencies in the municipality's accounting for its fixed assets; and,

WHEREAS, the Town desires to conform its accounting practices to the requirements of both the Board and SBOA; and,

WHEREAS, a policy governing the categorization, capitalization, depreciation, disposition of the account for assets is integral to their proper management and accounting.

WHEREAS, this ordinance is retroactive to January 1, 2008 and,

WHEREAS, this ordinance repeals any other capitol assets ordinance before this date.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Grabill that the attached [Capital Asset Accounting Policy](#) is approved for implementation by the Clerk-Treasurer.

PASSED AND ADOPTED this

21 day of

October , 2010.

Wilmer Delagrane
Wilmer
Delagrane,
President

Jeff Smead
Jeff Smead,
Councilman

Lynn Witt,
Councilman

ATTEST:

Cynthia Barhydt

CAPITAL ASSET ACCOUNTING POLICY

This policy is intended to define fixed, capital and non-capital assets, and to provide guidance in their custody and accounting.

Section I: Definitions

- A. Fixed Assets are generally defined as assets the lives of which extend beyond a single fiscal year.

Fixed Assets may be either intangible (such as easements, water rights or contracts with a monetary value), or tangible (such as land and

- B. improvements, buildings and improvements, vehicles, equipment, machinery, furniture and fixtures, and infrastructure assets such as roads, bridges, sanitary and storm sewers and traffic signals, whether housed in governmental or proprietary funds).

- C. Fixed Assets subject to this Policy may be acquired in any of the following ways:

- o Purchased
- o Lease purchase/capital lease
- o Matured lien
- o Construction
- o Addition to an existing asset
- o Condemnation
- o Donation/contribution
- o Interfund transfer
- o Trade or barter
- o Annexation

- D. For the purpose of the Policy, Fixed Assets are divided into three broad classes.

- Governmental Fund Capital Assets: Fixed Assets owned by one of the Town's Governmental funds, and meeting both cost and useful life criteria, as outlined below, are to be both capitalized and reported in the Town's annual financial statements at historical cost.
- 1.

- Utilities Fund Capital Assets: Fixed Assets owned by the Town Utility fund, and meet both cost and useful life criteria, as described in Section III (A)(1) and (2), are to be both capitalized and reported in the Town's annual financial statements. In addition, all such assets, except for land and nonstructural improvements (such as site preparation, grading, landscaping, etc.) are to be depreciated in accordance with the depreciation policies outlined below.
- 2.

- Non-Capital Assets: Fixed Assets not meeting the cost and useful life criteria described in Sections III (A)(1) and (2) are Non-Capital Assets. Such assets are to be neither capitalized, depreciated nor reported in the Town's annual financial statements but are to be expensed in the year purchased and annually inventoried to assure their proper safekeeping and use.
- 3.

- E. Separate records will be maintained in each of the Town's funds for each of the above three asset classes.

Section II: Acquisition Documentation

- The acquisition of all assets (not just Capital Assets) will be recorded and at least annually reported to the Clerk-Treasurer using the Capital Assets Ledger prescribed by the SBOA, or some other acceptable form, to assure that acquired assets are properly reflected in Town records.
- A.
 - B. A separate Ledger, as shown in Attachment A and B will be maintained within each Town fund and submitted for each asset class.
 - C. Acquisition information reported to the Clerk-Treasurer will include, at minimum, the follow:
 - o A description of the item (all asset classes)
 - o The item's asset category (all asset classes)
 - o The item's serial tag or other identifying number (all asset classes)
 - o The department acquiring the asset (all asset classes)
 - o Acquisition date (all asset classes)

- o The item's original cost, including the reasonable and necessary cost of acquiring and placing it in service, as described in Section III (D) (Capital Assets only)

Section III: Capitalization

A. Assets meeting both of the following criteria are to be capitalized.

1. Cost: Assets with an original cost or fair market value (if acquired other than by purchase) of \$5,000 or more.
2. Useful Life: Assets with useful lives on excess of two years.

B. Exceptions:

1. Items permanently installed/attached to a larger unit either at or subsequent to the time of construction/acquisition, unlikely to be used elsewhere and not meeting the Cost Criteria described in Section III (A) (1) are to be included in the cost of the larger unit.

2. The reporting of assets acquired with grant funds and/or by a department subject to more restrictive reporting requirements than those contained in this Policy must comply with the more restrictive of the above criteria or pertinent requirements.

3. Planned maintenance functions that neither prolong a Capital Asset's life nor increase its functionality, but merely maintain its intended functionality (such as repaving a street) are not to be capitalized, regardless of cost.

4. Functions that either prolong the life of an asset or increase its functionality are to be capitalized, regardless of cost.

C. Capitalization Thresholds:

1. General Fixed Assets: With the exception of land (all of which is to be capitalized) the following assets will be capitalized if their value is \$5,000 or more.

- o Animals
- o Buildings
- o Furniture and fixtures
- o Heavy equipment
- o Improvements other than buildings
- o Office and other equipment
- o Outdoor equipment

- o Vehicles

2. Infrastructure Assets: All infrastructure assets will be capitalized.

Other Costs: In addition to price, the reasonable and necessary costs of

D. acquiring and placing Capital Assets in service are to be capitalized.

This may include, but not limited to the following:

- o Title and documentation fees
- o Capitalized interest
- o Site preparation costs
- o Fees for related professional services
- o Transportation charges

Section IV: Depreciation

A. Capital Assets, except land and nonstructural improvements, will be depreciated over their Useful Life using the straight-line method.

B. Except where a lease or other contractual agreement contains provisions for salvage or trade in value, no salvage value will be assumed.

C. Depreciation will be calculated annually with a full year's depreciation allocated to an asset starting January 1st the year following it being put in service in accordance with the depreciation schedule shown in Attachment C.

D. A Capital Asset's Useful Life is defined as the period over which it will serve its intended purpose. Each group of Capital Assets will be assumed to have the following Useful Life:

- o Ambulances: 12 years
- o Animals: 5 years
- o Bridges: 50 years
- o Buildings: 50 years
- o Catch basins, inlets, lift stations, manholes, and sewer pipe: 50 years
- o Communication Equipment: 10 years
- o Computer Equipment: 5 years
- o Curbing, gutters and sidewalks: 15 years
- o Fire and large trucks: 15 years
- o Fire fighting equipment (ladders, hoses): 12 years
- o Furniture and fixtures: 15 years

- o Grounds Equipment (mowers, tractors): 10 years
- o Heavy equipment: 12 years
- o Improvements other than buildings: 20 years
- o Land Improvements — structure (parking lots, athletic courts, picnic shelters): 20 years
- o Office, computer and other equipment: 5 years
- o Outdoor equipment (playground equipment, radio towers): 15 years
- o Roadways Paved (asphalt): 40 years
- o Roadways Non-paved: 50 years
- o Street Lights: 30 years
- o Traffic signals and signs: 20 years
- o Vehicles other than ambulances, fire and large trucks: 6 years

Section V: Inventory and Disposition

- All Capital Assets will be physically inventoried annually at the department level by department heads and/or their designees. The
- A. Clerk-Treasurer will conduct random inventory checks to assure ongoing compliance with this and other applicable Town policies. The disposition of all assets (not just Capital Assets) will be recorded
 - B. and at least annually reported to the Clerk-Treasurer using the Capital Assets Ledgers described in Sections II (A) and (13).
 - C. Disposition information reported to the Clerk-Treasurer will include, at minimum, the following:
 - o A description of the item
 - o The item's asset category
 - o The item's serial, tag or other number
 - o The department disposing of the asset
 - o Disposition
 - o Disposal date
 - o Any monetary value received for the asset at disposition

Resolution No. 1253-2011

2010 Year End Budget Transfers

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,

WHEREAS, the Town Council was informed of the need to transfer budgeted monies into different major budget classifications; and

WHEREAS, the said Town Council having considered the sums as determined by Clerk-Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office,

NOW, THEREFORE, BE IT ORDAINED AND PASSED by the Common Council of the Town of Grabill meeting in regular sessions as follows:

Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others pursuant to I.C. 6-1.1-18-6, as evidenced by [Exhibit “A”](#), attached hereto and incorporated by reference herein.

DULY PASSED AND ADOPTED this 9 day of February, 2011 by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 9 day of Feb. 2011, at the hour of 7:50 P.M.

Town Council of Grabill

Wilmer Delagrang
Wilmer Delagrang,
President

Jeff Smead
Jeff Smead, Vice-
President

Candace DeCamp
Candace DeCamp,
Councilwoman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Attachments:

☐ +/- Exhibit "A" - Page 1

☐ +/- Exhibit "A" - Page 2

☐ +/- Exhibit "A" - Page 3

ORDINANCE NO. 633-2011
RAINY DAY
TOWN of GRABILL, INDIANA

**AN ORDINANCE TO AMEND THE TERMS RELATED TO THE
RAINY DAY FUND OF THE TOWN OF GRABILL, PURSUANT TO
IC 36-1-8-5.1**

WHEREAS, The Town Council is the fiscal body of the Town of Grabill;

WHEREAS, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund; and,

WHEREAS, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund by the adoption of an ordinance specifying the purposes of the fund and the sources of funding for the fund; and,

WHEREAS, IC 36-1-8-5.1(f) provides that the state department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the Rainy Day Fund of the political subdivision; and,

WHEREAS, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town Council has heretofore determined that it would be desirable to establish a rainy day fund and to allow the fund to be used for all the lawful purposes set forth in IC 36-1-8-5, and has done so by the adoption of [Ordinance No. 416-A](#), and

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to re-establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Grabill to enact an ordinance as an amendment to the Grabill Municipal Code in order to further perfect the operation of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

Section 1. The Grabill Municipal Code is hereby amended by adding a new Chapter to be numbered 633-2011 and to be entitled: Rainy Day Fund, which shall read as follows:

RAINY DAY FUND

§ XXX.01 ESTABLISHMENT

(A) There is hereby authorized, created and established a fund of the Town of Grabill, to be called the Rainy Day Fund, pursuant to IC 36-1-8-5.1 et seq.

(B) The Rainy Day Fund is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, including meeting exigencies as herein may be defined and such other purposes permitted by IC 36-1-8-5.1 and as are identified in this subchapter.

(C) The sources of funding for the Rainy Day Fund may include the following:

1. Unused and unencumbered funds transferred pursuant to and identified in IC 36-1-8-5; IC 6-3.5-1.1-21.1; IC 6-3.5-6-17.3; or IC 6-3.5-7-17.3.
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;
3. An appropriation in the annual budget in the several funds of the municipality as maybe identified and approved by the Town Council, and then transferred to the Rainy Day Fund, subject to the provision of IC 36-1-8-5.1(d);
4. Unreserved, undesignated fund balances which may be identified in the several funds of the municipality, as maybe approved by the Town Council, and then transferred to the Rainy Day Fund, subject to the provision of IC 36-1-8-5.1(d); and

(D) The Rainy Day Fund is subject to the same appropriation process as other funds of the municipality that receive tax money.

(E) In any fiscal year, the Town Council may transfer not more than ten percent (10%) of the town's total annual budget for that fiscal year, adopted under IC 6-1.1-17, to the Rainy Day Fund as authorized by IC 36-1-8-5.1.

(F) The Rainy Day Fund is established and remains in effect until such time as the fund is repealed or rescinded by action of the Town Council.

§ XXX.02 PURPOSES, USES and PERMISSIBLE EXPENDITURES

(A) Expenditures from the Rainy Day Fund shall only be used for the following purposes:

- 1. To make temporary transfers to other funds of the town for cash flow purposes to meet debt service, payroll and monthly accounts payable when tax revenues are not received in a timely manner to mitigate interest expense on tax anticipation debt as provided in IC 36-1-8-4;**
- 2. To pay monetary settlements, damages or claims in consequence of a legal cause of action;**
- 3. To pay expenses related to special consulting for fiscal affairs particularly associated with cost of governmental services, costs analysis and related analysis and review;**
- 4. To pay expenses related to the acquisition of real property and improvements by the Municipality not already provided for in other funds of the municipality I.C 36-5-2-9.6;**
- 5. To pay expenses related to repairs of the emergency and weather warning siren system of the Town not already provided for in other funds of the municipality;**
- 6. To pay expenses related to any purpose permitted by state statutes for other revenues of the city or town;**
- 7. To pay expenses 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, repairs and similar expenditures.**

§ XXX.03 EXPENDITURE UPON APPROPRIATION

Expenditures from the Rainy Day Fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable

vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4.

§ XXX.05 PRESERVATION and DISPOSITION OF FUND ASSETS

All unused and unencumbered cash on deposit to the credit of the Rainy Day Fund does not revert to the corporation general fund nor to any other fund but shall remain with the Rainy Day Fund until such time as an ordinance is passed and adopted regarding its disposition.

Section 2. That the fund established by [Ordinance No. 416-A](#) and be re-established by **Ordinance No. 633-2011**, named the Rainy Day Fund, which at the time of the adoption of this ordinance, has continuity of existence. The cash on deposit to the credit of the fund established by [Ordinance No. 416-A](#), as well as all its assets and liabilities, held prior to the passage and adoption of this ordinance, remains with the fund. Further, the cash on deposit to the credit of the fund is hereby found to be an approved source of money for the fund.

Section 3. That any and all such ordinances in conflict with the provisions of this ordinance, including Ordinance No. 416-A and re-established by Ordinance No. 633-2011, subject to Section 2 of this ordinance, are hereby repealed and are of no further force or effect. ***The Clerk-Treasurer shall be authorized to assign appropriate section numbers in support of the codification of the particular provisions of this ordinance.***

Section 4. That this ordinance again establishing, a Rainy Day Fund, be filed with the Department of Local Government Finance (DLGF), by the Town Clerk-Treasurer pursuant to a memorandum and instruction promulgated by the Commissioner of DLGF in 2009.

Section 5. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 21 day of September 2011. Consideration on same day or at same meeting of introduction, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 21 day of September by the
Town Council of the Town of Grabill, Allen County, Indiana.

TOWN COUNCIL of the TOWN of GRABILL, INDIANA

Wilmer Delagrange

Wilmer Delagrange, President

Jeff Smead

Jeff Smead, Vice President

Candace DeCamp

Candace Decamp, Councilwomen

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Resolution No. 1258-2012
2011 Year End Budget Transfers

WHEREAS, the Town of Grabill ("Town") is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,

WHEREAS, the Town Council was informed of the need to transfer budgeted monies into difference major budget classifications; and

WHEREAS, the said Town Council having considered the sums as determined by Clerk-Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office,

NOW, THEREFORE, BE IT ORDAINED AND PASSED by the Common Council of the Town of Grabill meeting in regular sessions as follows:

Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others for the December 2011 yearend financial records pursuant to I.C. 6-1.1-18-6, as evidenced by [Exhibit "A"](#), attached hereto and incorporated by reference herein.

DULY PASSED AND ADOPTED this 15th day of February, 2012, by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 15 day of February 2012, at the hour of 7:45 P.M.

Town Council of Grabill

Wilmer Delagrange,
President

Jeff Smead

Jeff Smead, Councilman

Candace DeCamp
Candace Decamp,
Councilwoman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Attachments:

☐ +/- Exhibit "A" - Page 1

☐ +/- Exhibit "A" - Page 2

ORDINANCE NO. 635-2012

AN ORDINANCE ADOPTING A CAPITAL
IMPROVEMENT PLAN SPECIFYING THE USES OF
REVENUES TO BE RECEIVED UNDER THE COUNTY
ECONOMIC DEVELOPMENT INCOME TAX

WHEREAS, Allen County has adopted a County Economic Development Income Tax; and

WHEREAS, Indiana Code §6-3.5-7-15 requires that a Capital Improvement Plan be adopted prior to receipt by the Town of its distributive share of the County Economic Development Income Tax revenues.

NOW THEREFORE, BE IT ORDAINED that the Town of Grabill adopt the following as its Capital Improvement Plan to be funded within the calendar years 2012 with City Economic Development Income Tax funds.

EXHIBIT "A" IS ADOPTED AS IF SET OUT HEREIN IN FULL.

To the extent the expense of the described projects is not covered by County Economic Development Income Tax fund, the expense will be paid from Town appropriations made therefore.

This Ordinance shall be in full force and effect from and after its passage by the Common Council, approved by the President, and legal publication as required by law.

Wilmer Delagrange
**Wilmer
Delagrange,
President**

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

**Presented by me to the President of the Town of Grabill, Indiana, on
this 21 day of March , 2012, at the hour of 9:05 p.m.**

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

**This Ordinance approved and signed by me on this 21 day of March ,
2012, at the hour of 9:05 p.m.**

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead, Councilman

Candace DeCamp
Candace Decamp, Councilwoman

Resolution No. 1260-2012

2012 Rainy Day Budget Transfers

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,

WHEREAS, the Town Council was informed of the need to transfer budgeted monies into different major budget classifications; and

WHEREAS, the said Town Council having considered the sums as determined by Clerk-Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office,

NOW, THEREFORE, BE IT ORDAINED AND PASSED by the Common Council of the Town of Grabill meeting in regular sessions as follows:

Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others pursuant to I.C. 6-1.1-18-6, as evidenced by [Exhibit “A”](#), attached hereto and incorporated by reference herein.

DULY PASSED AND ADOPTED this 2 day of May 2012, by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 2 day of May, 2012, at the hour of 8:00 P.M.

Town Council of Grabill

Wilmer Delagrang
Wilmer Delagrang,
President

Jeff Smead, Councilman

Candace DeCamp
Candace Decamp,
Councilwoman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Resolution No. 1260-2012

2012 Rainy Day Budget Transfers

EXHIBIT "A"

Transfer from Rainy Day Fund Capital Outlays of \$5,850.00

Transfer to Rainy Day Fund Personal Services of \$5,850.00

Resolution No. 1270-2014

Keystone Financial software

WHEREAS, the Town of Grabill (“Town”) council of the Town of Grabill finds that it is beneficial to utilize the financial software systems from a single vendor and,

WHEREAS, Keystone software Systems has provided financial software systems and updates to Indiana municipalities which contain procedures and produce forms that are required and approved by Indiana State Board of Accounts and State Board of Tax Commissioners:

NOW THEREFORE BE IT RESOLVED that the Town of Grabill adopts Keystone Software Systems financial software systems and requests that the Indiana State Board of Accounts approve all forms which have been previously submitted by the City of Seymour, January 2012, and any update and revisions provided in the future for use by the Town of Grabill.

DULY PASSED AND ADOPTED this 12 day of Feb 2014, by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 12 day of Feb , 2014 at the hour of 8:10 P.M.

Town Council of Grabill

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead
Jeff Smead, Councilman

Candace DeCamp
Candace Decamp,
Councilwoman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Town Of Grabill
13717 First Street
P.O. Box 321
Grabill, IN 46741
Phone: 260-6278-5227 ext. 1 Fax: 260-627-0550

February 12, 2014

State Board of Accounts
302 West Washington Street
4th Floor, Room E418
Indianapolis, IN 46204-2765

RE: Form Approvals

The Grabill Town Council passed the attached resolution concerning usage of forms for the Town of Grabill.

The Grabill Town Council is ultimately responsible for all forms and systems to be used. Accordingly, we are requesting to be authorized to use the forms and systems provided by the City of Seymour, as these forms were approved by your office in writing, as of January 2012. We will abide by the form approval requirements as stated in the "Cities and Towns Bulletin" and during audits by the State Board of Accounts.

The Town of Grabill town council will notify you in writing if desiring to discontinue use of the system approved package. Any forms that are not in an all-inclusive approved package would still need to be approved by your office. Furthermore, if we desire to use any forms, which have changed

since the date of original approval above, and those forms have not received a written approval from your office, we will immediately submit those forms for approval.

We also understand the process of a letter and resolution are not an attempt to provide preferential treatment to any vendor but instead are an effort to expedite the form approval process required by statute and regulation. Finally, we are aware that any system or hardware change initiated by a vendor and the resultant costs, are vendor, market or consumer demand driven.

Wilmer Delagrang
Wilmer Delagrang, President
Town of Grabill

Jeff Smead
Jeff Smead, Vice President
Town of Grabill

Candace DeCamp
Candace Decamp, Councilwoman
Town of Grabill

ORDINANCE NO. 657-2017

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF GRABILL INDIANA:

WHEREAS, IC 5-11-1-27(j) requires erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property shall be reported immediately to the State Board of Accounts; For all material variances, losses, shortages, or thefts, the State Board of Accounts shall:

- (1) determine the amount of funds involved and report the amount to the appropriate government and law enforcement officials;
- (2) determine the internal control weakness that contributed to or caused the condition; and
- (3) make written recommendations to the appropriate legislative body or appropriate official overseeing the internal control system addressing:
 - (A) the method of correcting the condition; and
the necessary internal control policies and internal control
 - (B) procedures that must be modified to prevent a recurrence of the condition; and

WHEREAS, State Examiner Directive 2015-6 directs each political subdivision to determine its own policy on materiality; and

WHEREAS, The Town of Grabill Common Council will consider IC5-11-1-27(l), which requires public officials who have actual knowledge of or reasonable cause to believe that there has been misappropriation of public funds to immediately send written notice of misappropriation to the State Board of Accounts and the Prosecuting Attorney; and

WHEREAS, the Town of Grabill does not condone any erroneous or irregular material variances, losses, shortages, or thefts of political subdivision funds or property but recognizes that relatively small items may not justify the cost of the involvement of the State Board of Accounts; and

WHEREAS, the Clerk-Treasurer has issued a directive, attached hereto as Appendix A, stating a policy on materiality and a process for reporting material items.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The Town of Grabill Common Council hereby endorses the Clerk-Treasurer's directive, attached as Appendix A, regarding a policy on materiality and a process for reporting material items.

Section 2. The Town of Grabill Common Council calls upon the Clerk-Treasurer, Town of Grabill officials, employees, and agents to enforce and comply with the policy on materiality and process for reporting material items and to report noteworthy items to the State Board of Accounts.

Section 3. The Town of Grabill Common Council directs the Clerk-Treasurer to monitor, as necessary, compliance with the policy on materiality and process for reporting material items and report noteworthy items to the Town of Grabill Common Council.

Section 4. The Town of Grabill asks the Clerk-Treasurer to advise the Common Council of any changes in the policy on materiality and process for reporting material items.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its passage by the Common Council of the Town of Grabill and the signing by the Grabill Council, publication in a newspaper of general circulation.

PASSED AND ADOPTED by the Common Council of the Town of Grabill, Indiana, this 18 day of May , 2016.

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Vice President

Claude E. Schrock

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

ORDINANCE NO. 258-2016

Ordinance of the Town of Grabill, Indiana, Adopting Uniform Internal Control Standards for Indiana Political Subdivision

WHEREAS, I.C. § 5-11-1-27 requires each political subdivision to maintain a system of internal controls in order to promote accountability and transparency; and

WHEREAS, in September 2015 pursuant to I.C. § 5-1 1-1-27(e) the Indiana State Board of Accounts developed and published the Uniform Internal Control Standards for Indiana Political Subdivisions in order to provide the basis of common understanding to assist public sector managers in complying with the internal control requirements; and

WHEREAS, the Uniform Internal Control Standards for Indiana Political Subdivisions Manual is available on the government website at www.in.gov/sboa and contains the acceptable minimum level of internal control standards; and

WHEREAS, I.C. § 5-11-1-27(g) after June 30th, 2016 all Indiana Political Subdivisions must develop local policies regarding internal controls and insure that personnel receive training on internal controls; and

WHEREAS, the Grabill Town Board finds that the Town's policy regarding internal controls should be the internal control standards as set forth by the Indiana State Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions Manual; and

WHEREAS, the fiscal officer of the Town of Grabill is the Clerk Treasurer and pursuant to the Uniform Internal Control Standards for Indiana Political Subdivisions, the fiscal officer shall certify in writing that the Uniform Internal Control Standards have been adopted; and

WHEREAS, the Uniform Internal Control Standards require and mandate that the legislative body insures that personnel as defined in I.C. § 5-11-1-27 shall receive training concerning the Uniform Internal Control Standards

for Indiana Political Subdivisions and that the Clerk Treasurer as the fiscal officer shall certify in writing that the personnel as defined by statute have received the required training.

NOW THEREFORE THE TOWN BOARD OF THE TOWN OF GRABILL, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

- 1) That the above recitations are adopted as findings by the Town Board; and
- 2) It is further ordered and determined that the Town of Grabill hereby adopts as policy the internal control standards as set forth by the Indiana State Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions Manual as expressly written and published by the Indiana State Board of Accounts in September, 2015, and as amended from time to time; and
- 3) It is further ordained that at the time the annual financial report is electronically filed, the Clerk Treasurer as fiscal officer of the Town of Grabill shall certify in writing that the Uniform Internal Control Standards for Indiana Political Subdivisions have been adopted and shall certify that the personnel have been trained as required by law; and
- 4) It is further ordained that the Town Code shall be amended and it is hereby added to the Grabill Town Code a new section which shall read as follows:

“INTERNAL CONTROL STANDARDS

The Town of Grabill adopts as policy the Internal Control Standards as set forth by the Indiana State Board of Accounts Uniform Internal Control Standards for Indiana Political Subdivisions Manual as expressly written and published by the Indiana State Board of Accounts in September, 2015, and as amended from time to time. In order to implement these standards, the Clerk Treasurer shall certify in writing that personnel as defined in statute have received the required training. All officers, elected officials and employees are required to comply with the policy. Employees who fail to comply with this policy are subject to discipline, including but not limited to termination of their employment.”

5) It is further ordained that this Ordinance takes effect upon its adoption by the Town Board.

6) It is further ordained that any ordinances inconsistent or in conflict with the terms of this ordinance are of no further force and effect and are specifically repealed. This ordinance shall be in full force and effect immediately upon adoption as set forth herein.

DULY PASSED on this 15 day of June , 2016 by the Town Board of the Town of Grabill, Allen County, Indiana.

Town of Grabill, Indiana, by its Town Board

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Vice President

Claude E. Schrock
Claude Schrock, Council Member

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk Treasurer

Resolution 1282-2016

RESOLUTION OF THE TOWN OF GRABILL REGARDING THE
APPROVAL OF THE

“GRABILL STRATEGIC INVESTMENT PLAN-2016”

WHEREAS, the Town of Grabill had identified adequate reason to participate in a collaborative strategy as part of the New Allen Alliance toward retaining and attracting high-quality jobs to East Allen County

WHEREAS, Sturtz Public Management Group, LLC has been hired by the New Allen Alliance to define and describe the issues, advise us of our options, and develop a plan for strategic investment, and

WHEREAS, public input was received through the administration of a community attitude survey and community workshop, and

WHEREAS, the plan is in alignment with plan-it Allen County’s comprehensive plan and

WHEREAS, the Town of Grabill has received the process and completed plan and is satisfied with the services performed, information contained therein, and methodology applied.

NOW, THEREFORE BE IT RESOLVED by the Town of Grabill that the final document is hereby approved.

This resolution shall be effective from and after its passage.

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 7 day of September , 2016, at 8:15 P.M.

Town Council of Town of Grabill, Indiana

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Vice-President

Claude E. Schrock
Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Resolution No. 1265-2013

2012-Year End Budget Transfers

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,
WHEREAS, the Town Council was informed of the need to transfer budgeted monies into different major budget classifications; and,
WHEREAS, the said Town Council having considered the sums as determined by Clerk- Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office, **NOW, THEREFORE, BE IT ORDAINED AND PASSED** by the Common Council of the Town of Grabill meeting in regular sessions as follows: Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others for the December 2012 year end financial records pursuant to I.C. 6-1.1-18-6, as evidenced by [Exhibit “A”](#), attached hereto and incorporated by reference herein.

DULY PASSED AND ADOPTED this 13 day of March , 2013, by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 13 day of March 2013, at the hour of 8:50 P.M.

Town Council of Grabill

Wilmer Delagrange, President

Jeffrey D. Smead
Jeff Smead, Councilman

Candace DeCamp
Candace Decamp,
Councilwoman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

☐ +/- #1265-2013: 2012 Year-End Budget Transfers (3/13/2013) - Page 1

☐ +/- #1265-2013: 2012 Year-End Budget Transfers (3/13/2013) - Page 2

Resolution No. 1268-2014

2013 Year End Budget Transfers

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,
WHEREAS, the Town Council was informed of the need to transfer budgeted monies into difference major budget classifications; and
WHEREAS, the said Town Council having considered the sums as determined by Clerk- Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office, **NOW, THEREFORE, BE IT ORDAINED AND PASSED** by the Common Council of the Town of Grabill meeting in regular sessions as follows:

Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others pursuant to I.C. 6-1.1-18-6, as evidenced by [Exhibit “A”](#), attached hereto and incorporated by reference herein.

DULY PASSED AND ADOPTED this 12th day of February, 2014, by the Town Council of the Town of Grabill, Allen County, Indiana Approved this 12 day of Feb 2014, at the hour of 8:00 P.M.

Town Council of Grabill

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead
Jeff Smead, Vice President

Candace DeCamp
Candace Decamp,
Councilwoman

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer

☐ +/- #1268-2014: 2013 Year-End Budget Transfers (2/12/2014) - Page 1

☐ +/- #1268-2014: 2013 Year-End Budget Transfers (2/12/2014) - Page 2

Resolution No. 1269-2014

2013 Rainy Day Budget Transfers

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,

WHEREAS, the Town Council was informed of the need to transfer unused budgeted monies into different major budget classifications; and.

WHEREAS, 10% (\$27,258.00) of the pay 2013 budget for the general fund will be placed into the rainy day fund.

WHEREAS, the said Town Council having considered the sums as determined by Clerk-Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office, **NOW, THEREFORE, BE IT ORDAINED AND PASSED** by the Common Council of the Town of Grabill meeting in regular sessions as follows: Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others pursuant to I.C. 6-1.1-18-6

DULY PASSED AND ADOPTED this 15 day of October 2014, by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 15 day of October , 2014 at the hour of 8:35 P.M.

Town Council of Grabill

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead
Jeff Smead, Councilman

Candace DeCamp
Candace Decamp,
Councilwoman

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer

☐ +/- #1269-2014: 2013 Rainy Day Budget Transfers (10/15/2014)

RESOLUTION # 1276-2015

Encumber MVH Funds from 2014 Second Street Federal Grant Funds And
Encumber CEDIT from 2014 Street Improvements Project

WHEREAS, The Town of Grabill does hereby resolve to encumber MVH department funds from 2014 that were intended to be used and were budgeted for the Second Street Federal Grant project such amounts are as followed:

Second Street Federal Grant: \$359,033.00

WHEREAS, The Town of Grabill does hereby resolve to encumber CEDIT funds from 2014 that were intended to be used and were budgeted for the 2014 Street Improvements project such amounts are as followed:

2014 Street Improvements: CEDIT \$179,600.00

WHEREAS, all funds are to be encumbered at the end of the 2014 fiscal year and be placed in the 2015 budget.

WHEREAS, this resolution shall be in full force and effect from and after its passage and any approvals or publications as may be required by law.

NOW, THEREFORE, be it ordained and passed by the common council of the Town of Grabill.

Approved this 11 day of February 2015, at the hour of 8:07 P.M.

Town Council of Grabill

Wilmer Delagrange,
President

Jeff Smead

Jeff Smead, Vice
President Councilman

Candace DeCamp
Candace Decamp,
Councilwoman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Resolution No. 1277-2015

2014 Year End Budget Transfers

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,

WHEREAS, the Town Council was informed of the need to transfer budgeted monies into different major budget classifications; and, **WHEREAS**, the said Town Council having considered the sums as determined by Clerk- Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office, **NOW**,

THEREFORE, BE IT ORDAINED AND PASSED

by the Common Council of the Town of Grabill meeting in regular sessions as follows: Section 1.

That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others for the December 2014 year-end financial records pursuant to I.C. 6-1.1-18-6, as evidenced by [Exhibit “A”](#), attached hereto and incorporated by reference herein.

DULY PASSED AND ADOPTED this 11 day of February , 2015, by the Town Council of the Town of

Grabill, Allen County, Indiana

Approved this 11 day of February 2015, at the hour
of 8:05 P.M.

Town Council of Grabill

Wilmer Delagrange,
President

Jeff Smead
Jeff Smead, Vice
President

Candace DeCamp
Candace Decamp,
Councilwoman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

☐ +/- #1277-2015: 2014 Year-End Budget Transfers
(2/11/2015) - Page 1

☐ +/- #1277-2015: 2014 Year-End Budget Transfers
(2/11/2015) - Page 2

☐ +/- #1277-2015: 2014 Year-End Budget Transfers
(2/11/2015) - Page 3

☐ +/- #1277-2015: 2014 Year-End Budget Transfers
(2/11/2015) - Page 4

☐ +/- #1277-2015: 2014 Year-End Budget Transfers
(2/11/2015) - Page 5

☐ +/- #1277-2015: 2014 Year-End Budget Transfers
(2/11/2015) - Page 6

Resolution No. 1279-2016

2014-2015 Rainy Day Budget Transfers

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,
WHEREAS, the Town Council was informed of the need to transfer unused budgeted monies into different major budget classifications; and,
WHEREAS, 10% of unused general funds be placed into the Rainy Day Fund to be used in 2016 budget year.

WHEREAS, the said Town Council having considered the sums as determined by Clerk-Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office, **NOW, THEREFORE, BE IT ORDAINED AND PASSED** by the Common Council of the Town of Grabill meeting in regular sessions as follows: Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others pursuant to I.C. 6-1.1-18-6

DULY PASSED AND ADOPTED this 6 day of Jan 2016, by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 6 day of Jan. , 2016 at the hour of 9:00 P.M.

Town Council of Grabill

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead
Jeff Smead, Councilman

Candace DeCamp
Candace Decamp,
Councilwoman

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer

☐ +/- #1279-2016: 2014-2015 Rainy Day Budget Transfers (1/6/2016)

Resolution No. 1280-2016

2015-Year End Budget Transfers

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,
WHEREAS, the Town Council was informed of the need to transfer budgeted monies into different major budget classifications; and,
WHEREAS, the said Town Council having considered the sums as determined by Clerk-Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office, **NOW, THEREFORE, BE IT ORDAINED AND PASSED** by the Common Council of the Town of Grabill meeting in regular sessions as follows:

Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others for the December 2015 year end financial records pursuant to I.C. 6-1.1-18-6, as evidenced by [Exhibit “A”](#), attached hereto and incorporated by reference herein.

DULY PASSED AND ADOPTED this 10 day of February , 2016, by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 10 day of February 2016, at the hour of 7:20 P.M.

Town Council of Grabill

Wilmer Delagrange,
President

Jeff Smead
Jeff Smead, Councilman

Candace DeCamp
Candace Decamp,
Councilwoman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

- ☐ +/- #1280-2016: 2015 Year-End Budget Tranfers (2/10/2016) - Page 1
- ☐ +/- #1280-2016: 2015 Year-End Budget Tranfers (2/10/2016) - Page 2
- ☐ +/- #1280-2016: 2015 Year-End Budget Tranfers (2/10/2016) - Page 3
- ☐ +/- #1280-2016: 2015 Year-End Budget Tranfers (2/10/2016) - Page 4
- ☐ +/- #1280-2016: 2015 Year-End Budget Tranfers (2/10/2016) - Page 5
- ☐ +/- #1280-2016: 2015 Year-End Budget Tranfers (2/10/2016) - Page 6

Resolution No. 1285-2016
2016-Year End Budget Transfers

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,
WHEREAS, the Town Council was informed of the need to transfer budgeted monies into different major budget classifications; and,
WHEREAS, the said Town Council having considered the sums as determined by Clerk- Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office, **NOW, THEREFORE, BE IT ORDAINED AND PASSED** by the Common Council of the Town of Grabill meeting in regular sessions as follows: Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others for the December 2016 year end financial records pursuant to I.C. 6-1.1-18-6, as evidenced by [Exhibit “A”](#), attached hereto and incorporated by reference herein.

DULY PASSED AND ADOPTED this 15 day of Feb , 2017, by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 15 day of Feb 2017, at the hour of 8:20 P.M.

Town Council of Grabill

Wilmer Delagrange,
President

Jeff Smead
Jeff Smead, Councilman

Claude E. Schrock
Claude Schrock,
Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

-
- ☐ +/- #1285-2016: 2016 Year-End Budget Transfers (2/15/2017) - Page 1
 - ☐ +/- #1285-2016: 2016 Year-End Budget Transfers (2/15/2017) - Page 2
 - ☐ +/- #1285-2016: 2016 Year-End Budget Transfers (2/15/2017) - Page 3
 - ☐ +/- #1285-2016: 2016 Year-End Budget Transfers (2/15/2017) - Page 4
 - ☐ +/- #1285-2016: 2016 Year-End Budget Transfers (2/15/2017) - Page 5

Resolution No. 1303-2018

2017-Year End Budget Transfers

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and,
WHEREAS, the Town Council was informed of the need to transfer budgeted monies into different major budget classifications; and,
WHEREAS, the said Town Council having considered the sums as determined by Clerk- Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office, **NOW, THEREFORE, BE IT ORDAINED AND PASSED** by the Common Council of the Town of Grabill meeting in regular sessions as follows: Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others for the December 2017 year end financial records pursuant to I.C. 6-1.1-18-6, as evidenced by [Exhibit “A”](#), attached hereto and incorporated by reference herein.

DULY PASSED AND ADOPTED this 7 day of Feb , 2018, by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 7 day of Feb 2018, at the hour of 8 P.M.

Town Council of Grabill

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Vice President

Claude E. Schrock
Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Attached Materials:

- ☐ +/- #1303-2018: 2017 Year-End Budget Transfers (2/7/2018) - Page 1
- ☐ +/- #1303-2018: 2017 Year-End Budget Transfers (2/7/2018) - Page 2
- ☐ +/- #1303-2018: 2017 Year-End Budget Transfers (2/7/2018) - Page 3
- ☐ +/- #1303-2018: 2017 Year-End Budget Transfers (2/7/2018) - Page 4
- ☐ +/- #1303-2018: 2017 Year-End Budget Transfers (2/7/2018) - Page 5
- ☐ +/- #1303-2018: 2017 Year-End Budget Transfers (2/7/2018) - Page 6
- ☐ +/- #1303-2018: 2017 Year-End Budget Transfers (2/7/2018) - Page 7
- ☐ +/- #1303-2018: 2017 Year-End Budget Transfers (2/7/2018) - Page 8

RESOLUTION NO. 1312-2018

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA, ADOPTING A MINIMUM LEVEL OF
INTERNAL CONTROL STANDARDS PROCEDURES**

Editor's Note: This ordinance was "amended and restated" by [Ordinance No. 1321-2018](#), adopted 9/19/2018, which includes a new section on [Duties of Town Officers](#). This ordinance was not explicitly repealed by the subsequent ordinance.

WHEREAS, in 2015 the Indiana General Assembly passed, and the Governor signed, P.L.184-2015, which is codified at Ind. Code §5-11-1-27 (the "Act");

WHEREAS, in compliance with Ind. Code §5-11-1-24, the State Board of Accounts ("SBOA") shall define the minimum level of internal control standards and internal control procedures for internal control systems of political subdivisions including the following: (1) Control Environment (2) Risk Assessment (3) Control Activities (4) Information and Communication and (5) Monitoring ("Internal Control Procedures");

WHEREAS, the Act requires the SBOA to develop or designate approved personnel training materials as approved by the audit committee ("Personnel Training");

WHEREAS, after June 30, 2016, the legislative body of a political subdivision shall ensure that (1) Internal Control Procedures are adopted and (2) personnel receive training concerning the Internal Control Procedures;

WHEREAS, after June 30, 2016, the fiscal officer of a political subdivision shall certify in writing that (1) Internal Control Procedures have been adopted by the political subdivision and (2) personnel, who are not otherwise on leave status, have received training as required by Personnel Training (collectively, "Certification");

WHEREAS, the Certification shall be filed with the SBOA at the same time as the annual financial report required by Ind. Code §5-11-1-4, and shall be electronically filed in the manner prescribed under Ind. Code §5-14-3.8-7; and

WHEREAS, in order to comply with Ind. Code §5-11-1-27, the Town Council believes it is in the best interests of its citizens to adopt as its policy the Internal Control Procedures as defined by the Act and implement it in the manner stated below.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, ALLEN COUNTY, INDIANA AS FOLLOWS:

Section 1. Definitions.

“Control Environment”, in accordance with IC 5-11-1-27, refers to the demonstration of a commitment of the Town of Grabill to (a) integrity and ethical values, (b) oversight of the internal control system, (c) establishment of an organization structure that oversees the operations, reporting and compliance of the objectives of the internal controls system, (d) attracting developing and retaining competent individuals and (e) evaluating performance and holding individuals responsible for internal control duties and responsibilities;

“Risk Assessment”, in accordance with IC 5-11-1-27, refers to the process that identifies and assesses internal and external risks and establishes tolerances of the Town of Grabill sufficient to (a) enable the identification of risks and the amount of risks tolerated, (b) identify, analyze and respond to risks, (c) consider the potential for fraud in the risk assessment process and (d) identify, analyze and respond to significant changes impacting the internal control system;

“Control Activities”, in accordance with IC 5-11-1-27, refers to the Town of Grabill actions and tools established through policies and procedures that go towards the detection, prevention or the reduction of identified risks of

loss while still providing government operations by (a) designing control activities, (b) designing information systems and (c) implementing policies;

“Information and Communication”, in accordance with IC 5-11-1-27, refers to the internal and external communication needed to support an internal controls system that is valued and used by (a) receiving quality information, (b) internally communicating quality information and (c) externally communicating quality information;

“Monitoring Activities”, in accordance with IC 5-11-1-27, refers to the activities of the Town of Grapill officials to see that all of the components of the internal control system that meet or exceed the standards herein are functioning properly by (a) establishing and operating monitoring activities and then evaluating them on an ongoing or periodic basis and (b) the timely remediation of deficiencies.

Section 2. Mission. The Town Council finds that its mission is as follows:

- a. Provision of a democratic governmental structure at the grassroots level;
- b. Provision of services as determined through the political process including but not limited to common municipal services such as the provision of police, fire, utilities (water, sewer, etc.), economic development, parks and similar municipal services;
- c. Promotion of government efficiency, accountability, reliability and transparency; and
- d. Promotion of safeguards to reduce the risk of loss due to fraud, waste, abuse, mismanagement or errors.

Section 3. Objectives. The Town Council finds that its objectives are as follows:

- a. Operations Objectives which involve the ways governmental services are performed and the performance of those providing governmental services including by way of example budgeting, purchasing, permitting, cash management and planning among others.

b. Reporting Objectives which involve the filing of financial and nonfinancial information to those inside the government and those outside of the government including by way of example filing the annual report, audit and examination cooperation, filing uniform conflict of interest forms and the other filings with any governmental agency or official or information required to be kept such as an OSHA log and responding to a public records request among others.

c. Compliance Objectives involve the adherence to law and regulations including by way of example following guidance documents such as the State Board of Accounts' manuals, bulletins, directives and the Department of Local Government Finance's forms and directions and including other outside of government trainings and documents such as IACT among others.

Section 4. Adoption of Minimum Level of Internal Control Standards and Procedures. The Town of Grabill hereby adopts the Internal Control Procedures as specified in Ind. Code §5-11-1-27, which include (1) Control Environment, (2) Risk Assessment, (3) Control Activities, (4) Information and Communication, and (5) Monitoring to promote governmental transparency and further defines each as follows:

a. Control Environment:

(i) The oversight body and management demonstrate a commitment to integrity and ethical values.

(ii) The oversight body oversees the Town of Grabill's internal control system.

Management establishes an organizational structure, assigns
(iii) responsibility and delegates authority to achieve the Town of Grabill's objectives.

(iv) Management demonstrates a commitment to attract, develop and retain competent individuals.

(v) Management evaluates performance and holds individuals accountable for their internal control responsibilities.

b. Risk Assessment:

- (i) Management defines objectives clearly to enable the identification of risks and defines risk tolerances.
- (ii) Management identifies, analyzes and responds to risk related to achieving the defined objectives.
- (iii) Management considers the potential for fraud when identifying, analyzing and responding to risks.
- (iv) Management identifies, analyzes and responds to significant changes that could impact the internal control system.

c. Control Activities:

- (i) Management designs control activities to achieve objectives and respond to risks.
- (ii) Management designs the Town of Grabill's information system and related control activities to achieve objectives and respond to risks.
- (iii) Management implements control activities through policies.

d. Information and Communication:

- (i) Management uses quality information to achieve the Town of Grabill's objectives.
- (ii) Management internally communicates the necessary quality information to achieve the Town of Grabill's objectives.
- (iii) Management externally communicates the necessary quality information to achieve the Town of Grabill's objectives.

5. Monitoring:

- (i) Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.
- (ii) Management remediates identified internal control deficiencies on a timely basis. Town of Grabill personnel, whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall comply with these minimum internal control standards and procedures and any other policy regarding standards and procedures determined necessary by the Town Council of the Town of Grabill now and as modified in the future. Moreover, said personnel shall be trained at least once during a calendar year and annually thereafter, unless on leave status, on the minimum internal control standards and

procedures and any other standards and procedures determined necessary by the Town of Grabill, and shall cooperate with the Fiscal Officer or designee to timely certify annual training to the State Board of Accounts.

Section 5. Adoption of Internal Control Department and Internal Control Officer. The Town Council hereby establishes an Internal Control Officer and Internal Control Department to review the current internal control system of the Town of Grabill and adopt a policy for the future internal control system and perform an annual review, or more if determined necessary for compliance with this ordinance.

- (i) Internal Control Department. The Clerk-Treasurer's office shall hereby be designated the Internal Control Department.
Internal Control Officer. The Clerk-Treasurer of the Town of Grabill shall hereby be designated as the Internal Control Officer. The Town Council delegates the Internal Control Officer and the Internal
- (ii) Control Department to perform all the internal control system activities and duties along with creating the internal control systems policy which are consistent with this resolution.

Section 6. Additional Declarations. The Town Council adopts the internal control standards above so as to establish an effective internal control system for the Town of Grabill through its design, implementation and operation. The Town Council directs that the above standards be used to design, implement, operate and modify current operations, reporting and compliance objectives that will safeguard the assets of the Town of Grabill, promote reliability, accountability and transparency of financial and non-financial information and to assure compliance with laws and regulations for each office, department and personnel for an effective and reasonable internal control system of the Town of Grabill.

Section 7. Severability. If any provision, covenant, agreement or portion of this Resolution or its application to any person, entity or property, is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements or portions of this Resolution and,

to that end, any provisions, covenants, agreements or portions of this Resolution are declared to be severable.

Section 8. Effective Date. This Resolution shall be in full force and effect from and after its adoption and the procedures required by law.

This RESOLUTION is hereby passed and adopted this _____ day of May, 2018.

TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, INDIANA

Wilmer Delagrang
Wilmer Delagrang

Jeff Smead
Jeff Smead

Claude E. Schrock
Claude Schrock

Attested by:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer of
The Town of Grabill, Indiana

ORDINANCE NO. 674-2018

AN ORDINANCE ADOPTING A CAPITAL

IMPROVEMENT PLAN SPECIFYING THE USES OF

REVENUES TO BE RECEIVED UNDER THE COUNTY

ECONOMIC DEVELOPMENT INCOME TAX

WHEREAS, Allen County has adopted a County Economic Development Income Tax;

and

WHEREAS, Indiana Code §6-3.5 -7-15 requires that a Capital Improvement Plan be adopted prior to receipt by the Town of its distributive share of the County Economic Development Income Tax revenues.

NOW THEREFORE, BE IT ORDAINED that the Town of Grabill adopt the following as its Capital Improvement Plan to be funded within the calendar years 2018 with City Economic Development Income Tax funds.

EXHIBIT “A” IS ADOPTED AS IF SET OUT HEREIN IN FULL.

To the extent the expense of the described projects is not covered by County Economic Development Income Tax fund, the expense will be paid from Town appropriations made therefore.

This Ordinance shall be in full force and effect from and after its passage by the Common Council, approved by the President, and legal publication as required by law.

Wilmer Delagrang
Wilmer Delagrang, President

ATTEST:

Cynthia Barhydt
**Cynthia Barhydt, Clerk-
Treasurer**

Presented by me to the President of the Town of Grabill, Indiana, on this 16 day of May , 2018, at the hour of 7:30 p.m.

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

This Ordinance approved and signed by me on this 16 day of May , 2018, at the hour of 7:30 p.m.

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead, Vice-President

Claude E. Schrock
Claude Schrock, Councilman

CEDIT CAPITAL IMPROVEMENT PLAN

FOR 2018

Exhibit A

Revenue:

2018 Revenue **\$144,425**

TOTAL REVENUE: **\$144,425**

EXPENSES:

Estimated Project Cost & CEDET Funding

Project 1

Community Crossing Matching Fund Grant 75/25 **\$90,250**

\$320,000.00

Project 2

State Street repairs resurfacing, sidewalks **\$219,000**

ADA Ramp, road striping

Project 3

Main Street, Asphalt repairs/resurfacing **\$170,000**

Sidewalk improvements, ADA ramp, storm drainage improvements

Project 4 **\$110,000**

State Street Sidewalk new sidewalk installation, additional R/W

And or easement requirements, culvert or ditch crossing

Ditch crossing permit requirements TIFF

Project 5

State Street (railroad crossing to east corp. Limits) \$234,000

TIFF Asphalt repairs resurfacing, road striping

Project 6

Sawmill Road North

Asphalt repairs/resurfacing, road striping, roadway widening \$165,000

Additional R/W and or easement requirements TIFF

Project 7

\$28,000

Sawmill Road Signs (South) TIFF, Road Striping

Total Cost \$1,016,250

RESOLUTION NO: 1321-2018

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA AMENDING AND RESTATING
RESOLUTION NO. 1312-2018 AND ADOPTING A MINIMUM
LEVEL OF INTERNAL CONTROL STANDARDS PROCEDURES
AND DUTIES AND PROCEDURES OF TOWN OFFICIALS**

WHEREAS, in 2015 the Indiana General Assembly passed, and the Governor signed, P.L.184-2015, which is codified at Ind. Code §5-11-1-27 (the “Act”);

WHEREAS, in compliance with Ind. Code §5-11-1-24, the State Board of Accounts (“SBOA”) shall define the minimum level of internal control standards and internal control procedures for internal control systems of political subdivisions including the following: (1) Control Environment (2) Risk Assessment (3) Control Activities (4) Information and Communication and (5) Monitoring (“Internal Control Procedures”);

WHEREAS, the Act requires the SBOA to develop or designate approved personnel training materials as approved by the audit committee (“Personnel Training”);

WHEREAS, after June 30, 2016, the legislative body of a political subdivision shall ensure that (1) Internal Control Procedures are adopted and (2) personnel receive training concerning the Internal Control Procedures;

WHEREAS, after June 30, 2016, the fiscal officer of a political subdivision shall certify in writing that (1) Internal Control Procedures have been adopted by the political subdivision and (2) personnel, who are not otherwise on leave status, have received training as required by Personnel Training (collectively, “Certification”);

WHEREAS, the Certification shall be filed with the SBOA at the same time as the annual financial report required by Ind. Code §5-11-1-4, and

shall be electronically filed in the manner prescribed under Ind. Code §5-14-3.8-7; and

WHEREAS, in order to comply with Ind. Code §5-11-1-27, the Town Council believes it is in the best interests of its citizens to adopt as its policy the Internal Control Procedures as defined by the Act and implement it in the manner stated below.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, ALLEN COUNTY, INDIANA AS FOLLOWS:

Section 1. Definitions.

“Control Environment”, in accordance with IC 5-11-1-27, refers to the demonstration of a commitment of the Town of Grabill to (a) integrity and ethical values, (b) oversight of the internal control system, (c) establishment of an organization structure that oversees the operations, reporting and compliance of the objectives of the internal controls system, (d) attracting developing and retaining competent individuals and (e) evaluating performance and holding individuals responsible for internal control duties and responsibilities;

“Risk Assessment”, in accordance with IC 5-11-1-27, refers to the process that identifies and assesses internal and external risks and establishes tolerances of the Town of Grabill sufficient to (a) enable the identification of risks and the amount of risks tolerated, (b) identify, analyze and respond to risks, (c) consider the potential for fraud in the risk assessment process and (d) identify, analyze and respond to significant changes impacting the internal control system;

“Control Activities”, in accordance with IC 5-11-1-27, refers to the Town of Grabill actions and tools established through policies and procedures that go towards the detection, prevention or the reduction of identified risks of loss while still providing government operations by (a) designing control activities, (b) designing information systems and (c) implementing policies;

“Information and Communication”, in accordance with IC 5-11-1-27, refers to the internal and external communication needed to support an internal controls system that is valued and used by (a) receiving quality information, (b) internally communicating quality information and (c) externally communicating quality information;

“Monitoring Activities”, in accordance with IC 5-11-1-27, refers to the activities of the Town of Grabill officials to see that all of the components of the internal control system that meet or exceed the standards herein are functioning properly by (a) establishing and operating monitoring activities and then evaluating them on an ongoing or periodic basis and (b) the timely remediation of deficiencies.

Section 2. Mission. The Town Council finds that its mission is as follows:

- a. Provision of a democratic governmental structure at the grassroots level;
- b. Provision of services as determined through the political process including but not limited to common municipal services such as the provision of police, fire, utilities (water, sewer, etc.), economic development, parks and similar municipal services;
- c. Promotion of government efficiency, accountability, reliability and transparency; and
- d. Promotion of safeguards to reduce the risk of loss due to fraud, waste, abuse, mismanagement or errors.

Section 3. Objectives. The Town Council finds that its objectives are as follows:

- a. Operations Objectives which involve the ways governmental services are performed and the performance of those providing governmental services including by way of example budgeting, purchasing, permitting, cash management and planning among others.
- b. Reporting Objectives which involve the filing of financial and nonfinancial information to those inside the government and those outside

of the government including by way of example filing the annual report, audit and examination cooperation, filing uniform conflict of interest forms and the other filings with any governmental agency or official or information required to be kept such as an OSHA log and responding to a public records request among others.

c. Compliance Objectives involve the adherence to law and regulations including by way of example following guidance documents such as the State Board of Accounts' manuals, bulletins, directives and the Department of Local Government Finance's forms and directions and including other outside of government trainings and documents such as IACT among others.

Section 4. Adoption of Minimum Level of Internal Control Standards and Procedures. The Town of Grabill hereby adopts the Internal Control Procedures as specified in Ind. Code §5-11-1-27, which include (1) Control Environment, (2) Risk Assessment, (3) Control Activities, (4) Information and Communication, and (5) Monitoring to promote governmental transparency and further defines each as follows:

a. Control Environment:

- (i) The oversight body and management demonstrate a commitment to integrity and ethical values.
- (ii) The oversight body oversees the Town of Grabill's internal control system.
Management establishes an organizational structure, assigns responsibility and delegates authority to achieve the Town of Grabill's objectives.
- (iii) Management demonstrates a commitment to attract, develop and retain competent individuals.
- (iv) Management evaluates performance and holds individuals accountable for their internal control responsibilities.
- (v)

b. Risk Assessment:

- (i) Management defines objectives clearly to enable the identification of risks and defines risk tolerances.

- (ii) Management identifies, analyzes and responds to risk related to achieving the defined objectives.
- (iii) Management considers the potential for fraud when identifying, analyzing and responding to risks.
- (iv) Management identifies, analyzes and responds to significant changes that could impact the internal control system.

c. Control Activities:

- (i) Management designs control activities to achieve objectives and respond to risks.
Management designs the Town of Grabill's information system
- (ii) and related control activities to achieve objectives and respond to risks.
- (iii) Management implements control activities through policies.

d. Information and Communication:

- (i) Management uses quality information to achieve the Town of Grabill's objectives.
- (ii) Management internally communicates the necessary quality information to achieve the Town of Grabill's objectives.
- (iii) Management externally communicates the necessary quality information to achieve the Town of Grabill's objectives.

5. Monitoring:

- (i) Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.
- (ii) Management remediates identified internal control deficiencies on a timely basis. Town of Grabill personnel, whose official duties include receiving, processing, depositing, disbursing, or otherwise having access to funds that belong to the federal government, state government, a political subdivision, or another governmental entity shall comply with these minimum internal control standards and procedures and any other policy regarding standards and procedures determined necessary by the Town Council of the Town of Grabill now and as modified in the future. Moreover, said personnel shall be trained at least once during a calendar year and annually thereafter, unless on leave status, on the minimum internal control standards and procedures and any other standards

and procedures determined necessary by the Town of Grabill, and shall cooperate with the Fiscal Officer or designee to timely certify annual training to the State Board of Accounts.

Section 5. Adoption of Internal Control Department and Internal Control Officer. The Town Council hereby establishes an Internal Control Officer and Internal Control Department to review the current internal control system of the Town of Grabill and adopt a policy for the future internal control system and perform an annual review, or more if determined necessary for compliance with this ordinance.

- (i) Internal Control Department. The Clerk-Treasurer's office shall hereby be designated the Internal Control Department.

- (ii) Internal Control Officer. The Clerk-Treasurer of the Town of Grabill shall hereby be designated as the Internal Control Officer. The Town Council delegates the Internal Control Officer and the Internal Control Department to perform all the internal control system activities and duties along with creating the internal control systems policy which are consistent with this resolution.

Section 6. Adoption of Certain Duties of Town Officers. The Town Council hereby establishes and adopts the duties set forth and attached to this Resolution as [Exhibit A](#) which duties shall be deemed part of and incorporated into the internal control system and policy of the Town.

Section 7. Additional Declarations. The Town Council adopts the internal control standards above so as to establish an effective internal control system for the Town of Grabill through its design, implementation and operation. The Town Council directs that the above standards be used to design, implement, operate and modify current operations, reporting and compliance objectives that will safeguard the assets of the Town of Grabill, promote reliability, accountability and transparency of financial and non-financial information and to assure compliance with laws and regulations for each office, department and personnel for an effective and reasonable internal control system of the Town of Grabill.

Section 8. Severability. If any provision, covenant, agreement or portion of this Resolution or its application to any person, entity or property, is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements or portions of this Resolution and, to that end, any provisions, covenants, agreements or portions of this Resolution are declared to be severable.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its adoption and the procedures required by law.

This RESOLUTION is hereby passed and adopted this 19th day of September, 2018.

TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, INDIANA

Wilmer Delagrang
Wilmer Delagrang

Jeff Smead
Jeff Smead

Claude E. Schrock
Claude Schrock

Attested by:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer of
The Town of Grabill, Indiana

Exhibit A

Internal Control Policy and Procedure – Duties of Town Officers

Attached.

**INTERNAL CONTROL POLICY AND
PROCEDURES
DUTIES**

CASH RECEIPTS

- The Clerk-Treasurer and the Deputy Clerk-Treasurer or Utility clerk open all mail and write receipts for money received from utility customers.

The cash drawer is in the Clerk-Treasurer's office and he/she is the only one that makes change from the draw. The Deputy Clerk-Treasurer or utility clerk assistant does unannounced spot checks. Both the Clerk-Treasurer and the Deputy Clerk-Treasurer or assistant will sign the Cash Balance Sheet. The Deputy Clerk-Treasurer or assistant will report any differences to the Town Board, unless the difference warrants a call to the State Board of Accounts. (See the Clerk-Treasurer Directive)

- The Clerk-Treasurer will make up the bank cash deposits and the Deputy Clerk-Treasurer assistant will take them to the bank at which time he/she will verify the amount. A check reader will be used to deposit customer's checks. Electronic deposit slips are attached to the check receipts and filed with daily deposits receipts. The Clerk-Treasurer does not do credit card payments at this time.

- The Clerk-Treasurer will post all payments to the customer's account.

The Clerk-Treasurer is the only person that will adjust the accounts. The Town Council has authorized the Clerk-Treasurer to make adjustments on sewage, if the customer had a leak and the leak has been repaired. The sewage will be adjusted down to the average sewage bill from the previous months. Water and sewage may be adjusted when the electronic reader malfunctions.

- The Clerk-Treasurer will prepare the customer utility bills. The Superintendent or the Assistant Superintendent reads the meters

electronically. The data is transferred to Master meter by the Clerk-Treasurer and then transferred to Keystone Utility. The Clerk-Treasurer prepares the Utility bill. The sheets are broke down, stamped and taken to the Post Office by the Clerk-Treasurer or Deputy Clerk-Treasurer/assistant.

Bad debt can only be written off with the approval of the Town

- Council in a public meeting. The Town Council will also approve all Accounts Receivable adjustments.

CASH DISBURSEMENTS

- The Clerk-Treasurer, Deputy Clerk-Treasurer, Superintendent, and Assistant Superintendent, have the authority to purchase goods and services up to the amount of six hundred dollars (\$600.00) each per month. They will ensure the receipts are correct and deliver them to the Clerk-Treasurer. The Clerk-Treasurer will then mark on the receipt the Fund in which money will be disbursed, in accordance with where the goods and services will be used.

- The Clerk-Treasurer prints all checks. All blank checks are maintained in the office of the Clerk-Treasurer and he/she is the only one with access to the check stock. The checks are printed using Keystone Fund. No hand written checks (except in an emergency) will be disbursed. The Clerk-Treasurer will post and hand sign, or use his /her signature stamp, both the APV and the check, then the Deputy Clerk-Treasurer / assistant will enter the Appropriation Voucher to a

10. Utility Payments

11. Post Utility Receipts

12. Calculates Bills

- All data is stored in electronic files with limited hard copies available. Back-ups are stored off-site.

- The Clerk-Treasurer and the Deputy Clerk-Treasurer/utility clerk assistant use multiple spreadsheets for day-to-day business.
 - Keystone emails all changes and updates to their programs.
- When the Clerk-Treasurer or the Deputy Clerk-Treasurer / utility clerk assistant log into any Keystone program it is recorded who logged into the program and which changes they made.

The Town of Grabill believes that the key to Internal Controls is continued education, by going to programs sponsored by AIM, ILMCT, SBOA, and DLGF. The Town of Grabill believes that networking with other communities is a further way to understand the needs and resources to strengthen the Internal Controls in our community.

Resolution No. 1327-2019
2018-Year End Budget Transfers

WHEREAS, the Town of Grabill (“Town”) is governed by its duly elected Town Council which serves as the fiscal body of the Town; and.

WHEREAS, the Town Council was informed of the need to transfer budgeted monies into different major budget classifications; and,

WHEREAS, the said Town Council having considered the sums as determined by Clerk-Treasurer to be necessary and that the sums do not require the expenditure of additional money recognizing the need to accomplish what is being requested by that office, **NOW, THEREFORE, BE IT ORDAINED AND PASSED** by the Common Council of the Town of Grabill meeting in regular sessions as follows: Section 1. That the Clerk-Treasurer is hereby authorized to transfer the sums from one major budget classification to others for the December 2018 year end financial records pursuant to I.C. 6-1.1-18-6, as evidenced by [Exhibit “A”](#), attached hereto and incorporated by reference herein.

DULY PASSED AND ADOPTED this 13 day of February , 2019, by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 13 day of February 2019, at the hour of _____ P.M.

Town Council of Grabill

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead
Jeff Smead, Vice President

Claude E. Schrock
Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Attachments:

☐ +/- #1327-2019: 2018 Year-End Budget Transfers (2/13/2019) -
Miscellaneous Appropriation Transaction List, Page 1

☐ +/- #1327-2019: 2018 Year-End Budget Transfers (2/13/2019) -
Miscellaneous Appropriation Transaction List, Page 2

☐ +/- #1327-2019: 2018 Year-End Budget Transfers (2/13/2019) -
Miscellaneous Appropriation Transaction List, Page 3

☐ +/- #1327-2019: 2018 Year-End Budget Transfers (2/13/2019) -
Miscellaneous Appropriation Transaction List, Page 4

☐ +/- #1327-2019: 2018 Year-End Budget Transfers (2/13/2019) -
Miscellaneous Appropriation Transaction List, Page 5

☐ +/- #1327-2019: 2018 Year-End Budget Transfers (2/13/2019) -
Miscellaneous Appropriation Transaction List, Page 6

☐ +/- #1327-2019: 2018 Year-End Budget Transfers (2/13/2019) -
Miscellaneous Appropriation Transaction List, Page 7

ORDINANCE NO. 681-2019

AN ORDINANCE ADOPTING A CAPITAL
IMPROVEMENT PLAN SPECIFYING THE USES OF
REVENUES TO BE RECEIVED UNDER THE COUNTY
ECONOMIC DEVELOPMENT INCOME TAX

WHEREAS, Allen County has adopted a County Economic Development Income Tax; and

WHEREAS, Indiana Code §6-3.5 -7-15 requires that a Capital Improvement Plan be adopted prior to receipt by the Town of its distributive share of the County Economic Development Income Tax revenues.

NOW THEREFORE, BE IT ORDAINED that the Town of Grabill adopt the following as its Capital Improvement Plan to be funded within the calendar years 2019 and 2020 with City Economic Development Income Tax funds.

EXHIBIT “A” IS ADOPTED AS IF SET OUT HEREIN IN FULL.

To the extent the expense of the described projects is not covered by County Economic Development Income Tax fund, the expense will be paid from Town appropriations made therefore.

This Ordinance shall be in full force and effect from and after its passage by the Common Council, approved by the President, and legal publication as required by law.

Wilmer Delagrange
Presiding officer

ATTEST:

Cynthia Barhydt

Presented by me to the President of the Town of Grabill, Indiana, on this 13 day of Feb , 2019, at the hour of 8:40 p.m.

Cynthia Barhydt
Town Clerk-Treasurer

This Ordinance approved and signed by me on this 13 day of February , 2019, at the hour of 8:40 p.m.

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Councilman

Claude E. Schrock
Claude Schrock, Councilman

**CEDIT CAPITAL IMPROVEMENT PLAN
FOR 2019/2020**

Revenue:

2019 Revenue	\$182,625.00
2020 Revenue	<u>\$182,625.00</u>
TOTAL REVENUE:	\$365,250.00

EXPENSES:

Estimated Project Cost & CEDET Funding

CEDIT expenses Stellar Grant trail/ Down town	
75/25 Over next five years \$75,000.00 each year	\$ 350,000.00
Community Crossing Grant 2019	

Total cost \$444,000 requested for 80/20 match)	<u>\$ 88,800.00</u>

Total Expenses	<u>\$ 438,800.00</u>

EXHIBIT "A"

RESOLUTION # 381

Editor's Note: This resolution is Archived.

Editor's Note: Photographs of the pages of this resolution:



(ARCHIVED) #381R: Donation to Youth Group (11/11/1998)

Ordinance 393

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #393: Donation to Youth Group (10/13/1999)

Ordinance 404

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #404: Donation to Youth Group (10/11/2000)

Ordinance 410

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #410: Donation to Youth Group (10/17/2001)

Ordinance 435

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #435: Donation to Youth Group (11/5/2003)

ORDINANCE NO. 286

An Ordinance creating a Department of Parks and Recreation in Grabill, as authorized by I.C. 36-10-3.

Be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: Under the provisions of I.C. 36-10-3 there is hereby created a Municipal Department of Parks and Recreation for the Town of Grabill.

SECTION 2: The Municipal Department of Parks and Recreation for the Town of Grabill shall be composed of Four (4) members appointed by the President of the Town Council on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party.

SECTION 3: Upon establishing of the board, the terms initially appointed shall be:

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

As a term expires, each new appointment shall be made by the President of the Town Council for a term of four (4) years. All terms expire on the first Monday in January, but a member shall continue in office until his successor is appointed. If an appointment for a new term is not made by the President of the Town Council by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the President of the Town Council shall appoint a new member for the remainder of the unexpired term.

SECTION 4: At its first regular meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the board during the absence or disability of the

president. The Board may select a secretary from within or without its own membership.

SECTION 5: The board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers listed in I.C. 36-10-3 et seq.

SECTION 6: The board shall prepare and submit an annual budget in the same manner as other departments of city government as prescribed by the State Board of Accounts. The board may accept gifts, donations, and subsidies for park and recreation purposes.

SECTION 7: All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.

SECTION 8: This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed and approved the 12 day of June , 1990, by 3 () voting aye and 0 () voting no.

Recorded the 12 day of June , 1990.

Presented to and approved to me this 12 day of June , 1990.

M. Joanne Sauder
M. JOANNE SAUDER, as President of
the Town Council of the Town
of Grabill, Indiana.

Attest:

Mary Ann Carnahan
Mary Ann Carnahan
Clerk/Treasurer

RESOLUTION # 347

Editor's Note: This resolution is Archived. It deals with a one-time additional appropriation.

Editor's Note: Photographs of the pages of this resolution:



(ARCHIVED) #347R: Park Board/DNR funds (12/18/1995)

RESOLUTION 361

WHEREAS the Town Council is the governing body of the Town of Grabill in Allen County in the State of Indiana, and Be it resolved that the Town of Grabill hereby establishes that all bank interest is to be placed in the General Fund with the following exception: The Park Fund shall receive the percentage of interest that compares to the balance it has in the bank.

Town Council of the Town of Grabill May 14, 1997

M. Joanne Sauder M. Joanne Sauder
Council President

Gregory Smitley
Gregory Smitley
Councilman

Wilmer Delagrange
Wilmer Delagrange
Councilman

Glenda A. Whittern
Attest: Glenda Whittern
Clerk Treasurer

RESOLUTION 372

Editor's Note: This resolution has Expired.

Editor's Note: Photographs of the pages of this resolution:

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (4/13/1998) - Adoption

☐ +/- (EXPIRED) Park & Recreation Master Plan (Spring, 1998) - Page 1

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) - Page 2

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) - Page 3

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) - Page 4

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) - Page 5

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) - Page 6

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) - Page 7

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) - Page 8

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 9

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 10

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 11

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 12

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 13

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 14

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 15

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 16

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 17

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 18

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 19

☐ +/- (EXPIRED) #372R: Park & Recreation Master Plan (Spring, 1998) -
Page 20

RESOLUTION 373

Editor's Note: This resolution is Archived. It is a one-time application for "Hometown Indiana" funds.

Editor's Note: Photographs of the pages of this resolution:

 (ARCHIVED) #373R: Application to DNR for "Hometown Indiana" Funds (4/13/1998)

RESOLUTION

Editor's Note: This resolution has Expired.

Editor's Note: Photographs of the pages of this ordinance:



(EXPIRED) Park & Recreation Master Plan (2/9/2004)

RESOLUTION NO. 1255-2011

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, AUTHORIZING THE PLACEMENT OF SIGNAGE FOR NO OVERNIGHT PARKING OF VEHICLES POSTED AT THE NORTH/SOUTH PARKS PARKING LOTS

WHEREAS, the town proposes to place a (no overnight parking) sign at the entrance of the North/South parks parking lots, and;

WHEREAS, the town proposes to place no parking overnight signage of any vehicles such as large trucks, semi trucks, trailers, cars, etc., and;

WHEREAS, the town proposes to not allow heavy trucks/trailers to drive on the parking lots, and;

WHEREAS, the town proposes to not allow any storage of equipment of any kind on the municipal parks property at any time, and;

WHEREAS, [Section 410.30](#) of the traffic Code of the Town of Grabill authorizes the Town of Grabill by resolution to determine the placement of traffic control signs and to erect signs on through streets;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, THAT:

1. A no overnight parking sign be placed at the North/South Parks parking lots; in order to disallow any overnight parking at the North/South parks;
2. Storage of any kind will not be allowed on municipal property;

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 15 day of June , 2011, at 7:45 P.M.

Town Council of Town of Grabill, Indiana

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead
Jeff Smead, Vice President

Candace DeCamp
Candace DeCamp, Councilwoman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

ORDINANCE NO. 676-2018

Creating a Department of Parks and Recreation in Grabill, as authorized by I.C. 36-10-3. An Ordinance amending ordinance 286, section 2 only, from 4 members to no less than 4 members and no more than 6 members.

Be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: Under the provisions of I.C. 36-10-3 there is hereby created a Municipal Department of parks and Recreation for the Town of Grabill.

SECTION 2: The Municipal Department of parks and Recreation for the Town of Grabill shall be composed of no less than Four (4) members, and no more than six (6) members appointed by the President of the Town Council on the basis of their interest in and knowledge of parks and recreation. No more than two (2) members shall be of the same political party.

SECTION 3: Upon establishing of the board, the terms initially appointed shall be:

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

As a term expires, each new appointment shall be made by the President of the Town Council for a term of four (4) years. All terms expire on the first Monday in January, but a member shall continue in office until his

successor is appointed. If an appointment for a new term is not made by the President of the Town Council by the first Monday in April, the incumbent shall serve another term. If a vacancy occurs, the President of the Town Council shall appoint a new member for the remainder of the unexpired term.

SECTION 4: At its first regular meeting in each year, the Board shall elect a president and vice-president. The vice-president shall have authority to act as the president of the board during the absence or disability of the president. The Board may select a secretary from within or without its own membership.

SECTION 5: The board shall have the power to perform all acts necessary to acquire and develop sites and facilities and to conduct such programs as are generally understood to be park and recreation functions. In addition, the Board shall have all the powers listed in I.C. 36-10-3 et seq.

SECTION 6: The board shall prepare and submit an annual budget in the same manner as other departments of city government as prescribed by the State Board of Accounts. The board may accept gifts, donations, and subsidies for park and recreation purposes.

SECTION 7: All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.

SECTION 8: This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed and approved the 20 day of June, 2018, by () voting aye and () voting no.

Recorded the 20 day of June, 2018.

Presented to and approved by me this 20 day of June, 2018.

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Vice President

Claude Schrock, Councilman

Attest:

Cynthia Barhydt
Cynthia Barhydt
Clerk/Treasurer

RESOLUTION # 370

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution:



(EXPIRED) #370R: Park & Recreation Board (4/8/1998)

RESOLUTION # 386

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution:



(EXPIRED) #386R: Park & Recreation Board (4/14/1999)

RESOLUTION # 407

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution:



(EXPIRED) #407R: Park & Recreation Board (2/28/2001)

RESOLUTION # 424

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution:



(EXPIRED) #424R: Park & Recreation Board (2/26/2003)

Resolution # 438

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution:



(EXPIRED) #438R: Park & Recreation Board (2/25/2004)

Ordinance No. 11

Editor's Note: This ordinance is Void. It refers to equipment purchased in 1914.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #11: Purchase of Chemical Engines and Hose
(7/6/1914)

ORDINANCE NO. 96

Editor's Note: This ordinance is Archived. It concerns a Fire Truck Rental Contract from 1959.

Editor's Note: Photographs of the pages of this ordinance: ☐

(ARCHIVED) #96: Fire Truck Rental Contract (6/1/1959) - Page 1

☐ (ARCHIVED) #96: Fire Truck Rental Contract (6/1/1959) - Page 2

☐ (ARCHIVED) #96: Fire Truck Rental Contract (6/1/1959) - Page 3

SPECIAL ORDINANCE NO. 149

AN ORDINANCE approving a "Petition For Cooperative Effort In The Purchase, Maintenance and Upkeep Of Proper Housing For Firefighting Apparatus And Equipment" between Richard Kees, Springfield Township Trustee, Allen County, Indiana; Edwin Sink, Cedar Creek Township Trustee, Allen County, Indiana; and the Board of Trustees of the Town of Grabill, Allen County, Indiana.

WHEREAS, Richard Kees, Springfield Township Trustee, Allen County, Indiana, and Edwin Sink, Cedar Creek Township Trustee, Allen County, Indiana have respectfully petitioned the Board of Trustees of the Town of Grabill, Allen County, Indiana for their approval of a petition captioned "Petition For Cooperative Effort In The Purchase, Maintenance and Upkeep Of Proper Housing For Firefighting Apparatus And Equipment"; a copy of which said petition is attached hereto and incorporated herein as if set forth at length: (H.I.) NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Allen County, Indiana:

Section 1. That the foregoing petition be and the same is hereby and all things approved and the prayer thereof is granted.

Section 2. That this ordinance shall be in full force and effect from and after its passage and approval by the President of the Board of Trustees and published as provided by law.

Passed and approved the 12th day of September , 1973.

Recorded the 12th day of September , 1973.

Presented to and approved by me this the 12th day of September , 1973.

Carlton Sauder
President of
the Town
Board

ATTEST:

Alleen Kipfer
Town Clerk-Treasurer

ORDINANCE NO. 281

Editor's Note: This ordinance is Void. It was explicitly repealed by [Ordinance No. 284](#), adopted 12/12/1989.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #281: Agreement with Grabill Volunteer Fire Dept
(8/8/1989)

ORDINANCE NO. 284

AN ORDINANCE REPEALING ORDINANCE NO. 281 AND
APPROVING A REVISED FIRE PROTECTION AGREEMENT WITH
THE GRABILL VOLUNTEER FIRE DEPARTMENT, INC.

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

Section 1. The Town of Grabill does hereby repeal [Ordinance No. 281.](#)

Section 2. The Town of Grabill does hereby approve the revised Fire Protection Agreement with the Grabill Volunteer Fire Department, Inc., which Agreement is attached hereto and made a part hereof the same as if set forth herein at length.

Section 3. The President of the Town Council with the attestation of the Clerk-Treasurer are hereby authorized and empowered to execute said Agreement for and on behalf of the Town.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and recording.

Passed and adopted by the Town Council of the Town of Grabill on the 12th day of December, 1989.

M. Joanne Sauder
M. JOANNE SAUDER, President

R. E. Miller
RAYMOND E. MILLER, Board Member

JEFFREY W. GRAY, Board Member

ATTEST:

Mary Ann Carnahan
MARY ANN CARNAHAN
Clerk-Treasurer

ORDINANCE NO. 417

AN ORDINANCE ESTABLISHING RESTRICTIONS ON BURNING AND AIR POLLUTION CONTROL STANDARDS AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the Town Council recognizes the risk to persons, dwellings and other structures posed by open burning or fires within the Town of Grabill; and

WHEREAS, open burning or fires and the smoke emanating therefrom present respiratory problems or other health problems for residents or other persons working in or visiting the Town of Grabill; now therefore:

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

Section 1: Definitions.

(a) Authorized Enforcement officer.

The term "authorized enforcement officer" shall mean Allen County Health Officer, Sheriff of Allen County, Allen County Emergency Director, Allen County Environmental Affairs Director, the Fire Chief of the Town of Grabill, law enforcement officials of the Town of Grabill or their designated representative.

(b) Non-combustible Container.

The term "non-combustible container" shall mean a container that can withstand a temperature of 1500 degrees Fahrenheit.

(c) Open Burning or Open Fire.

The term "open burning" or "open fire" shall mean any burning of combustible materials wherein the products of combustion are emitted directly into the open air without passing through a stack or chimney.

(d) Refuse.

The term "refuse" shall mean and include garbage, rubbish, trade waste, and trash.

(e) Smoke.

The term "smoke" shall mean gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, ash, and other combustible material which form a visible plume in the air.

(f) Wood Products.

"Wood Products" shall mean dry materials consisting of clean wood and boards, and vegetation such as branches, leaves, and other similar material.

Section 2. Open Burning Restricted: General Prohibitions.

(a) It shall be a violation of this ordinance to cause, suffer, or allow open burning of any material on any real estate zoned or used for businesses, apartment complexes, or mobile home parks, or residences containing five or more units unless a variance from 326 IAO 4-1 has been approved and issued by the Indiana Department of Environmental Management.

(b) It shall be a violation of this ordinance to cause, suffer, or allow any open burning of any substance other than wood products at any place within the Town of Grabill. No person shall cause, suffer, allow, or permit the emission into the atmosphere of any substance or combination of substances from the burning of wood products as allowed herein in such quantities as to cause annoyance or constitute a nuisance so as to interfere

with the health or well-being of any individual in his home or place of employment or recreation or as to interfere with the normal use and enjoyment of any such place, except those activities allowed by Sections 3, 4, and 5 of this Ordinance shall not constitute a violation of this section.

Section 3: Residential Burning Limited.

Open burning shall be allowed in areas zoned RS1 and RSPI according to the Allen County Zoning Ordinance. Such burning shall be of wood products only, which products originated on the premises. Permitted burning shall only be between the hours of 8:00 a.m. to 5:00 p.m. legal time on days when the wind speed is greater than five (5) miles per hour and less than twenty (20) miles per hour as given by the local office of the National Weather Service. Burning shall be more than twenty (20) feet from any owned structure, road, or power line and one hundred (100) feet from any fuel storage area, pipeline, or non-owned structure.

Section 4: Agricultural Burning Limited.

(a) Open burning of an undesirable wood structure shall be allowed in areas zoned A-E according to the Allen County Zoning Ordinance. The person who owns or leases real property shall obtain a notification permit from the Town of Grabill Fire Department. Such burning shall be of wood products only which originated on the premises. All fires must be attended at all times during burning until completely extinguished. Permitted burning shall only be between the hours of 8:00 a.m. to 5:00 p.m. legal time. Burning shall be conducted only on days when the wind speed is greater than five (5) miles per hour and less than twenty (20) miles per hour as given by the local office of the National Weather Service. Burning shall be more than two hundred (200) feet from any structure, road, or power line and two hundred (200) feet from any fuel storage area, pipeline, or non-owned structure.

(b) To obtain a notification permit to burn material on real property, a person should submit to the Town of Grabill Fire Department ten (10) days prior to the burning an application that contains the following information:

- (1) The person's name and address.

- (2) The location of the real property.
- (3) The dates and the times that the burning on the real property will occur.
- (4) A description of the material that will be burned.
- (5) Any other information required by the Town of Grabill Fire Department, the Allen County Board of Health, the Allen County Emergency Management or the Allen County Department of Environmental Affairs.

(c) If the application submitted by a person pursuant to subsection (b) meets the requirements of this section, the Town of Grabill Fire Department may issue a permit to the person.

(d) The Fire Department may charge a permit fee to offset any costs incurred by the Fire Department.

Section 5: Limited Burning for Special Purposes.

(a) With the exception of the distance requirements of Section 3, open burning for the following special purposes shall be allowed without restriction:

- (1) Camp fires and fires for cookouts;
- (2) Fires required for personal comfort: A bonfire in connection with recreational activities, including, but not limited to, sledding and ice skating;
- (3) Department of Natural Resources burning: in order to facilitate "prescribed" burning on DNR controlled properties for wildlife habitat maintenance, forestry purposes, and natural area management;
- (4) Ceremonial fires and bonfires: Upon advance notice to the Fire Department, a bonfire in connection with a ceremony, school pep rallies, scouting activities, and similar purposes; and
- (5) Variances: Open burning, other than mentioned above, may be permitted when a variance from 326 IAO 4-1 has been approved by the Indiana

Department of Environmental Management.

Section 6: Penalties for Violation of this Article.

(a) A person violating a provision of this ordinance shall be guilty of an infraction and subject to a fine of \$25.00. The person may either admit liability to the infraction and pay the penalty to the Clerk Treasurer, or must appear in court on the date, place, and time specified on the citation. Payment must be made within five (5) business days prior to the court date, and may be mailed to or paid at the address designated on the citation.

(b) A person who willfully violates a provision of this ordinance shall be guilty of an infraction and subject to a fine not to exceed \$2,500.00. The Town shall cause a summons and order to appear to be issued which shall require that the offender appear in court on the date, place, and time specified on the order to plead.

(c) The above penalties do not preclude the Department of Environmental Management from seeking legal action for violation(s) of 326 IAO 4-1.

(d) Liability for fire: Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire causing air pollution may not refute liability for violation of this ordinance on the basis that said fire was said by vandals, accident, or an act of God.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF GRABILL, INDIANA** on the 10th day of July , 2002.

Town Council of the Town of Grabill, Indiana

Wilmer Delagrang

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern

Glenda A Whittern, Clerk Treasurer

ORDINANCE NO. 418

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR SMOKE DETECTORS, ENFORCEMENT PROVISIONS AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town Council believes a large percentage of deaths and injuries resulting from fires in homes, apartments or other residential dwellings could be prevented; and

WHEREAS, the Town Council is committed to preserving the welfare of all of its residents, tenants and homeowners; and

WHEREAS, the public's health, safety and welfare may be improved by the installation and maintenance of smoke detectors; now therefore:

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

Section 1: Definitions.

For purposes of this ordinance the following definitions shall apply:

(a) Authority Having Jurisdiction.

The Town of Grabill, the Grabill Volunteer Fire Department and/or law enforcement officials of the Town of Grabill have enforcement responsibility of this ordinance.

(b) Dwelling Unit.

That structure, area, room, or combination of rooms in which a family (or individual) lives. This is meant to cover living area only and not common usage areas in multi-family buildings such as corridors, lobbies, basements, etc.

(c) Labeled.

Equipment or materials to which has been attached a label, symbol, or other identifying mark of an organization acceptable to the "Authority Having Jurisdiction."

(d) Listed.

Equipment or materials included in a list published by an organization acceptable to the "Authority Having Jurisdiction" and which product meets appropriate standards or has been tested and found suitable for use in a specified manner.

(e) NFPA 74.

Standard 74 of the National Fire Protection Association, which is located in Batterymarch Park, Quincy, MA 02269

(f) Sleeping Areas.

The area or areas of the family living unit in which the bedrooms (or sleeping rooms) separated by other use areas, such as kitchens or living rooms (but not bathrooms), shall be considered sleeping areas.

(g) Smoke Detector.

Shall be defined as a device which detects visible or invisible particles or products of combustion other than heat, as approved by Underwriters Laboratories, Inc., or Factory Mutual. The smoke detector shall be equipped with a test button, and it shall produce an alarm signal upon detection of any visible or invisible particles or products of combustion. It may be either battery powered with a minimum 9 volt or it may be powered by a 110 volt alternating current.

Section 2: Basic Requirements.

All family dwelling units within the limits of the Town of Grabill, Indiana, shall be equipped with a minimum of one functional, properly located, labeled, and listed smoke detector, or its equivalent or better, as described in the National Fire Protection Association Standard 74.

Section 3: Installation and Location.

(a) If placement in dwelling units is not specified by the manufacturer, then the smoke detector shall be installed to protect the sleeping areas and shall be located outside of the bedrooms but in the immediate vicinity of the sleeping areas, within 15 feet of all rooms used for sleeping areas.

(b) If method of installation is not specified by the manufacturer, the smoke detector shall be installed on or near the ceiling, not less than six (6) inches from any wall, or on a wall, not less than six (6) inches nor more than twelve (12) inches from the ceiling, and its installation shall be subject to approval by the "Authority Having Jurisdiction." No detector shall be recessed into the ceiling.

(c) If a smoke detector is solely A.C. powered and the manufacturer of such detector device does not supply specifications as to its installation, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of an A.C. powered detector shall conform to all electrical standards adopted by the Allen County Building Department. A smoke detector required under this code shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any county electrical standard, the county electrical standard shall take precedence.

Section 4: Maintenance.

It shall be unlawful for any person to tamper with or remove any smoke detector, except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair, replacement, rebuilding, repainting, or remodeling shall be reinstalled or replaced so that is operable and in place during normal sleeping hours, before said dwelling unit is reinhabited.

(a) Rental Residential Dwelling Units.

Each smoke detector shall be tested in accordance with the manufacturer's recommendations, but shall be tested at twelve (12) month intervals in every individual residential dwelling unit, and maintained as necessary, to

ensure it is in operable condition. At any change of tenancy, smoke detectors shall be tested and be in operable condition before the unit is reoccupied.

(b) Owner-Occupied Dwelling Units.

Each smoke detector shall be tested in accordance with manufacturer's recommendations, and shall be tested at twelve (12) month intervals, and maintained as necessary, to ensure it is in operable condition.

Section 5: Duty of Property Owner.

Every owner shall be responsible for the installation of smoke detectors as hereinabove provided in any residential dwelling owned by him. In the event the residential dwelling unit is a residential unit and non-owner occupied, then it shall be the responsibility of the tenant of said dwelling unit to install and maintain such smoke detectors which shall be provided by the owner and to maintain them in good working order until said tenant vacates the premises unless said smoke detector requires A.C. power supply, solely, in which case the responsibility for maintaining such smoke detector shall be the responsibility of the owner of the property.

Section 6: Enforcement of Provisions.

The Town of Grabill, the Grabill Volunteer Fire Department and/or law enforcement officials of the Town of Grabill shall be charged with the duty of enforcing the terms of this ordinance.

Section 7: Violation/Penalty.

(a) Any person, firm, or corporation violating any provisions of this ordinance, as affirmed or modified by the "Authority Having Jurisdiction", shall be subject to a fine of \$50.00

(b) Each day such violation is permitted to continue may be deemed to constitute a separate offense.

(c) Funds received from penalties paid pursuant to this section shall go to the general fund of the Town of Grabill.

(d) The provisions of this ordinance are severable, and if any sentence, section, or other part of this ordinance shall be found to be invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall continue to be in full force and effect.

Section 9: Effective Date.

This ordinance shall be in full force and effect from and after its passage, recording and publication as provided by law.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF GRABILL, INDIANA** on the 31st day of July , 2002.

Town Council of the Town of Grabill, Indiana

Wilmer Delagrange

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern

Glenda A Whittern, Clerk Treasurer

RESOLUTION 443

Editor's Note: This resolution is Void. It expired at the end of 2005.

Editor's Note: Photographs of the pages of this resolution:



(VOID) #443R: Fire Protection Rates (1/12/2005)

TOWN COUNCIL OF THE TOWN OF GRABILL,

ALLEN COUNTY, INDIANA

Resolution No. 1328-2019

RESOLUTION APPROVING SCHEDULE OF SERVICE CHARGES

FOR NORTHEAST FIRE & EMS, INC.

WHEREAS, the Town of Grabill, Indiana (the “Town”) has entered into a contract with Northeast Allen County Fire & EMS, Inc., an Indiana not-for-profit corporation (the “Fire Department”) for the provision of Fire Protection and EMS services within the Town; and

WHEREAS, I.C. 36-8-12-13 allows a volunteer fire department to establish a schedule of charges for the services consistent with the schedule of charges for services established by the Indiana State Fire Marshall’s office; and

WHEREAS, before the Fire Department may impose such charges on residents of the Town, the legislative body of the Town must approve the schedule of services pursuant to I.C. 36-8-12-13, 36-8-12-16 and 36-8-12-17; and

WHEREAS, the Town Council of the Town of Grabill, Indiana has determined that it is in the best interest of the residents of the Town, in order to provide a consistent level of quality fire protection, that the Fire Department be permitted to charge fees for services as established by the State Fire Marshall’s office.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, ALLEN COUNTY INDIANA, AS FOLLOWS:

The following schedule of charges is hereby approved for the Fire

1. Department to charge to persons receiving services within the incorporated boundaries of the Town of Grabill, Indiana:
 - (a) For initial response with a fire engine, a fire truck, or a fire apparatus, including a hazardous material response unit, or a fire rescue unit dispatched on a fire or hazardous material incident, two hundred fifty dollars (\$250.00) per response vehicle except command/control vehicle, which is one hundred dollars (\$100.00) per vehicle.
 - (b) For each hour or fraction thereof as on-scene assistance, one hundred fifty dollars (\$150.00) per response unit and fifty dollars (\$50.00) per command/control vehicle.
 - (c) For expendable materials such as absorption materials, emulsifiers, or other agents used in cleanup operations, the actual replacement cost of those materials.
 - (d) For collection of debris, chemicals, fuel, or contaminated materials resulting from a spill, the actual cost of removal and disposal at an authorized location.

In addition, pursuant to I.C. 36-8-12-17, the Fire Department may impose the following False Alarm Service Charges to any owner of property within the incorporated boundaries of the Town if the Fire

2. Department dispatches apparatus or personnel to a building or premises in response to (1) an alarm caused by improper installation or maintenance; or (2) a drill or test, if the fire department is not previously notified that the alarm is a drill or test:
 - (a) There will be no charge for the first two (2) false alarms.
For the third (3) and any subsequent false alarms, the person shall be charged \$100 for each vehicle dispatched to the location except for
 - (b) command vehicle, and \$75.00 for command vehicle that is dispatched.
 - (c) For purposes of this section, “dispatched” shall mean a vehicle that leaves the station and is in route to the site of the alarm.
3. Before any of the charges set forth in paragraphs (1) or (2) may be charged, the Fire Department must publish notice in accordance with the provisions of I.C. 5-3-4(d) in

the Town.

- The Fire Department must include a copy of the fire incident report in
4. the form prescribed by the State Fire Marshall if the service was provided for an event that requires a fire incident report.
 5. All payments made for fees charged hereunder shall be remitted directly to the governmental unit providing the service.
 6. The funds received for fees charged hereunder shall be shall be used:
 - (a) For the purchase equipment, buildings, and property for firefighting, fire protection, or other emergency services;
 - (b) For deposit in the township firefighting fund established under I.C. 36-8-13-3; or
 - (c) To pay principal and interest on a loan made by the department of homeland security established by I.C. 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus.

The Fire Department must submit a report to the Town Council of the Town on or before April 1st of each year, indicating the amount of service charges collected

7.

during the previous calendar year and the amount of false alarm charges collected during the previous calendar year and how those monies have been expended.

8. The Fire Department may bring a civil action to collect any unpaid fees and its costs and attorney's fees for so doing.

The Fire Department shall fully comply with I.C. 36-8-12-13, I.C. 36-8-12-16, I.C. 36-8-12-17 and all other Indiana statutes, local ordinances

9. and rules and regulations of the Indiana State Fire Marshall's Office in relation to any billing or collection activity authorized by this Resolution.

Adopted by the Town Council of the Town of Grabill. Indiana on this 13th
day of February, 2019.

Approved:

Wilmer Delagrange
Wilmer Delagrange

Jeff Smead
Jeff Smead

Claude E. Schrock
Claude Schrock

Attest:

Cynthia Barhydt
Cynthia
Barhydt, Clerk-
Treasurer

ORDINANCE NO. 46

The Town Board of the Town of Grabill passed on an ordinance effective December 5th 1933.

Whereby they will not permit any new locations for curb pumps dispensing of petroleum products within the corporate limits of the Town of Grabill.

No present pumps or tanks to be relocated without the permission of the Town Board of Grabill.

Signed this 4th day of December 1933.

J. A. Klopfenstein

D. E. Witmer

G. O. King

TOWN BOARD

M. L. Klopfenstein
TOWN CLERK

RESOLUTION NO. 302

Editor's Note: This resolution expired in 1998

Editor's Note: Photographs of the pages of this resolution:



(EXPIRED) #302R: Community Development Plan/Capital Improvements Program (11/18/1992)

RESOLUTION NO. 290
TOWN OF GRABILL, INDIANA
TOWN COUNCIL RESOLUTION
TO PARTICIPATE IN THE
NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, certain areas within the incorporated areas of the Town of Grabill, Indiana are subject to periodic flooding, mudslides, 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 Council to require the recognition and elevation of flood, mudslide 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 132-22.5-3 and 36-7-4-600,

WHEREAS, this body reaffirms that the Allen County Plan Commission is designated as the plan commission for Grabill, Indiana,

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

- Assures the Federal Insurance Administration that it will enact as necessary, and maintain in force in those areas having flood, mudslide,
1. or flood-related erosion hazards, adequate land use and control with effective enforcement provisions consistent with the criteria set forth in section 1910 of the National Flood Insurance Program Regulations; and,
 2. Vests the Allen County Department of Planning Services with the responsibility, authority, and means to:
 - a. Assist the Federal Insurance Administrator, upon request, in the delineation of the limits of the area having special flood, mudslide, or flood-related erosion hazards.

Provide such information as the Federal Insurance Administrator may
b. request concerning uses and occupancy of the floodplain, mudslide, or flood-related erosion areas.

Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudslide, or flood-related erosion areas, and cooperate with
c. neighboring communities with respect to management of floodplain, mudslide, and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

Submit on the anniversary date of the community's initial eligibility an annual report to the Federal Insurance Administrator on the progress
d. made during the past year within the community in the development and implementation of floodplain management measures.

Upon occurrence, notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation of the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard
e. Boundary Maps and Flood Insurance Rate Maps accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assume or relinquished floodplain management regulatory authority.

- Appoints the Allen County Department of Planning Services to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map or Flood Insurance Rate Map, any certificates of flood-proofing, and
3. information of the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed; and,
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

ADOPTED, this th day of September, 1990, by the Town Council of
Grabill, Indiana.

M. Joanne Sauder

R. E. Miller
Raymond Miller

Jeff Gray
Jeff Gray

ATTEST:

Mary Ann Carhahan
Clerk-Treasurer

ORDINANCE NO. 309

An Ordinance providing for Fair Housing and Penalties

WHEREAS, in accordance with the Civil Rights Act of 1968, as amended, the Housing and Community Development Act of 1974, as amended, and Indiana Code 22-9.5-1, et. seq., the following provisions are necessary and appropriate to prevent discrimination in the area of housing because of race, color, religion, sex, handicap, familial status or national origin;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: POLICY STATEMENT:

It shall be the policy of the Town of Grabill 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 11-9.5-1 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.

(c) "Person" (I.C. 22-9.5-2-11) includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries.

(d) "To rent" (I.C. 22-9.5-2-13) includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy the premises owned by the occupant.

(e) "Discriminatory Housing Practice" means an act that is unlawful under Sections 4, 5, 6, 7 or 8 of this Ordinance or I.C. 22-9.5-5.

(f) "Handicap" means, with respect to a person:

- (1) a physical or mental impairment which substantially limits one or more of such person's major life activities,
- (2) a record of having such an impairment, 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 addition 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) "Aggrieved person" includes any person who (I.C. 22-9.5-2-2):

- (1) claims to have been injured by a discriminatory housing practice; or
- (2) believes that such person will be injured by a discriminatory housing practice that is about to occur.

(h) "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- (1) a parent or another person having legal custody of such individual or the written permission of such parent or other person.

The protections afforded against discrimination on this basis 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.D. 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 33-9.5-3 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 the following:

(1) The sale or rental of a single-family house sold or rented by an owner if:

- (A) The owner does not, in the aggregate, have more than three (3) single-family houses at any one time that he:
 - (i) Owns; or
 - (ii) Owns any interest in; or
 - (iii) Owns or has reserved on the owner's behalf, under any express or

voluntary agreement, title to, or any right to any part of the proceeds from the sale or rental of one or more single-family houses; and

The house was sold or rented without:

- (i) 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 any employee or agent of such
- (B) broker, agent, or person; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstracters, title companies, and other professional assistance as necessary to perfect or transfer this title; or
- (ii) The publication, posting, or mailing, after notice of advertisement or written notice in violation of Section 4(c) of this Ordinance.

(2) The sale or rental of rooms or units in a dwelling containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner maintains and occupies one (1) of the living quarters as the owner's residence.

The exemption in subsection (b)(1) applies to only one (1) sale or (C) rental in a twenty-four (24) month period if the owner was not the most recent resident of the house at the time of the sale or rental.

(c) For the purposes of subsection (B)(i), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

(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.

(d) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

(3) he is the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.

SECTION 4: DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING:

As made applicable by section 3 and except as exempted by sections 3(b) and 9, it shall be unlawful:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provisions of services or facilities in connection therewith, because of race, color, religion, sex, familial status or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or 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 provisions 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 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
- (A) case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
- a refusal to make reasonable accommodations in rules, policies,
- (B) practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
- in connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after
- (C) September 13, 1988, a failure to design and construct those dwellings in such a manner that--
- (i) the public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
 - all the doors designed to allow passage into and within all
 - (ii) premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (iii) all premises within such dwellings contain the following features of adaptive design:
 - (I) an accessible route into and through the dwelling;
 - (II) light, switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (III) reinforcements in bathroom walls to allow later installation of grab bars; and
 - (IV) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

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

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

SECTION 5: DISCRIMINATION IN RESIDENTIAL REAL ESTATE RELATED TRANSACTIONS:

(a) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) As used in this section, the term "residential real estate-related transaction" means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
 - (A) for purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - (B) secured by residential real estate.
- (2) The selling, brokering, or appraising of residential real property.

(c) Nothing in this ordinance prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

SECTION 6: DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES:

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting 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 color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

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

(b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(1) participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in this Ordinance; 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 not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than \$10,000, or imprisoned for 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 22-9.5-5-3 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 lodgings to its members or from giving preference to its members.

(c) (1) Nothing in this ordinance regarding familial status shall apply with respect to housing for older persons.

(2) As used in this section, "housing for older persons" means housing:

- provided under any state or federal program that the Secretary of the Federal Department of Housing and Urban Development or the state
- (A) civil rights commission determines is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
 - (B) intended for, and solely occupied by, persons 62 years of age or older; or
 - (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 Commission as set forth in subsection (b) hereof shall be vested in the President of the Town Council of the Town of Grabill, Indiana.

(b) Notwithstanding the provisions of I.C. 22-9.5-4-8, the Town of Grabill, Indiana, because of a lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under this Ordinance, herein elects to refer all formal complaints of violation of the articles of this Ordinance by Complainants to the Indiana Civil Rights Commission ("Commission") for administrative enforcement actions pursuant to Title 22-9.5-6 of Indiana Code and the President of the Town Council of the Town of Grabill, 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 Grabill, 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 President of the Town Council and the Commission to further such purposes.

(d) The President of the Town Council of the Town of Grabill, Indiana, or the Town Council President'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.

SECTION 12: All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.

SECTION 13: This ordinance shall be in full force and

effect from and after its passage, and approval, according to the laws of the State of Indiana, and after its publication and notice as prescribed in IC 36-5-2-10.

CERTIFICATION OF ADOPTION

It is hereby certified that this Ordinance Number 309 was passed by the Town Council of the Town of Grabill, Indiana, at its legally convened meeting of February 10 , 1993.

By: M. Joanne Sauder
M. JOANNE SAUDER, as President
of the Town Council of the Town
of Grabill, Indiana.

Attest:

Glenda A. Whittern
Glenda Whittern
Clerk/Treasurer

RESOLUTION

371

A RESOLUTION CONCERNING MUNICIPAL GOVERNMENT WEEK

WHEREAS, the Town of Grabill was incorporated with the intention of meeting the needs of the town citizens; and

WHEREAS, municipal government is the closest form of government to the people and is best able to meet the people's needs; and

WHEREAS, in order to thrive, it is vital to a town to foster understanding between local officials and the citizens which it serves; and

WHEREAS, Municipal government officials play a key role in the democratic process in America; and

WHEREAS, Municipal Government Week is an important time to recognize the critical role played by town government in our lives; and

WHEREAS, Gov. Frank O'Bannon has proclaimed the week of May 10-16 as Municipal Government Week; and

WHEREAS, this week offers an important opportunity to spread the word to all citizens of Indiana that they can shape and influence this branch of government which is closest to the people; and

WHEREAS, municipal government provides the essential public services on which Hoosiers rely;

NOW, THEREFORE, BE IT RESOLVED, BY the Town Council of Grabill in Allen County, does hereby participate in Municipal Government Week with the passage of this resolution; on April 8, 1998.

M. Joanne Sauder
M. Joanne Sauder,
President

Wilmer Delagrange
Wilmer Delagrange

Gregory Smitley
Greg Smitley

ATTEST:

Glenda A. Whittern
Glenda Whittern, Clerk Treasurer

RESOLUTION NO. 422

A RESOLUTION MAKING A DECLARATION OF A BLIGHTED AREA

WHEREAS, the Town of Grabill desires to eliminate blighted areas within the corporate limits of Grabill, Indiana, and specifically downtown Grabill; and **WHEREAS**, identifying such areas is necessary for effective action to eliminate blighting conditions; and **WHEREAS**, public improvements such as sidewalks and streets have severely deteriorated, contributing to blighting conditions; and **WHEREAS**, the downtown area has experienced a cessation of private investment; and

WHEREAS, two commercial establishments in downtown Grabill are currently vacant: 13300 and 13410 Main Street; in addition, the grain elevator has been idle for a number of years; and **WHEREAS**, widespread deterioration of downtown commercial buildings has taken place as evidenced by crumbling facades, broken or boarded windows, unrepaired vandalism, growth of vegetation, and presence of litter in and around many downtown commercial buildings.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, THAT:

The following described area of downtown Grabill is hereby designated as a blighted area as defined by Indiana Code 36-7-1-3: Main Street from State Street (Grabill Road) to Third Street; State Street (Grabill Road) east of Main Street; First Street west of Main Street; Second Street west of Main Street; and Third Street west of Main Street; or more particularly described as follows: All of the Main Street right-of-way from the north right-of-way line of State Street (Grabill Road) to the south right-of-way line of Third Street; all of the State Street (Grabill Road) right-of-way from the western right-of-way line of Main Street to the eastern right-of-way line of the Norfolk Southern Railroad; all of the First Street right-of-way from the eastern right-of-way line of Main Street to the western right-of-way line of West Street; all of the Second Street right-of-way from the eastern right-of-way line of Main Street to the western right-of-way line of West Street; and

all of the Third Street right-of-way from the eastern right-of-way line of Main Street to the western right-of-way line of West Street.

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 8th day of January 2003, at 7:00 p.m.

Town Council of the Town of Grabill, Indiana

Wilmer Delagrange

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern

Glenda A. Whittern, Clerk-Treasurer

RESOLUTION OF EAC-4-706 TO ADOPT THE "PLAN FOR REORGANIZATION OF EAST ALLEN COMMUNITIES"

WHEREAS, the reorganization committee has approved a plan for reorganization pursuant to House Enrolled Act No. 1362 (I.C. § 36-1.5 et seq.).

WHEREAS, annexed hereto is a copy of said plan.

WHEREAS, the name of said new political subdivision is "East Allen Communities" which may be referred to as EAC.

WHEREAS, the participating entities are as follows:

a) *Townships:*

Adams	Madison	Monroe
Cedar Creek	Marion	Scipio
Jackson	Maumee	Springfield
Jefferson	Milan	

b) *Towns:*

Grabill	Hoagland	Monroeville
Harlan	Leo-Cedarville	Poe

c) *Cities:*

New Haven Woodburn

WHEREAS, Said plan was duly submitted to each participating political subdivision.

WHEREAS, the purpose of said plan involves preservation of local autonomy, heritage and values and is deemed to be the best interest of the citizens of this political subdivision.

NOW THEREFORE, said plan annexed hereto and incorporated herein is hereby approved for adoption subject to compliance with the procedure

provided by law in LC. § 36-1-5-4-19 and the secretary or appropriate designated staff shall cause publication of public notice and public reading thereof as provided by law.

**Members of Approving
Political Subdivision:**
Grabill Town Council

Wilmer Delagrange Pres.

Date: 4-10-08

Lynn D. Witt Councilman.

Jeffrey D. Smead Vice Pres.

ORDINANCE 621-09

AN ORDINANCE OF THE TOWN OF GRABILL, INDIANA, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE STANDARD FOR INCIDENT MANAGEMENT

WHEREAS, on February 28, 2004, the President issued Homeland Security Presidential Directive (HSPD)-5 that directed the Department of Homeland Security, in cooperation with representatives of federal, state and local government, to develop a National Incident Management System (NIMS) to provide a consistent approach to the effective management of situations involving natural disasters, man-made disasters or terrorism; and

WHEREAS, the final NIMS was released March 1, 2004, and

WHEREAS, the NIMS contains a practice model for the accomplishment of the significant responsibilities associated with prevention, preparedness, response, recovery, and mitigation of all major and national hazards situations, and

WHEREAS, the HSPD-5 requires that all state and local governments adopt the NIMS by fiscal year 2005 as a pre-condition to the receipt of federal grants, contract and activities related to the management and preparedness for certain disaster and hazard situations; and

WHEREAS, the Town of Grabill, Indiana desire to adopt the NIMS as required by HSPD-5.

NOW THEREFORE, BE IT RESOLVED BY THE GRABILL TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA;

Hereby adopts the National Management System dated June 22, 2009.

READ AND APPROVED on the first reading this 22 day of July , 2009.

READ AND APPROVED on the second reading this 22 day of July , 2009.

READ AND APPROVED AND ADOPTED on the third reading this 22 day of July , 2009.

Wilmer Delagrange
Wilmer
Delagrange,
President

EXECUTIVE ORDER

Adoption of the National Incident Management System (NIMS) as the Basis for Incident Management in the Town of Grabill

WHEREAS, response to and recovery from major emergencies and disasters require integrated professional management and coordination; and

WHEREAS, the National Incident Management System (NIMS), has been identified by Homeland Security Presidential Directive-5 as being the requisite incident management system for all levels of government and all political subdivisions in the United States; and

WHEREAS, NIMS provides a consistent nationwide platform to enable all government, private sector and non-governmental organizations to work together during domestic incidents regardless of cause, size or complexity; and

WHEREAS, the Town of Grabill acknowledges that emergency planning and response to incidents can best be accomplished by employing standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for

planning, training, and exercising, comprehensive resource management, and pre-determined facilities during emergencies or disasters; and

WHEREAS, USE FO THE incident Command System (ICS) provides responders with a common terminology and principles for incident command and control, and is an integral part of incident management activities throughout the Town of Grabill; and

WHEREAS, implementation of the NIMS standardized procedures for managing personnel, communications, facilities, and resources will enable the Town of Grabill to be eligible for state and federal funding to enhance safety, and incident management processes.

NOW THEREFORE, pursuant to the authority vested in me as President of the Town of Grabill, I hereby order and direct as follows:

1. The Town of Grabill hereby adopts NIMS as the common foundation for incident management, coordination and support activities.
All cabinets, departments, offices and agencies responsible for managing and/or supporting incident response and disaster operations shall
2. incorporate into their planning, training, and operations the NIMS as prescribed by the United States Department of Homeland Security.
3. The Town of Grabill hereby adopts ICS for command and control of all incident response operations.

All Town Employees are hereby directed to render such aid and assistance as is required for the implementation of the foregoing policy.

7 - 22 - 09
DATE

Wilmer Delagrange
Wilmer
Delagrange,
President

PASSED AND APPROVED by the Common Council of the Town of Grabill, Indiana this 22 day of July , 2009.

Jeff Smead
Jeff Smead,
Councilman

Lynn Witt
Lynn Witt,
Councilman

Presented by me to the President of the Town of Grabill, Indiana for his approval and signature this 22 day of July , 2009.

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

This Ordinance duly approved and signed by me on this 22 day of July , 2009.

Wilmer Delagrang
Wilmer
Delagrang,
President

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Attachments:

 Email from Fort Wayne - Allen County Office of Homeland Security
(6/17/2009)

+/-

Cover Page, from Alliance of Indiana Rural Water

System, the Federal Deposit Insurance Corporation, the Federal Trade Commission, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision. The compliance date is November 1, 2008 and includes all U.S. utilities.

Alliance of Indiana Rural Water Identity Theft Prevention Program Compliance Model

This model has been designed to assist water and wastewater utilities comply with the Federal Trade Commission's (FTC) Identity Theft Red Flags Rule. The rule requires utilities to develop an "Identity Theft Prevention Program." The program consists of selecting methods to detect red flags when accounts are fraudulent, procedures to prevent the establishment of false accounts, procedures to ensure existing accounts are not being manipulated, and procedures to respond to identity theft.

All utilities are required to comply with the FTC's "Identity Theft Red Flag Rule" even if only nominal information such as name, phone number and address are collected. However, the true risk established through the risk assessment activity may not require any changes to existing policies or procedures.

The primary purpose of the rule is to protect against the establishment of false accounts and ensure existing accounts are not being manipulated. This regulation does not address or require utilities to adopt measures that will protect consumer information and prevent unauthorized access. However, implementation of good management practices to protect personal consumer data can prevent identity theft. Appendix A is a list of other security procedures a utility should consider to protect consumer information and to prevent unauthorized access.

Steps required to develop a utility's individual Identity Theft Prevention Program:

- Assess their existing identity theft risk (risk assessment) for new and existing accounts.

- Use the risk assessment to select measures (red flags) that may be used to detect attempts to establish fraudulent accounts.
Identify procedures for employees to prevent the establishment of false
- accounts and procedures for employees to implement if existing accounts are being manipulated.
- Obtain program approval by the governing body or designated senior management by November 1, 2008.
- Train the appropriate employees on the program's policies and procedures.
Update the plan annually with review and approval by the governing body or designated senior management. The annual report should address any material matters related to the program such as the effectiveness of
- the policies and procedures, the oversight and effectiveness of any third party billing and account establishment entities, a summary of any identity thefts incidents and the response to the incident, and recommendations for substantial changes to the program, if any.

Identity Theft Prevention Program

For

Town of Grabill

13717 First St

P.O. Box 321

Grabill, IN 46741

July 22, 2009

Town of Grabill
Identity Theft Prevention Program

This Plan is intended to identify red flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment of false accounts, methods to ensure existing accounts were not opened using false information, and measures to respond to such events.

Contact Information:

The Senior Management Person responsible for this plan is:

Name: Cynthia Barhydt

Title: Clerk-Treasurer

Phone number: 1-260-627-5227- Ext. 1

The Governing Body Members of the Utility are: Board Members

1. Wilmer Delagrange President

2. Jeff Smead Councilman

3. Lyn Witt Councilman

4. _____

5. _____

6. _____

Risk Assessment

The Town of Grabill has conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account and evaluate if current (existing) accounts are being manipulated. This risk assessment evaluated how new accounts were opened and the methods used to access the account information. Using this information the utility was able to identify red flags that were appropriate to prevent identity theft:

X New accounts opened In Person

- ⊗ New accounts opened via Telephone

X New accounts opened via Fax

- ⊗ New accounts opened via Web

X Account information accessed In Person

- ⊗ Account information accessed via Telephone (Person)
- ⊗ Account information is accessed via Telephone (Automated)
- ⊗ Account information is accessed via Web Site

- ⊗ Identity theft occurred in the past from someone falsely opening a utility account

Detection (Red Flags):

The Town Of Grabill adopts the following red flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary:

- ⊗ Fraud or active duty alerts included with consumer reports
- ⊗ Notice of credit freeze provided by consumer reporting agency
- ⊗ Notice of address discrepancy provided by consumer reporting agency
- ⊗ Inconsistent activity patterns indicated by consumer report such as:
 - Recent and significant increase in volume of inquiries
 - Unusual number of recent credit applications
 - A material change in use of credit
 - Accounts closed for cause or abuse
- ⊗ Identification documents appear to be altered
- ⊗ Photo and physical description do not match appearance of applicant
- ⊗ Other information is inconsistent with information provided by applicant
 - Other information provided by applicant is inconsistent with information on file.
- ⊗ Application appears altered or destroyed and reassembled
 - Personal information provided by applicant does not match other sources of information (e.g. credit reports, SS# not issued or listed as deceased)
- ⊗ Lack of correlation between the SS# range and date of birth
 - Information provided is associated with known fraudulent activity (e.g. address or phone number provided is same as that of a fraudulent application)
- Information commonly associated with fraudulent activity is provided by
 - ⊗ applicant (e.g. address that is a mail drop or prison, non-working phone number or associated with answering service/pager)
- SS#, address, or telephone # is the same as that of other customer at
 - ⊗ utility
- ⊗ Customer fails to provide all information requested
 - Personal information provided is inconsistent with information on file for a customer
- Applicant cannot provide information requested beyond what could
 - ⊗ commonly be found in a purse or wallet
- ⊗ Identity theft is reported or discovered

Response

Any employee that may suspect fraud or detect a red flag will implement the following response as applicable. All detections or suspicious red flags shall be reported to the senior management official.

- ⊗ Ask applicant for additional documentation

Notify internal manager: Any utility employee who becomes aware of a

- ⊗ suspected or actual fraudulent use of a customer or potential customers identity must notify Erik Ponder

Notify law enforcement: The utility will notify Kenny Litzenberg at

- ⊗ Sheriff's Dept. 249-1485 of any attempted or actual identity theft.
- ⊗ Do not open the account
- ⊗ Close the account
- ⊗ Do not attempt to collect against the account but notify authorities

Personal Information Security Procedures:

The Town Of Grabill adopts the following security procedures (select appropriate procedures from Appendix A and add other procedures as appropriate).

- 1.
- 2.
- 3.
- 4.

Identity Theft Prevention Program Review and Approval

This plan has been reviewed and adopted by the Utility Board of Directors. Appropriate employees have been trained on the contents and procedures of this Identity Theft Prevention Program.

Signatures:

1. Wilmer Delagrange	Date 8-26-09
2. Lynn Witt	Date 8-26-09
3. Jeff Smead	Date 8-26-09
4. _____	Date _____
5. _____	Date _____
6. _____	Date _____

If No, Board of Directors, this plan has been reviewed and adopted by:

Name of Senior Management Staff Person: Cynthia Barhydt

Position: Clerk-Treasurer

Date: July 22, 2009

Signature: _____

A report will be prepared annually and submitted to the above named senior management or governing body to include matter related to the program, the effectiveness of the policies and procedures, the oversight and effectiveness of any third party billing and account establishment entities, a summary of any identify theft incidents and the response to the incident, and recommendations for substantial changes to the program, if any.

The following suggestions are not part of or required by the Federal Trade Commission's "Identity Theft Red Flags Rule". The following is a list of other security procedures a utility should consider to protect consumer information and to prevent unauthorized access, Implementation of selected actions below according to the unique circumstances of utilities is a good management practice to protect personal consumer data.

- Paper documents, files, and electronic media containing secure
1. information will be stored in locked file cabinets. File cabinets will be stored in a locked room.
 2. Only specially identified employees with a legitimate need will have keys to the room and cabinet.
 3. Files containing personally identifiable information are kept in locked file cabinets except when an employee is working on the file.
 4. Employees will not to leave sensitive papers out on their desks when they are away from their workstations.
 5. Employees store files when leaving their work areas
 6. Employees log off their computers when leaving their work areas
 7. Employees lock file cabinets when leaving their work areas
 8. Employees lock file room doors when leaving their work areas
 9. Access to offsite storage facilities is limited to employees with a legitimate business need.
 10. Any sensitive information shipped using outside carriers or contractors will be encrypted
 11. Any sensitive information shipped will be shipped using a shipping service that allows tracking of the delivery this information.
 12. Visitors who must enter areas where sensitive files are kept must be escorted by an employee of the utility.
 13. No visitor will be given any entry codes or allowed unescorted access the office.
- Access to sensitive information will be controlled using "strong"
14. passwords. Employees will choose passwords with a mix of letters, numbers, and characters. User names and passwords will be different. Passwords will be changed at least monthly.
 15. Passwords will not be shared or posted near workstations.

16. Password-activated screen savers will be used to lock employee computers after a period of inactivity.
17. When installing new software, immediately change vendor-supplied default passwords to a more secure strong password.
18. Sensitive consumer data will not be stored on any computer with an Internet connection
19. Sensitive information that is sent to third parties over public networks will be encrypted
20. Sensitive information that is stored on computer network or portable storage devices used by your employees will be encrypted.
21. Email transmissions within your business will be encrypted if they contain personally identifying information.
22. Anti-virus and anti-spyware programs will be run on individual computers and on servers daily
23. When sensitive data is received or transmitted, secure connections will be used
24. Computer passwords will be required.
25. User names and passwords will be different.
26. Passwords will be changed at least monthly.
27. Passwords will not be shared or posted near workstations.
28. Password-activated screen savers will be used to lock employee computers after a period of inactivity.
29. When installing new software, vendor-supplied default passwords are changed.
30. The use of laptops is restricted to those employees who need them to perform their jobs.
31. Laptops are stored in secure place.
32. Laptop users will not store sensitive information on their laptops.
33. Laptops which contain sensitive data will be encrypted
34. Employees never leave a laptop visible in a car, at a hotel luggage stand, or packed in checked luggage.
35. If a laptop must be left in a vehicle, it is locked in a trunk.
36. The computer network will have a firewall where your network connects to the Internet.

37. Any wireless network in use is secured.
38. Maintain central log files of security-related information to monitor activity on your network.
39. Monitor incoming traffic for signs of a data breach.
40. Monitor outgoing traffic for signs of a data breach.
41. Implement a breach response plan.
42. Check references or do background checks before hiring employees who will have access to sensitive data.
43. New employees sign an agreement to follow your company's confidentiality and security standards for handling sensitive data.
44. Access to customer's personal identify information is limited to employees with a "need to know."
Procedures exist for making sure that workers who leave your employ
45. or transfer to another part of the company no longer have access to sensitive information.
46. Implement a regular schedule of employee training.
47. Employees will be alert to attempts at phone phishing.
48. Employees are required to notify the general manager immediately if there is a potential security breach, such as a lost or stolen laptop.
49. Employees who violate security policy are subjected to discipline, up to, and including, dismissal.
Service providers notify you of any security incidents they experience,
50. even if the incidents may not have led to an actual compromise of our data.
51. Paper records will be shredded before being placed into the trash.
52. Paper shredders will be available at each desk in the office, next to the photocopier, and at the home of any employee doing work at home.
53. Any data storage media will be disposed of by shredding, punching holes in, or incineration.

TOWN OF GRABILL, INDIANA TOWN COUNCIL
RESOLUTION 1256-2011

*A Resolution Nominating Andrew Dodzik as the Awarding Agency
Representative and Nominating Wilmer Delegrange as the Taxpayer
Representative*

WHEREAS, Certain individuals must serve on the committee to determine the common construction wage, two of which are the Awarding Agency Representative and the Taxpayer Representative appointed by the Town of Grabill Town Council.

WHEREAS, The Town of Grabill, Indiana intends to make certain road improvements and repairs to Maple Ridge located in the Town of Grabill and such improvements are estimated to cost \$55,000.

WHEREAS, Such road improvement and repairs project requires a Common Construction Wage Hearing to be conducted by the Indiana Department of Labor and such hearing is currently scheduled for September 13, 2011.

WHEREAS, It is recommended that Andrew Dodzik be appointed as the Awarding Agency Representative and Wilmer Delegrange be appointed as the Taxpayer Representative.

NOW THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN COUNCIL FOR THE TOWN OF GRABILL, INDIANA:

That Andrew Dodzik is hereby appointed as the Awarding Agency Representative and Wilmer Delegrange is hereby appointed as the Taxpayer Representative for the upcoming Indiana Department of Labor Common Construction Wage Hearing scheduled for September 13, 2011. Candace DeCamp, Council Woman

THIS RESOLUTION READ, CONSIDERED AND ADOPTED BY THE MEMBERS OF THE GRABILL TOWN COUNCIL ON THIS 7TH DAY OF SEPTEMBER, 2011.

THE TOWN COUNCIL OF THE TOWN
OF GRABILL, STATE OF INDIANA

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Vice President

Candace DeCamp
Candace DeCamp, Council Woman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

TOWN OF GRABILL

RESOLUTION NO. 1261-2012

**A RESOLUTION OF THE TOWN OF GRABILL, INDIANA
ADOPTING CERTAIN AND APPLICABLE PROVISIONS AND
REQUIREMENTS OF THE AMERICANS WITH DISABILITIES
ACT (ADA) PERTAINING TO COORDINATOR AND
PROCEDURES**

WHEREAS, the Federal government of the United States of America enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, in compliance with Title II of the ADA the Town of Grabill (the “Town”) shall adopt a grievance procedure for resolving complaints alleging violation of Title II of the ADA and publish notice regarding the ADA requirements and accommodations; and

WHEREAS, in compliance with Title II of the ADA the Town shall name an ADA Coordinator; and

WHEREAS, the Town has previously named an ADA Coordinator but desires to update and revise the named ADA Coordinator.

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

SECTION I

Casey Erwin is hereby designated as the ADA Coordinator for the Town.

SECTION II

The Notice under the Americans with Disabilities Act, a copy of which is attached hereto, is hereby adopted as the Town of Grabill Notice under the Americans with Disabilities Act.

SECTION III

The Town of Grabill ADA Grievance Procedure under the Americans with Disabilities Act, a copy of which is attached hereto, is hereby adopted as the grievance procedure for addressing complaints alleging discrimination on the basis of disability in the provision of services, activities, programs or benefits by the Town of Grabill.

SECTION IV

In compliance with Federal and State laws as set forth above, the Town Council resolves to post the required information regarding ADA coordinator, Notice under the Americans with Disabilities Act, and Town of Grapill Grievance Procedure under the Americans with Disabilities Act on its website and at such other locations as may be determined from time to time.

SECTION V

The express or implied repeal or amendment by this Resolution of any other Resolution or part of any other Resolution does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this Resolution. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Resolution as if this Resolution had not been adopted.

SECTION VI

No part of this Resolution shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Resolution are hereby declared to be severable.

SECTION VII

This Resolution shall become effective upon promulgation according to law.

Adopted and Resolved this 2 day of May, 2012.

TOWN COUNCIL OF THE TOWN OF GRABILL,
INDIANA

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead, Member

Candace DeCamp
Candace J. DeCamp, Member

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF GRABILL, INDIANA

RESOLUTION 1262-2012

A RESOLUTION ADOPTING POLICIES)
THAT COMPLY WITH HOUSE ENROLLED)
ACT 1005 CONCERNING NEPOTISM AND)
CONTRACTING WITH RELATIVES)

WHEREAS, in 2012, the Indiana Legislature passed, and the Governor signed, HEA 1005 entitled Nepotism; Conflict of Interest; and

WHEREAS, I.C. 36-1-20.2, as added by P.L. 135-2012, SECTION 7, requires the Town of Grabill, Indiana (the “Town”) to establish a policy concerning nepotism; and

WHEREAS, I.C. 36-1-21, as added by P.L. 135-2012, SECTION 8, requires the Town to establish a policy concerning contracting with relatives of elected officials; and

WHEREAS, these two new chapters, I.C. 36-1-20.2 Nepotism and I.C. 36-1-21 Contracting with a Unit, respectively, are effective July 1, 2012; and

WHEREAS, in both of the new Indiana Code chapters, the municipal legislative bodies are mandated to adopt a policy that includes, as a minimum, the requirements set forth in those new chapters; and

WHEREAS, in both of the new Indiana Code chapters “relative” is defined as a spouse, parent, stepparent, child (natural or adopted), stepchild, brother, half-brother, sister, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law; and

WHEREAS, after thoughtful consideration and in order to comply with the two new chapters of the Indiana Code mentioned above, the Town Council believes it is in the best interest of its citizens to adopt as its policies the minimum requirements of I.C. 36-1-20.2 Nepotism and I.C. 36-1-21 Contracting with a Unit as stated in the said new chapters of the Indiana Code; now, therefore:

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA:

SECTION 1. The Town Council finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in employment with the Town and in contracting with the Town in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012 known as I.C. 36-1-20.2 and I.C. 36-1-21, respectively.

SECTION 2. On July 1, 2012 the Town shall have a Nepotism Policy and a Contracting with a Unit Policy that complies with the minimum requirements of I.C. 36-1-20.2 (hereinafter "Nepotism Policy") and I.C. 36-1-21 (hereinafter "Contracting with a Unit by a Relative Policy") and implementation will begin.

SECTION 3. The Town's Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of I.C. 36-1-20.2, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition, a copy of I.C. 36-1-20.2 Nepotism in effect on July 1 is attached hereto.

SECTION 4. The Town's Contracting with a Unit by a Relative Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of I.C. 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition, a copy of I.C. 36-1-21 Contracting with a Unit in effect on July 1 is attached hereto.

SECTION 5. All elected and appointed officials and employees of the Town are hereby directed to cooperate fully in the implementation of the policies created by this resolution and to demonstrate compliance with these same policies.

SECTION 6. This resolution shall be in full force and effect beginning July 1, 2012 after adoption and compliance with IC 36-5-2-10.

The foregoing was passed by the Town Council of the Town of Grabill, Indiana this 20th day of June, 2012, at 7:00 p.m.

**TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, STATE OF INDIANA**

Wilmer Delagrang
Wilmer Delagrang, President

Candace DeCamp
Candace DeCamp

Jeff Smead
Jeff Smead

ATTESTED BY:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Allen County, State of Indiana

Attachments:

- [+/- House Enrolled Act No. 1005 - Page 2](#)
- [+/- House Enrolled Act No. 1005 - Page 3](#)
- [+/- House Enrolled Act No. 1005 - Page 4](#)
- [+/- House Enrolled Act No. 1005 - Page 5](#)
- [+/- House Enrolled Act No. 1005 - Page 6](#)
- [+/- House Enrolled Act No. 1005 - Page 7](#)
- [+/- House Enrolled Act No. 1005 - Page 8](#)
- [+/- House Enrolled Act No. 1005 - Page 9](#)
- [+/- House Enrolled Act No. 1005 - Page 10](#)
- [+/- House Enrolled Act No. 1005 - Page 11](#)
- [+/- House Enrolled Act No. 1005 - Page 12](#)
- [+/- House Enrolled Act No. 1005 - Page 13](#)
- [+/- House Enrolled Act No. 1005 - Page 14](#)
- [+/- House Enrolled Act No. 1005 - Page 15](#)
- [+/- Letter from Brian Bailey, DLGF Commissioner, 5/11/2012 - Page 1](#)
- [+/- Letter from Brian Bailey, DLGF Commissioner, 5/11/2012 - Page 2](#)
- [+/- Letter from Brian Bailey, DLGF Commissioner, 5/11/2012 - Page 3](#)
- [+/- Letter from Brian Bailey, DLGF Commissioner, 5/11/2012 - Page 4](#)

+/- Letter from Brian Bailey, DLGF Commissioner, 5/11/2012 - Page 5

+/- Letter from Brian Bailey, DLGF Commissioner, 5/11/2012 - Page 6

+/- Letter from Brian Bailey, DLGF Commissioner, 5/11/2012 - Page 7

TOWN OF GRABILL, INDIANA

RESOLUTION NO. 1266-2013

A RESOLUTION OF THE TOWN OF GRABILL, INDIANA ACCEPTING THE TOWN OF GRABILL'S AMERICANS WITH DISABILITIES ACT SELF-EVALUATION AND TRANSITION PLAN

WHEREAS, the Federal government of the United States of America enacted the Americans with Disabilities Act of 1990 ("ADA") to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, in compliance with Title II of the ADA the Town of Grabill (the "Town") has previously adopted a grievance procedure for resolving complaints alleging violation of Title II of the ADA and published notice regarding the ADA requirements and accommodations; and

WHEREAS, in further compliance with Title II of the ADA, the Town previously named an ADA Coordinator; and

WHEREAS, the Town, being committed to the ADA and to the elimination of barriers to public facilities and programs, now seeks to acknowledge their review and receipt of an ADA Self-Evaluation and Transition Plan prepared and developed by the Town's engineer, DLZ. whereby such Self-Evaluation and Transition Plan reflects the current status of the Town's infrastructure and current ADA design standards.

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

1. The Town Council hereby accepts the Town of Grabill ADA Self-Evaluation and Transition Plan and commits to the periodic review, consideration and implementation, subject to annual budgetary feasibility and considerations, of the recommendations and suggested improvements within the Self-Evaluation and Transition Plan in an effort to transition the

Town's facilities to be ADA compliant and accessible with an emphasis on such facilities that most impact the ability of persons to access Town facilities and programs.

2. The Town Council hereby commits to the periodic review, revision and amendment of the Self-Evaluation and Transition Plan as new information is discovered and applicable laws, rules and regulations are enacted or changed.

3. No part of this Resolution shall be interpreted to conflict with any local, state or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Resolution are hereby declared to be severable.

Adopted and Resolved this 17th day of April, 2013.

TOWN COUNCIL OF THE TOWN OF GRABILL,
INDIANA

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Member

Candace J. DeCamp
Candace J. Decamp, Member

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Town Of Grabill
13717 First Street
P.O. Box 321
Grabill, IN 46741
Phone: 260-6278-5227 ext. 1 Fax: 260-627-0550

April 17, 2013

Mr. Dirk Schmidt
INDOT - Fort Wayne District
5333 Hatfield Road
Fort Wayne, IN 46808

**RE: Town of Grabill
ADA Transition Plan and Self—Evaluation Resolution**

Mr. Schmidt,

The Town of Grabill is officially notifying the Indiana Department of Transportation that per the attached **Resolution # 1266-2013** , approved by the Town Council on April 17, 2013; that the Town of Grabill has completed an American with Disabilities Act (ADA) Transition Plan. The Transition Plan is available for viewing by the public in the Town Hall, located at 13717 First Street, in Grabill, Indiana.

If you have any questions or comments please do not hesitate to contact our office.

Sincerely,

Wilmer Delagrang
Wilmer Delagrang
Council President

cc: DLZ Indiana, LLC

Ordinance No. 16

Editor's Note: This ordinance is Archived. It designates an electrical contractor for the town in 1915 - and has likely expired.

Editor's Note: Photographs of the pages of this ordinance: ☐

(ARCHIVED) #16: Town's Electrical Contractor (5/3/1915) - Page 1

☐ (ARCHIVED) #16: Town's Electrical Contractor (5/3/1915) - Page 2

☐ (ARCHIVED) #16: Town's Electrical Contractor (5/3/1915) - Page 3

☐ (ARCHIVED) #16: Town's Electrical Contractor (5/3/1915) - Page 4

Ordinance 34

Be it ordained by the Trustees of the Town of Grabill, Ind that we permit Souders General Store the right to put in a gasoline tank according to the rules and regulations of the state fire marshel. We as Trustees of the town of Grabill, Ind. do also state that said Souder's Gen. Store must leave the street in as good a condition as before, and should they at any time have to take up said tank the street must be taken care of by Souder's Gen. Store and put in first class condition.

Done at the council chambers of the Town of Grabill, Ind May 1, 1922

Board of Trustees		Jacob Conrad
		A. Neuenschwander
		David Grabill

Elias Souder Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included:  #34: Permission to Install a Gas Tank (5/1/1922)

Ordinance No. 40

Herewith the Town Board of the town of Grabill, State of Indiana, grants a permit to the Community Shippers and Buyers Association for the instillation of a gasoline Tank & Pump under the following conditions

That the undersigned General Manager of the Community Shippers and Buyers Association do hereby agree, that I or my successor will keep the ground filled in and keep the street in good condition where said gasoline tank is put underground.

And that any time that said gasoline will be removed that the Community Shippers and Buyers Association, its General Manager at the time will be held responsible to put the street in good condition again and keep filled in till it is settled, and if it is necessary that the Town Board must keep the street in good condition where the ground settles that such costs must be paid by the Community Shippers and Buyers Association.

Town Board

Jacob Conrad

J. A. Klopfenstein

David A. Grabill

Elias Souder Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included:

+/- #40: Permission of to Install a Gas Tank (--/--/----)

ORDINANCE No. 44

Editor's Note: This ordinance has Expired. It expired after 10 years - in 1939.

Editor's Note: Photographs of the pages of this ordinance:



(EXPIRED) #44: Street Lamps (3/4/1929)

ORDINANCE # 49

Editor's Note: This ordinance has Expired. It concerned a street light contract with a 10 year term - beginning in 1939.

Editor's Note: Photographs of the pages of this ordinance:

 (EXPIRED) #49: Contract with IN & MI Electric Co for Street Lamps (1/10/1939)

ORDINANCE # 51

Editor's Note: This ordinance has Expired. It concerned a street light contract with a 5 year term - beginning in 1945.

Editor's Note: Photographs of the pages of this ordinance:

 (EXPIRED) #51: Contract with IN & MI Electric Co for Street Lamps (6/4/1945)

ORDINANCE NO. 197

An Ordinance approving a contract between the Town of Grabill and Grabill Country Fair, Inc.

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana:

SECTION 1. Attached hereto and made a part hereof the same as if set forth herein at length is a contract dated the 20th day of January , 198 2 , by and between the Town of Grabill and Grabill Country Fair, Inc. Said contract is hereby approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved the 20th day of January , 198 2 .

Recorded the 20th day of January , 198 2 .

Presented to and approved by me this 20th day of January , 198 2 .

Ronald W. Shaw
as President of the Board of Trustees
of the Town of Grabill, Indiana

ATTEST:

Alleen Kipfer
Clerk-Treasurer

AGREEMENT

This Agreement entered into this the 20th day of January , 198 2 , by and between the Town o Grabill, sometimes hereinafter referred to Town and Grabill Country Fair, Inc., sometimes hereinafter referred to as Fair.

WITNESSETH:

This Agreement arises out of the transactions to which reference is hereinafter made.

The Town of Grabill has a tract of real estate north south of the sewer system on which the Town and the Fair desire to erect and maintain a building in accordance with the agreements set forth herein.

Now therefore, in consideration of the exchange of agreements hereinafter set forth it is hereby agreed by and between the parties as follows:

1. The Town and Fair will erect on a tract designated by the Town, north south of the sewer plant, a pole building.
2. The cost of acquisition and construction shall be borne by the Town and the Fair, as follows:

Town of Grabill	\$950.
Grabill Country Fair, Inc.	\$1900.

3. The building shall be owned by the Town.
4. The building shall be divided so that substantially one-third (1/3) will be for the use of the Town for storage of equipment and supplies and two-thirds (2/3) shall be for the use of the Fair for storage of equipment and supplies.
5. Each of the parties hereto shall have its separate access and locks to the building.

6. The building shall not be used for meetings.

7. The Town shall cause the building to be insured for fire and liability in such amounts that the Town shall determine proper. Each of the parties shall purchase its own insurance for the contents.

8. The rights of Fair herein set forth shall not be transferable. In the event of the dissolution or other termination of the Fair as a corporate organization, all of its rights to occupy shall terminate. Otherwise, its rights of occupancy shall continue.

WITNESS our hands and seals this the date first above written.

TOWN OF GRABILL

Ronald W. Shaw (SEAL)
as its Trustee

By: M. Joanne Sauder (SEAL)
as its Trustee

R. E. Miller (SEAL)
as its Trustee

GRABILL COUNTRY FAIR,
INC.

Freeman N. Byler (SEAL)
By: Freeman Byler, as its
President

ORDINANCE NO. 249

AN ORDINANCE DESIGNATING THE ALLEN COUNTY INDIANA BUILDING DEPARTMENT AS THE TOWN'S AGENT TO ENFORCE ON BEHALF OF THE TOWN, PURSUANT TO THE PROVISIONS OF I.C. 36-7-8-7, THE COUNTY ORDINANCES ADOPTED UNDER THE PROVISIONS OF I.C.36-7-8-3, AND THE STANDARDS IMPOSED BY I.C. 36-7-8-5; and approving an agreement with the County for that purpose.

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

Section 1. The Town of Grabill does hereby designate the Allen County Indiana Building Department as the Town's agent to enforce on behalf of the Town, pursuant to the provisions of I.C. 36-7-8-7, the County Ordinances adopted under the provisions of I.C. 36-7-8-3, and the standards imposed by I.C. 36-7-8-5.

Section 2. The Allen County Building Department shall retain the fees collected by it pursuant to such County Ordinance as its compensation for acting as such agent.

Section 3. The agreement between the County of Allen and the Town of Grabill which is attached hereto and made a part hereof the same as if set forth herein at length is hereby approved.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval and recording.

Passed and adopted by the Board of Trustees of the Town of Grabill on the 16th day of September , 1987.

M. Joanne Sauder
M. Joanne Sauder, President

R. E. Miller
Ray E. Miller, Board Member

Jeff Gray
Jeff Gray, Board Member

ATTEST:

Alleen Kipfer
Alleen Kipfer, Clerk/Treasurer

ORDINANCE NUMBER 277

Editor's Note: This ordinance is likely void, given that it explicitly names authorized representatives of the town, the former President and Clerk-Treasurer - and is more than 20 years old.

An Ordinance Approving, Confirming, and Ratifying an Agreement Between the Town of Grabill and the Allen County Highway Department Relating to Maintenance.

BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana, as follows:

SECTION 1: The Town Board does hereby approve, ratify and confirm the Agreement between the Town of Grabill and the Allen County Highway Department, bearing date of 20th day of March, 1989, and executed by M. JOANNE SAUDER, as its President, and Attested by MARY ANN CARNAHAN, as its Clerk-Treasurer; and a copy of said Agreement is attached hereto, designated as Exhibit "A", and made a part hereof the same as if set forth herein at length.

SECTION 2: This Ordinance shall be in full force and effect immediately upon its passage.

Passed and approved April 18 , 1989.

Recorded April 18 , 1989.

Presented to and approved by me this the 18th day of April , 1989.

M. Joanne Sauder
M. JOANNE
SAUDER
President of
Board of Trustees

Attest:

Mary Ann Carnahan
MARY ANN CARNAHAN
Clerk-Treasurer

Attachment:

☐ +/- AGREEMENT BETWEEN THE TOWN OF GRABILL AND THE
ALLEN COUNTY HIGHWAY DEPARTMENT - Page 1

☐ +/- AGREEMENT BETWEEN THE TOWN OF GRABILL AND THE
ALLEN COUNTY HIGHWAY DEPARTMENT - Page 2

ORDINANCE NO. 308

An Ordinance approving an Agreement between the Town of Grabill and Gregory A. Smitley

Be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: Attached hereto and made a part hereof the same as if set forth herein at length is a proposed Agreement between the Town of Grabill and Gregory A. Smitley.

SECTION 2: The Town Council does hereby approve said Agreement and authorizes the execution of it by M. Joanne Sauder as President of the Grabill Town Council, for and on behalf of the Council and the Town.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed and approved the 10 day of February , 1993, by 3 (X) voting aye and 0 () voting no.

Recorded the 10th day of February , 1993.

Presented to and approved to me this 10th day of February , 1993.

M. Joanne Sauder
M. JOANNE SAUDER, as President of
the Town Council of the Town
of Grabill, Indiana.

Attest:

Glenda A. Whittern
Glenda Whittern
Clerk/Treasurer

Attachment:

☐ +/- Agreement with Gregory A. Smitley - Easement and Utilities
(2/10/1993) - Page 1

Page 2 of this agreement was not found in the files.

☐ +/- Agreement with Gregory A. Smitley - Easement and Utilities
(2/10/1993) - Page 3

☐ +/- Agreement with Gregory A. Smitley - Easement and Utilities
(2/10/1993) - Page 4

RESOLUTION 369

Editor's Note: This resolution is Void. It expired in 2001.

Editor's Note: Photographs of the pages of this resolution:



(VOID) #369R: Agreement with Severn Trent Environmental Services (4/8/1998)

ORDINANCE NO. 644-2015

AN ORDINANCE of the Town of Grabill, Indiana, authorizing a Contract for Services for the provision of services and certain improvements by the Contractor named in such Contract for Services and authorizing the form and terms of the Contract for Services.

WHEREAS, Town of Grabill, Indiana (“Town of Grabill”) desires to enter into a Contract for Services with Joyce Fanning for the provision of the following services and improvements performed by the Contractor on behalf of the Town:

Clean Park Pavilion

WHEREAS, the Town of Grabill Town Council has determined that it is in the best interests of the Town and the residents of the Town that the services be performed in accordance with the terms and conditions of the Contract for Services; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

Section 1. The Contract for Services by and between the Town and Joyce Fanning in connection with the services set forth and described in the Contract for Services is hereby ratified, approved and affirmed in all respects.

Section 2. A copy of said Contract for Services shall be maintained on file with the Office of the Clerk-Treasurer and made available for public inspection according to law.

This Ordinance presented, approved and passed by the Town Council of the Town of Grabill, Indiana on this 8 day of April , 2015.

ATTEST:

Wilmer Delagrange
Council Member

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Jeff Smead
Council Member

Council Member



CONTRACT FOR SERVICES

THIS CONTRACT FOR SERVICES is made and entered this 8 day of April , 2015, by and between the Town of Grabill, Indiana, an Indiana municipality (the “Town”) and Joyce Fanning (the “Contractor”).

WHEREAS, the Town and Contractor desire to enter into this Agreement whereby Contractor will provide. for the benefit of the Town. the services more fully described herein.

For and in consideration of the promises contained herein and other good and valuable consideration. the receipt of which is hereby acknowledged the parties hereto agree as follows:

1. SERVICES. The Contractor agrees to provide services to the Town detailed in the Statement of Work attached hereto as [Schedule 1](#).

2. COMPENSATION. In exchange for the Services, the Town shall pay Contractor the fees set forth on [Schedule 1](#). The Town will make checks payable to Consultant and file any required tax forms (Form 1099) using Consultant’s Taxpayer Identification Number on file with the Town.

3. PERIOD OF PERFORMANCE. The Contractor shall perform the Services in accordance with the time period and deadlines set forth in [Schedule 1](#).

4. REPRESENTATIONS AND WARRANTIES OF CONTRACTOR. Contractor represents and warrants that: (i) Contractor has the right to enter into this Agreement, (ii) Contractor has not entered into any other contracts or employment relationships that restrict Contractor’ ability to perform under this Agreement, and (iii) Contractor will observe and abide by all applicable laws and regulations, including those of the Town regarding the provision of Services and its conduct on any premises under the Town’s control.

5. EMPLOYER CERTIFICATION. In accordance with I.C. §22-5-1.7. Contractor understands and agrees to enroll and verify work eligibility status of all newly hired employees of the Contractor through E-Verify program or any other system of legal residence verification as approved by the United States Department of Homeland Security or the department of homeland security. Contractor further understands that they are not required to verify work eligibility of status of newly hired employees of Contractor through the E-Verify program if the E-Verify program no longer exists. Contractor certifies that they do not knowingly employ any unauthorized aliens.

6. COMPLIANCE WITH LAWS. Contractor warrants that the Services shall be in strict conformity with all applicable local, state and federal laws including, but not limited to. the standards promulgated by the occupational Safety and Health Act, Executive Order 11246, as amended, relative to Equal Employment Opportunity and all other applicable laws, rules, and regulations, including the Civil Rights Act of 1964 pertaining to equal opportunity, Section 503 of the Vocational Rehabilitation Act of 1973, the Americans with Disabilities Act, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and all applicable immigration laws and regulations including the 1986 Immigration Reform and Control Act et. seq. Contractor agrees to indemnify and hold harmless the Town, from and against any loss, cost, claim, liability, damage, or expense (including attorney's fees) that may be sustained because of Contractor' breach of such warranty.

7. NONDISCRIMINATION. Pursuant to IC 22-9-1-10, IC 5-16-6 and the Civil Rights Act of 1964, Contractor and its subcontractors shall not discriminate against any employee or applicant for employment in the performance of this contract. Contractor shall not discriminate with respect to hire. tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, disability, national origin or ancestry. Breach of this covenant may be regarded as a material breach of contract and Contractor shall be subject to all available fines and penalties available under applicable law, statute or rule including, without limitation, those fines and remedies set forth in IC 5-16-6-1. Acceptance of this contract also signifies compliance with

applicable Federal laws, regulations, and executive orders prohibiting discrimination in the provision of services based on race, color, national origin, age, sex, disability or status as a veteran.

8. ENTIRE AGREEMENT/SEVERABILITY. Except as otherwise agreed in writing, this Agreement constitute the entire agreement between Contractor and the Town, superseding all prior quotations and understandings, oral or written. All such previous communications are hereby abrogated and withdrawn, and no stipulations, representations or agreements by Contractor or its officers, agents or employees shall be binding upon Contractor unless reduced to writing and attached to and incorporated by reference herein, and no local, general, or trade custom shall alter or vary the terms hereof

9. INDEPENDENT CONTRACTOR RELATIONSHIP. The Town and Contractor are and shall remain as independent contractors with respect to each other. The persons provided by Contractor to perform the Services shall be Contractor' employees and shall be under the sole and exclusive direction and control of Contractor. They shall not be considered employees of the Town, for any purpose. Contractor shall be responsible for compliance with all laws, rules and regulations involving, but not limited to, employment of labor, hours of labor, health and safety, working, conditions. and payment of wages with respect to such persons. Contractor shall also be responsible for providing such reasonable accommodations, including auxiliary aids and services, as may be required under the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., so as to enable any disabled person furnished by Contractor to perform the essential functions of the job. Contractor agrees to defend, indemnify, and hold harmless the Town, from and against any loss, cost, claim, liability. damage. or expense (including attorney's fees) that may be sustained by reason of Contractor' failure to comply with this paragraph.

IN WITNESS WHEREOF, the parties have executed this Contract for Services effective as of the date first above written.

TOWN OF GRABILL, INDIANA

CONTRACTOR

By: Wilmer Delagrange
Wilmer Delagrange
Town Council President

Sigature: Joyce Fanning
Name: Joyce Fanning
Title:

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

Schedule 1

Statement of Work

Description of Services: clean S. Park Pavilion

Compensation: 25.00 per each day

Period of Performance: until either party ends contract

ORDINANCE NO. 645-2015

AN ORDINANCE of the Town of Grabill, Indiana, authorizing a Contract for Services for the provision of services and certain improvements by the Contractor named in such Contract for Services and authorizing the form and terms of the Contract for Services.

WHEREAS, Town of Grabill, Indiana (“Town of Grabill”) desires to enter into a Contract for Services with Jacks Greenhouse for the provision of the following services and improvements performed by the Contractor on behalf of the Town:

Hanging flowers around Town of Grabill

WHEREAS, the Town of Grabill Town Council has determined that it is in the best interests of the Town and the residents of the Town that the services be performed in accordance with the terms and conditions of the Contract for Services; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

Section 1. The Contract for Services by and between the Town and Jacks Greenhouse in connection with the services set forth and described in the Contract for Services is hereby ratified, approved and affirmed in all respects.

Section 2. A copy of said Contract for Services shall be maintained on file with the Office of the Clerk-Treasurer and made available for public inspection according to law.

This Ordinance presented, approved and passed by the Town Council of the Town of Grabill, Indiana on this 8 day of April , 2015.

ATTEST:

Wilmer Delagrange
Council Member

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Jeff Smead
Council Member

Council Member



CONTRACT FOR SERVICES

THIS CONTRACT FOR SERVICES is made and entered this 8 day of April , 2015, by and between the Town of Grabill, Indiana, an Indiana municipality (the “Town”) and Jacks Greenhouse (the “Contractor”).

WHEREAS, the Town and Contractor desire to enter into this Agreement whereby Contractor will provide. for the benefit of the Town. the services more fully described herein.

For and in consideration of the promises contained herein and other good and valuable consideration. the receipt of which is hereby acknowledged the parties hereto agree as follows:

1. SERVICES. The Contractor agrees to provide services to the Town detailed in the Statement of Work attached hereto as [Schedule 1](#).

2. COMPENSATION. In exchange for the Services, the Town shall pay Contractor the fees set forth on [Schedule 1](#). The Town will make checks payable to Consultant and file any required tax forms (Form 1099) using Consultant’s Taxpayer Identification Number on file with the Town.

3. PERIOD OF PERFORMANCE. The Contractor shall perform the Services in accordance with the time period and deadlines set forth in [Schedule 1](#).

4. REPRESENTATIONS AND WARRANTIES OF CONTRACTOR. Contractor represents and warrants that: (i) Contractor has the right to enter into this Agreement, (ii) Contractor has not entered into any other contracts or employment relationships that restrict Contractor’ ability to perform under this Agreement, and (iii) Contractor will observe and abide by all applicable laws and regulations, including those of the Town regarding the provision of Services and its conduct on any premises under the Town’s control.

5. EMPLOYER CERTIFICATION. In accordance with I.C. §22-5-1.7. Contractor understands and agrees to enroll and verify work eligibility status of all newly hired employees of the Contractor through E-Verify program or any other system of legal residence verification as approved by the United States Department of Homeland Security or the department of homeland security. Contractor further understands that they are not required to verify work eligibility of status of newly hired employees of Contractor through the E-Verify program if the E-Verify program no longer exists. Contractor certifies that they do not knowingly employ any unauthorized aliens.

6. COMPLIANCE WITH LAWS. Contractor warrants that the Services shall be in strict conformity with all applicable local, state and federal laws including, but not limited to, the standards promulgated by the Occupational Safety and Health Act, Executive Order 11246, as amended, relative to Equal Employment Opportunity and all other applicable laws, rules, and regulations, including the Civil Rights Act of 1964 pertaining to equal opportunity, Section 503 of the Vocational Rehabilitation Act of 1973, the Americans with Disabilities Act, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and all applicable immigration laws and regulations including the 1986 Immigration Reform and Control Act et. seq. Contractor agrees to indemnify and hold harmless the Town, from and against any loss, cost, claim, liability, damage, or expense (including attorney's fees) that may be sustained because of Contractor's breach of such warranty.

7. NONDISCRIMINATION. Pursuant to IC 22-9-1-10, IC 5-16-6 and the Civil Rights Act of 1964, Contractor and its subcontractors shall not discriminate against any employee or applicant for employment in the performance of this contract. Contractor shall not discriminate with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, disability, national origin or ancestry. Breach of this covenant may be regarded as a material breach of contract and Contractor shall be subject to all available fines and penalties available under applicable law, statute or rule including, without limitation, those fines and remedies set forth in IC 5-16-6-1. Acceptance of this contract also signifies compliance with

applicable Federal laws, regulations, and executive orders prohibiting discrimination in the provision of services based on race, color, national origin, age, sex, disability or status as a veteran.

8. ENTIRE AGREEMENT/SEVERABILITY. Except as otherwise agreed in writing, this Agreement constitute the entire agreement between Contractor and the Town, superseding all prior quotations and understandings, oral or written. All such previous communications are hereby abrogated and withdrawn, and no stipulations, representations or agreements by Contractor or its officers, agents or employees shall be binding upon Contractor unless reduced to writing and attached to and incorporated by reference herein, and no local, general, or trade custom shall alter or vary the terms hereof

9. INDEPENDENT CONTRACTOR RELATIONSHIP. The Town and Contractor are and shall remain as independent contractors with respect to each other. The persons provided by Contractor to perform the Services shall be Contractor' employees and shall be under the sole and exclusive direction and control of Contractor. They shall not be considered employees of the Town, for any purpose. Contractor shall be responsible for compliance with all laws, rules and regulations involving, but not limited to, employment of labor, hours of labor, health and safety, working, conditions. and payment of wages with respect to such persons. Contractor shall also be responsible for providing such reasonable accommodations, including auxiliary aids and services, as may be required under the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., so as to enable any disabled person furnished by Contractor to perform the essential functions of the job. Contractor agrees to defend, indemnify, and hold harmless the Town, from and against any loss, cost, claim, liability. damage. or expense (including attorney's fees) that may be sustained by reason of Contractor' failure to comply with this paragraph.

IN WITNESS WHEREOF, the parties have executed this Contract for Services effective as of the date first above written.

TOWN OF GRABILL, INDIANA

CONTRACTOR

By:
Wilmer Delagrange
Town Council President

Signature:
Name:
Title:

ATTEST:

Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

Schedule 1

Statement of Work

Description of Services: Hang Flowers, Supply Flowers to Town of Grabill.

Compensation:

Period of Performance: until either party ends the contract

ORDINANCE NO. 646-2015

AN ORDINANCE of the Town of Grabill, Indiana, authorizing a Contract for Services for the provision of services and certain improvements by the Contractor named in such Contract for Services and authorizing the form and terms of the Contract for Services.

WHEREAS, Town of Grabill, Indiana (“Town of Grabill”) desires to enter into a Contract for Services with Tim Davis for the provision of the following services and improvements performed by the Contractor on behalf of the Town:

Town Maintenance

WHEREAS, the Town of Grabill Town Council has determined that it is in the best interests of the Town and the residents of the Town that the services be performed in accordance with the terms and conditions of the Contract for Services; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

Section 1. The Contract for Services by and between the Town and Tim Davis in connection with the services set forth and described in the Contract for Services is hereby ratified, approved and affirmed in all respects.

Section 2. A copy of said Contract for Services shall be maintained on file with the Office of the Clerk-Treasurer and made available for public inspection according to law.

This Ordinance presented, approved and passed by the Town Council of the Town of Grabill, Indiana on this 8 day of April , 2015.

ATTEST:

Wilmer Delagrange
Council Member

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Jeff Smead

Council Member

Council Member

CONTRACT FOR SERVICES

THIS CONTRACT FOR SERVICES is made and entered this 7 day of April , 2015, by and between the Town of Grabill, Indiana, an Indiana municipality (the “Town”) and Tim Davis (the “Contractor”).

WHEREAS, the Town and Contractor desire to enter into this Agreement whereby Contractor will provide. for the benefit of the Town. the services more fully described herein.

For and in consideration of the promises contained herein and other good and valuable consideration. the receipt of which is hereby acknowledged the parties hereto agree as follows:

1. SERVICES. The Contractor agrees to provide services to the Town detailed in the Statement of Work attached hereto as [Schedule 1](#).

2. COMPENSATION. In exchange for the Services, the Town shall pay Contractor the fees set forth on [Schedule 1](#). The Town will make checks payable to Consultant and file any required tax forms (Form 1099) using Consultant’s Taxpayer Identification Number on file with the Town.

3. PERIOD OF PERFORMANCE. The Contractor shall perform the Services in accordance with the time period and deadlines set forth in [Schedule 1](#).

4. REPRESENTATIONS AND WARRANTIES OF CONTRACTOR. Contractor represents and warrants that: (i) Contractor has the right to enter into this Agreement, (ii) Contractor has not entered into any other contracts or employment relationships that restrict Contractor’ ability to perform under this Agreement, and (iii) Contractor will observe and abide by all applicable laws and regulations, including those of the Town regarding the provision of Services and its conduct on any premises under the Town’s control.

5. EMPLOYER CERTIFICATION. In accordance with I.C. §22-5-1.7. Contractor understands and agrees to enroll and verify work eligibility status of all newly hired employees of the Contractor through E-Verify program or any other system of legal residence verification as approved by the United States Department of Homeland Security or the department of homeland security. Contractor further understands that they are not required to verify work eligibility of status of newly hired employees of Contractor through the E-Verify program if the E-Verify program no longer exists. Contractor certifies that they do not knowingly employ any unauthorized aliens.

6. COMPLIANCE WITH LAWS. Contractor warrants that the Services shall be in strict conformity with all applicable local, state and federal laws including, but not limited to. the standards promulgated by the occupational Safety and Health Act, Executive Order 11246, as amended, relative to Equal Employment Opportunity and all other applicable laws, rules, and regulations, including the Civil Rights Act of 1964 pertaining to equal opportunity, Section 503 of the Vocational Rehabilitation Act of 1973, the Americans with Disabilities Act, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and all applicable immigration laws and regulations including the 1986 Immigration Reform and Control Act et. seq. Contractor agrees to indemnify and hold harmless the Town, from and against any loss, cost, claim, liability, damage, or expense (including attorney's fees) that may be sustained because of Contractor' breach of such warranty.

7. NONDISCRIMINATION. Pursuant to IC 22-9-1-10, IC 5-16-6 and the Civil Rights Act of 1964, Contractor and its subcontractors shall not discriminate against any employee or applicant for employment in the performance of this contract. Contractor shall not discriminate with respect to hire. tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, disability, national origin or ancestry. Breach of this covenant may be regarded as a material breach of contract and Contractor shall be subject to all available fines and penalties available under applicable law, statute or rule including, without limitation, those fines and remedies set forth in IC 5-16-6-1. Acceptance of this contract also signifies compliance with

applicable Federal laws, regulations, and executive orders prohibiting discrimination in the provision of services based on race, color, national origin, age, sex, disability or status as a veteran.

8. ENTIRE AGREEMENT/SEVERABILITY. Except as otherwise agreed in writing, this Agreement constitute the entire agreement between Contractor and the Town, superseding all prior quotations and understandings, oral or written. All such previous communications are hereby abrogated and withdrawn, and no stipulations, representations or agreements by Contractor or its officers, agents or employees shall be binding upon Contractor unless reduced to writing and attached to and incorporated by reference herein, and no local, general, or trade custom shall alter or vary the terms hereof

9. INDEPENDENT CONTRACTOR RELATIONSHIP. The Town and Contractor are and shall remain as independent contractors with respect to each other. The persons provided by Contractor to perform the Services shall be Contractor' employees and shall be under the sole and exclusive direction and control of Contractor. They shall not be considered employees of the Town, for any purpose. Contractor shall be responsible for compliance with all laws, rules and regulations involving, but not limited to, employment of labor, hours of labor, health and safety, working, conditions. and payment of wages with respect to such persons. Contractor shall also be responsible for providing such reasonable accommodations, including auxiliary aids and services, as may be required under the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., so as to enable any disabled person furnished by Contractor to perform the essential functions of the job. Contractor agrees to defend, indemnify, and hold harmless the Town, from and against any loss, cost, claim, liability. damage. or expense (including attorney's fees) that may be sustained by reason of Contractor' failure to comply with this paragraph.

IN WITNESS WHEREOF, the parties have executed this Contract for Services effective as of the date first above written.

TOWN OF GRABILL, INDIANA

CONTRACTOR

By: Wilmer Delagrange
Wilmer Delagrange
Town Council President

Signature: Tim Davis
Name: Tim Davis
Title:

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

Schedule 1

Statement of Work

Description of Services:

Snow removal Sidewalks
Mowing as needed
Misc Maintenance

Compensation:

10.00 per hour

Period of Performance:

Until either party terminates contract

ORDINANCE NO. 647-2015

AN ORDINANCE of the Town of Grabill, Indiana, authorizing a Contract for Services for the provision of services and certain improvements by the Contractor named in such Contract for Services and authorizing the form and terms of the Contract for Services.

WHEREAS, Town of Grabill, Indiana (“Town of Grabill”) desires to enter into a Contract for Services with Amanda Resor for the provision of the following services and improvements performed by the Contractor on behalf of the Town:

Town mowing as needed

WHEREAS, the Town of Grabill Town Council has determined that it is in the best interests of the Town and the residents of the Town that the services be performed in accordance with the terms and conditions of the Contract for Services; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

Section 1. The Contract for Services by and between the Town and Amanda Resor in connection with the services set forth and described in the Contract for Services is hereby ratified, approved and affirmed in all respects.

Section 2. A copy of said Contract for Services shall be maintained on file with the Office of the Clerk-Treasurer and made available for public inspection according to law.

This Ordinance presented, approved and passed by the Town Council of the Town of Grabill, Indiana on this 20 day of May , 2015.

ATTEST:

Wilmer Delagrange
Council Member

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Candace DeCamp

Council Member

Jeff Smead

Council Member

CONTRACT FOR SERVICES

THIS CONTRACT FOR SERVICES is made and entered this 6 day of May , 2015, by and between the Town of Grabill, Indiana, an Indiana municipality (the “Town”) and Amanda Resor (the “Contractor”).

WHEREAS, the Town and Contractor desire to enter into this Agreement whereby Contractor will provide. for the benefit of the Town. the services more fully described herein.

For and in consideration of the promises contained herein and other good and valuable consideration. the receipt of which is hereby acknowledged the parties hereto agree as follows:

1. SERVICES. The Contractor agrees to provide services to the Town detailed in the Statement of Work attached hereto as [Schedule 1](#).

2. COMPENSATION. In exchange for the Services, the Town shall pay Contractor the fees set forth on [Schedule 1](#). The Town will make checks payable to Consultant and file any required tax forms (Form 1099) using Consultant’s Taxpayer Identification Number on file with the Town.

3. PERIOD OF PERFORMANCE. The Contractor shall perform the Services in accordance with the time period and deadlines set forth in [Schedule 1](#).

4. REPRESENTATIONS AND WARRANTIES OF CONTRACTOR. Contractor represents and warrants that: (i) Contractor has the right to enter into this Agreement, (ii) Contractor has not entered into any other contracts or employment relationships that restrict Contractor’ ability to perform under this Agreement, and (iii) Contractor will observe and abide by all applicable laws and regulations, including those of the Town regarding the provision of Services and its conduct on any premises under the Town’s control.

5. EMPLOYER CERTIFICATION. In accordance with I.C. §22-5-1.7. Contractor understands and agrees to enroll and verify work eligibility status of all newly hired employees of the Contractor through E-Verify program or any other system of legal residence verification as approved by the United States Department of Homeland Security or the department of homeland security. Contractor further understands that they are not required to verify work eligibility of status of newly hired employees of Contractor through the E-Verify program if the E-Verify program no longer exists. Contractor certifies that they do not knowingly employ any unauthorized aliens.

6. COMPLIANCE WITH LAWS. Contractor warrants that the Services shall be in strict conformity with all applicable local, state and federal laws including, but not limited to. the standards promulgated by the occupational Safety and Health Act, Executive Order 11246, as amended, relative to Equal Employment Opportunity and all other applicable laws, rules, and regulations, including the Civil Rights Act of 1964 pertaining to equal opportunity, Section 503 of the Vocational Rehabilitation Act of 1973, the Americans with Disabilities Act, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and all applicable immigration laws and regulations including the 1986 Immigration Reform and Control Act et. seq. Contractor agrees to indemnify and hold harmless the Town, from and against any loss, cost, claim, liability, damage, or expense (including attorney's fees) that may be sustained because of Contractor' breach of such warranty.

7. NONDISCRIMINATION. Pursuant to IC 22-9-1-10, IC 5-16-6 and the Civil Rights Act of 1964, Contractor and its subcontractors shall not discriminate against any employee or applicant for employment in the performance of this contract. Contractor shall not discriminate with respect to hire. tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, disability, national origin or ancestry. Breach of this covenant may be regarded as a material breach of contract and Contractor shall be subject to all available fines and penalties available under applicable law, statute or rule including, without limitation, those fines and remedies set forth in IC 5-16-6-1. Acceptance of this contract also signifies compliance with

applicable Federal laws, regulations, and executive orders prohibiting discrimination in the provision of services based on race, color, national origin, age, sex, disability or status as a veteran.

8. ENTIRE AGREEMENT/SEVERABILITY. Except as otherwise agreed in writing, this Agreement constitute the entire agreement between Contractor and the Town, superseding all prior quotations and understandings, oral or written. All such previous communications are hereby abrogated and withdrawn, and no stipulations, representations or agreements by Contractor or its officers, agents or employees shall be binding upon Contractor unless reduced to writing and attached to and incorporated by reference herein, and no local, general, or trade custom shall alter or vary the terms hereof

9. INDEPENDENT CONTRACTOR RELATIONSHIP. The Town and Contractor are and shall remain as independent contractors with respect to each other. The persons provided by Contractor to perform the Services shall be Contractor' employees and shall be under the sole and exclusive direction and control of Contractor. They shall not be considered employees of the Town, for any purpose. Contractor shall be responsible for compliance with all laws, rules and regulations involving, but not limited to, employment of labor, hours of labor, health and safety, working, conditions. and payment of wages with respect to such persons. Contractor shall also be responsible for providing such reasonable accommodations, including auxiliary aids and services, as may be required under the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., so as to enable any disabled person furnished by Contractor to perform the essential functions of the job. Contractor agrees to defend, indemnify, and hold harmless the Town, from and against any loss, cost, claim, liability. damage. or expense (including attorney's fees) that may be sustained by reason of Contractor' failure to comply with this paragraph.

IN WITNESS WHEREOF, the parties have executed this Contract for Services effective as of the date first above written.

TOWN OF GRABILL, INDIANA

CONTRACTOR

By: Wilmer Delagrange
Wilmer Delagrange
Town Council President

Signature: Amand L. Resor
Name: Amand L. Resor
Title: Contractor

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

Schedule 1

Statement of Work

Description of Services:

Town Mowing as needed

Compensation:

Period of Performance:

Until either party chooses to end terminate contract

ORDINANCE NO. 649-2015

AN ORDINANCE of the Town of Grabill, Indiana, authorizing a Contract for Services for the provision of services and certain improvements by the Contractor named in such Contract for Services and authorizing the form and terms of the Contract for Services.

WHEREAS, Town of Grabill, Indiana (“Town of Grabill”) desires to enter into a Contract for Services with Roger Harris for the provision of the following services and improvements performed by the Contractor on behalf of the Town:

Town Watering tractor maintenance and misc.
small engine repair

WHEREAS, the Town of Grabill Town Council has determined that it is in the best interests of the Town and the residents of the Town that the services be performed in accordance with the terms and conditions of the Contract for Services; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

Section 1. The Contract for Services by and between the Town and Roger Harris in connection with the services set forth and described in the Contract for Services is hereby ratified, approved and affirmed in all respects.

Section 2. A copy of said Contract for Services shall be maintained on file with the Office of the Clerk-Treasurer and made available for public inspection according to law.

This Ordinance presented, approved and passed by the Town Council of the Town of Grabill, Indiana on this 3 day of June , 2015.

ATTEST:

Wilmer Delagrang
Council Member

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Jeff Smead
Council Member

Council Member

CONTRACT FOR SERVICES

THIS CONTRACT FOR SERVICES is made and entered this 3 day of June , 2015, by and between the Town of Grabill, Indiana, an Indiana municipality (the “Town”) and Roger Harris (the “Contractor”).

WHEREAS, the Town and Contractor desire to enter into this Agreement whereby Contractor will provide. for the benefit of the Town. the services more fully described herein.

For and in consideration of the promises contained herein and other good and valuable consideration. the receipt of which is hereby acknowledged the parties hereto agree as follows:

1. SERVICES. The Contractor agrees to provide services to the Town detailed in the Statement of Work attached hereto as [Schedule 1](#).

2. COMPENSATION. In exchange for the Services, the Town shall pay Contractor the fees set forth on [Schedule 1](#). The Town will make checks payable to Consultant and file any required tax forms (Form 1099) using Consultant’s Taxpayer Identification Number on file with the Town.

3. PERIOD OF PERFORMANCE. The Contractor shall perform the Services in accordance with the time period and deadlines set forth in [Schedule 1](#).

4. REPRESENTATIONS AND WARRANTIES OF CONTRACTOR. Contractor represents and warrants that: (i) Contractor has the right to enter into this Agreement, (ii) Contractor has not entered into any other contracts or employment relationships that restrict Contractor’ ability to perform under this Agreement, and (iii) Contractor will observe and abide by all applicable laws and regulations, including those of the Town regarding the provision of Services and its conduct on any premises under the Town’s control.

5. EMPLOYER CERTIFICATION. In accordance with I.C. §22-5-1.7. Contractor understands and agrees to enroll and verify work eligibility status of all newly hired employees of the Contractor through E-Verify program or any other system of legal residence verification as approved by the United States Department of Homeland Security or the department of homeland security. Contractor further understands that they are not required to verify work eligibility of status of newly hired employees of Contractor through the E-Verify program if the E-Verify program no longer exists. Contractor certifies that they do not knowingly employ any unauthorized aliens.

6. COMPLIANCE WITH LAWS. Contractor warrants that the Services shall be in strict conformity with all applicable local, state and federal laws including, but not limited to. the standards promulgated by the occupational Safety and Health Act, Executive Order 11246, as amended, relative to Equal Employment Opportunity and all other applicable laws, rules, and regulations, including the Civil Rights Act of 1964 pertaining to equal opportunity, Section 503 of the Vocational Rehabilitation Act of 1973, the Americans with Disabilities Act, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and all applicable immigration laws and regulations including the 1986 Immigration Reform and Control Act et. seq. Contractor agrees to indemnify and hold harmless the Town, from and against any loss, cost, claim, liability, damage, or expense (including attorney's fees) that may be sustained because of Contractor' breach of such warranty.

7. NONDISCRIMINATION. Pursuant to IC 22-9-1-10, IC 5-16-6 and the Civil Rights Act of 1964, Contractor and its subcontractors shall not discriminate against any employee or applicant for employment in the performance of this contract. Contractor shall not discriminate with respect to hire. tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, disability, national origin or ancestry. Breach of this covenant may be regarded as a material breach of contract and Contractor shall be subject to all available fines and penalties available under applicable law, statute or rule including, without limitation, those fines and remedies set forth in IC 5-16-6-1. Acceptance of this contract also signifies compliance with

applicable Federal laws, regulations, and executive orders prohibiting discrimination in the provision of services based on race, color, national origin, age, sex, disability or status as a veteran.

8. ENTIRE AGREEMENT/SEVERABILITY. Except as otherwise agreed in writing, this Agreement constitute the entire agreement between Contractor and the Town, superseding all prior quotations and understandings, oral or written. All such previous communications are hereby abrogated and withdrawn, and no stipulations, representations or agreements by Contractor or its officers, agents or employees shall be binding upon Contractor unless reduced to writing and attached to and incorporated by reference herein, and no local, general, or trade custom shall alter or vary the terms hereof

9. INDEPENDENT CONTRACTOR RELATIONSHIP. The Town and Contractor are and shall remain as independent contractors with respect to each other. The persons provided by Contractor to perform the Services shall be Contractor' employees and shall be under the sole and exclusive direction and control of Contractor. They shall not be considered employees of the Town, for any purpose. Contractor shall be responsible for compliance with all laws, rules and regulations involving, but not limited to, employment of labor, hours of labor, health and safety, working, conditions. and payment of wages with respect to such persons. Contractor shall also be responsible for providing such reasonable accommodations, including auxiliary aids and services, as may be required under the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., so as to enable any disabled person furnished by Contractor to perform the essential functions of the job. Contractor agrees to defend, indemnify, and hold harmless the Town, from and against any loss, cost, claim, liability. damage. or expense (including attorney's fees) that may be sustained by reason of Contractor' failure to comply with this paragraph.

IN WITNESS WHEREOF, the parties have executed this Contract for Services effective as of the date first above written.

TOWN OF GRABILL, INDIANA

CONTRACTOR

By: Wilmer Delagrange
Wilmer Delagrange
Town Council President

Sigature: R D Harris
Name: Roger Harris
Title:

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

Schedule 1

Statement of Work

Description of Services:

Repairs to town watering tractor

Compensation:

Period of Performance:

as needed

ORDINANCE NO. 651-2015

AN ORDINANCE of the Town of Grabill, Indiana, authorizing a Contract for Services for the provision of services and certain improvements by the Contractor named in such Contract for Services and authorizing the form and terms of the Contract for Services.

WHEREAS, Town of Grabill, Indiana (“Town of Grabill”) desires to enter into a Contract for Services with Patrica Rhodes for the provision of the following services and improvements performed by the Contractor on behalf of the Town:

Town Hall Cleaning

WHEREAS, the Town of Grabill Town Council has determined that it is in the best interests of the Town and the residents of the Town that the services be performed in accordance with the terms and conditions of the Contract for Services; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

Section 1. The Contract for Services by and between the Town and Patrica Rhodes in connection with the services set forth and described in the Contract for Services is hereby ratified, approved and affirmed in all respects.

Section 2. A copy of said Contract for Services shall be maintained on file with the Office of the Clerk-Treasurer and made available for public inspection according to law.

This Ordinance presented, approved and passed by the Town Council of the Town of Grabill, Indiana on this 3 day of June , 2015.

ATTEST:

Wilmer Delagrange
Council Member

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Jeff Smead
Council Member

Council Member



CONTRACT FOR SERVICES

THIS CONTRACT FOR SERVICES is made and entered this day of , 2015, by and between the Town of Grabill, Indiana, an Indiana municipality (the “Town”) and (the “Contractor”).

WHEREAS, the Town and Contractor desire to enter into this Agreement whereby Contractor will provide. for the benefit of the Town. the services more fully described herein.

For and in consideration of the promises contained herein and other good and valuable consideration. the receipt of which is hereby acknowledged the parties hereto agree as follows:

1. SERVICES. The Contractor agrees to provide services to the Town detailed in the Statement of Work attached hereto as [Schedule 1](#).

2. COMPENSATION. In exchange for the Services, the Town shall pay Contractor the fees set forth on [Schedule 1](#). The Town will make checks payable to Consultant and file any required tax forms (Form 1099) using Consultant’s Taxpayer Identification Number on file with the Town.

3. PERIOD OF PERFORMANCE. The Contractor shall perform the Services in accordance with the time period and deadlines set forth in [Schedule 1](#).

4. REPRESENTATIONS AND WARRANTIES OF CONTRACTOR.

Contractor represents and warrants that: (i) Contractor has the right to enter into this Agreement, (ii) Contractor has not entered into any other contracts or employment relationships that restrict Contractor’ ability to perform under this Agreement, and (iii) Contractor will observe and abide by all applicable laws and regulations, including those of the Town regarding the provision of Services and its conduct on any premises under the Town’s control.

5. EMPLOYER CERTIFICATION. In accordance with I.C. §22-5-1.7. Contractor understands and agrees to enroll and verify work eligibility status of all newly hired employees of the Contractor through E-Verify program or any other system of legal residence verification as approved by the United States Department of Homeland Security or the department of homeland security. Contractor further understands that they are not required to verify work eligibility of status of newly hired employees of Contractor through the E-Verify program if the E-Verify program no longer exists. Contractor certifies that they do not knowingly employ any unauthorized aliens.

6. COMPLIANCE WITH LAWS. Contractor warrants that the Services shall be in strict conformity with all applicable local, state and federal laws including, but not limited to. the standards promulgated by the occupational Safety and Health Act, Executive Order 11246, as amended, relative to Equal Employment Opportunity and all other applicable laws, rules, and regulations, including the Civil Rights Act of 1964 pertaining to equal opportunity, Section 503 of the Vocational Rehabilitation Act of 1973, the Americans with Disabilities Act, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and all applicable immigration laws and regulations including the 1986 Immigration Reform and Control Act et. seq. Contractor agrees to indemnify and hold harmless the Town, from and against any loss, cost, claim, liability, damage, or expense (including attorney's fees) that may be sustained because of Contractor' breach of such warranty.

7. NONDISCRIMINATION. Pursuant to IC 22-9-1-10, IC 5-16-6 and the Civil Rights Act of 1964, Contractor and its subcontractors shall not discriminate against any employee or applicant for employment in the performance of this contract. Contractor shall not discriminate with respect to hire. tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, disability, national origin or ancestry. Breach of this covenant may be regarded as a material breach of contract and Contractor shall be subject to all available fines and penalties available under applicable law, statute or rule including, without limitation, those fines and remedies set forth in IC 5-16-6-1. Acceptance of this contract also signifies compliance with

applicable Federal laws, regulations, and executive orders prohibiting discrimination in the provision of services based on race, color, national origin, age, sex, disability or status as a veteran.

8. ENTIRE AGREEMENT/SEVERABILITY. Except as otherwise agreed in writing, this Agreement constitute the entire agreement between Contractor and the Town, superseding all prior quotations and understandings, oral or written. All such previous communications are hereby abrogated and withdrawn, and no stipulations, representations or agreements by Contractor or its officers, agents or employees shall be binding upon Contractor unless reduced to writing and attached to and incorporated by reference herein, and no local, general, or trade custom shall alter or vary the terms hereof

9. INDEPENDENT CONTRACTOR RELATIONSHIP. The Town and Contractor are and shall remain as independent contractors with respect to each other. The persons provided by Contractor to perform the Services shall be Contractor' employees and shall be under the sole and exclusive direction and control of Contractor. They shall not be considered employees of the Town, for any purpose. Contractor shall be responsible for compliance with all laws, rules and regulations involving, but not limited to, employment of labor, hours of labor, health and safety, working, conditions. and payment of wages with respect to such persons. Contractor shall also be responsible for providing such reasonable accommodations, including auxiliary aids and services, as may be required under the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., so as to enable any disabled person furnished by Contractor to perform the essential functions of the job. Contractor agrees to defend, indemnify, and hold harmless the Town, from and against any loss, cost, claim, liability. damage. or expense (including attorney's fees) that may be sustained by reason of Contractor' failure to comply with this paragraph.

IN WITNESS WHEREOF, the parties have executed this Contract for Services effective as of the date first above written.

TOWN OF GRABILL, INDIANA CONTRACTOR

By: Wilmer Delagrange
Wilmer Delagrange
Town Council President

Sigature: Patricia Meeks Rhodes
Name: Patricia Meeks-Rhodes
Title:

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

Schedule 1

Statement of Work

Description of Services:

Town Hall Cleaning

Compensation:

\$15.00 per Hour

Period of Performance:

As needed

ORDINANCE NO. 652-2015

AN ORDINANCE of the Town of Grabill, Indiana, authorizing a Contract for Services for the provision of services and certain improvements by the Contractor named in such Contract for Services and authorizing the form and terms of the Contract for Services.

WHEREAS, Town of Grabill, Indiana (“Town of Grabill”) desires to enter into a Contract for Services with Ron Nofzinger for the provision of the following services and improvements performed by the Contractor on behalf of the Town:

Town Landscaping

WHEREAS, the Town of Grabill Town Council has determined that it is in the best interests of the Town and the residents of the Town that the services be performed in accordance with the terms and conditions of the Contract for Services; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

Section 1. The Contract for Services by and between the Town and Tres Beaux Gardens Inc. in connection with the services set forth and described in the Contract for Services is hereby ratified, approved and affirmed in all respects.

Section 2. A copy of said Contract for Services shall be maintained on file with the Office of the Clerk-Treasurer and made available for public inspection according to law.

This Ordinance presented, approved and passed by the Town Council of the Town of Grabill, Indiana on this 17 day of June , 2015.

ATTEST:

Wilmer Delagrange
Council Member

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Jeff Smead
Council Member

Candace DeCamp
Council Member



CONTRACT FOR SERVICES

THIS CONTRACT FOR SERVICES is made and entered this 17 day of June , 2015, by and between the Town of Grabill, Indiana, an Indiana municipality (the “Town”) and Ron Nofzinger (the “Contractor”).

WHEREAS, the Town and Contractor desire to enter into this Agreement whereby Contractor will provide. for the benefit of the Town. the services more fully described herein.

For and in consideration of the promises contained herein and other good and valuable consideration. the receipt of which is hereby acknowledged the parties hereto agree as follows:

1. SERVICES. The Contractor agrees to provide services to the Town detailed in the Statement of Work attached hereto as [Schedule 1](#).

2. COMPENSATION. In exchange for the Services, the Town shall pay Contractor the fees set forth on [Schedule 1](#). The Town will make checks payable to Consultant and file any required tax forms (Form 1099) using Consultant’s Taxpayer Identification Number on file with the Town.

3. PERIOD OF PERFORMANCE. The Contractor shall perform the Services in accordance with the time period and deadlines set forth in [Schedule 1](#).

4. REPRESENTATIONS AND WARRANTIES OF CONTRACTOR.

Contractor represents and warrants that: (i) Contractor has the right to enter into this Agreement, (ii) Contractor has not entered into any other contracts or employment relationships that restrict Contractor’ ability to perform under this Agreement, and (iii) Contractor will observe and abide by all applicable laws and regulations, including those of the Town regarding the provision of Services and its conduct on any premises under the Town’s control.

5. EMPLOYER CERTIFICATION. In accordance with I.C. §22-5-1.7. Contractor understands and agrees to enroll and verify work eligibility status of all newly hired employees of the Contractor through E-Verify program or any other system of legal residence verification as approved by the United States Department of Homeland Security or the department of homeland security. Contractor further understands that they are not required to verify work eligibility of status of newly hired employees of Contractor through the E-Verify program if the E-Verify program no longer exists. Contractor certifies that they do not knowingly employ any unauthorized aliens.

6. COMPLIANCE WITH LAWS. Contractor warrants that the Services shall be in strict conformity with all applicable local, state and federal laws including, but not limited to. the standards promulgated by the occupational Safety and Health Act, Executive Order 11246, as amended, relative to Equal Employment Opportunity and all other applicable laws, rules, and regulations, including the Civil Rights Act of 1964 pertaining to equal opportunity, Section 503 of the Vocational Rehabilitation Act of 1973, the Americans with Disabilities Act, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and all applicable immigration laws and regulations including the 1986 Immigration Reform and Control Act et. seq. Contractor agrees to indemnify and hold harmless the Town, from and against any loss, cost, claim, liability, damage, or expense (including attorney's fees) that may be sustained because of Contractor' breach of such warranty.

7. NONDISCRIMINATION. Pursuant to IC 22-9-1-10, IC 5-16-6 and the Civil Rights Act of 1964, Contractor and its subcontractors shall not discriminate against any employee or applicant for employment in the performance of this contract. Contractor shall not discriminate with respect to hire. tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, disability, national origin or ancestry. Breach of this covenant may be regarded as a material breach of contract and Contractor shall be subject to all available fines and penalties available under applicable law, statute or rule including, without limitation, those fines and remedies set forth in IC 5-16-6-1. Acceptance of this contract also signifies compliance with

applicable Federal laws, regulations, and executive orders prohibiting discrimination in the provision of services based on race, color, national origin, age, sex, disability or status as a veteran.

8. ENTIRE AGREEMENT/SEVERABILITY. Except as otherwise agreed in writing, this Agreement constitute the entire agreement between Contractor and the Town, superseding all prior quotations and understandings, oral or written. All such previous communications are hereby abrogated and withdrawn, and no stipulations, representations or agreements by Contractor or its officers, agents or employees shall be binding upon Contractor unless reduced to writing and attached to and incorporated by reference herein, and no local, general, or trade custom shall alter or vary the terms hereof

9. INDEPENDENT CONTRACTOR RELATIONSHIP. The Town and Contractor are and shall remain as independent contractors with respect to each other. The persons provided by Contractor to perform the Services shall be Contractor' employees and shall be under the sole and exclusive direction and control of Contractor. They shall not be considered employees of the Town, for any purpose. Contractor shall be responsible for compliance with all laws, rules and regulations involving, but not limited to, employment of labor, hours of labor, health and safety, working, conditions. and payment of wages with respect to such persons. Contractor shall also be responsible for providing such reasonable accommodations, including auxiliary aids and services, as may be required under the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., so as to enable any disabled person furnished by Contractor to perform the essential functions of the job. Contractor agrees to defend, indemnify, and hold harmless the Town, from and against any loss, cost, claim, liability. damage. or expense (including attorney's fees) that may be sustained by reason of Contractor' failure to comply with this paragraph.

IN WITNESS WHEREOF, the parties have executed this Contract for Services effective as of the date first above written.

TOWN OF GRABILL, INDIANA

CONTRACTOR

By: Wilmer Delagrange
Wilmer Delagrange
Town Council President

Sigature: Ron Nofzinger
Name: Tres Beaux Gardens
Title: President
Ron Nofzinger

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

Schedule 1

Statement of Work

Description of Services:

Town Landscaping

Compensation:

Period of Performance:

As needed by Town

ORDINANCE NO. 653-2015

AN ORDINANCE of the Town of Grabill, Indiana, authorizing a Contract for Services for the provision of services and certain improvements by the Contractor named in such Contract for Services and authorizing the form and terms of the Contract for Services.

WHEREAS, Town of Grabill, Indiana (“Town of Grabill”) desires to enter into a Contract for Services with City of Woodburn for the provision of the following services and improvements performed by the Contractor on behalf of the Town:

Street Sweeper \$150.00 per hour.
(contracted at a rate of:)

WHEREAS, the Town of Grabill Town Council has determined that it is in the best interests of the Town and the residents of the Town that the services be performed in accordance with the terms and conditions of the Contract for Services; and

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

Section 1. The Contract for Services by and between the Town and City of Woodburn in connection with the services set forth and described in the Contract for Services is hereby ratified, approved and affirmed in all respects.

Section 2. A copy of said Contract for Services shall be maintained on file with the Office of the Clerk-Treasurer and made available for public inspection according to law.

This Ordinance presented, approved and passed by the Town Council of the Town of Grabill, Indiana on this 1 day of July , 2015.

ATTEST:

Wilmer Delagrange
Council Member

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Jeff Smead
Council Member

Candace DeCamp
Council Member

CONTRACT FOR SERVICES

THIS CONTRACT FOR SERVICES is made and entered this 1 day of July , 2015, by and between the Town of Grabill, Indiana, an Indiana municipality (the “Town”) and City of Woodburn (the “Contractor”).

WHEREAS, the Town and Contractor desire to enter into this Agreement whereby Contractor will provide. for the benefit of the Town. the services more fully described herein.

For and in consideration of the promises contained herein and other good and valuable consideration. the receipt of which is hereby acknowledged the parties hereto agree as follows:

1. SERVICES. The Contractor agrees to provide services to the Town detailed in the Statement of Work attached hereto as [Schedule 1](#).

2. COMPENSATION. In exchange for the Services, the Town shall pay Contractor the fees set forth on [Schedule 1](#). The Town will make checks payable to Consultant and file any required tax forms (Form 1099) using Consultant’s Taxpayer Identification Number on file with the Town.

3. PERIOD OF PERFORMANCE. The Contractor shall perform the Services in accordance with the time period and deadlines set forth in [Schedule 1](#).

4. REPRESENTATIONS AND WARRANTIES OF CONTRACTOR. Contractor represents and warrants that: (i) Contractor has the right to enter into this Agreement, (ii) Contractor has not entered into any other contracts or employment relationships that restrict Contractor’ ability to perform under this Agreement, and (iii) Contractor will observe and abide by all applicable laws and regulations, including those of the Town regarding the provision of Services and its conduct on any premises under the Town’s control.

5. EMPLOYER CERTIFICATION. In accordance with I.C. §22-5-1.7. Contractor understands and agrees to enroll and verify work eligibility status of all newly hired employees of the Contractor through E-Verify program or any other system of legal residence verification as approved by the United States Department of Homeland Security or the department of homeland security. Contractor further understands that they are not required to verify work eligibility of status of newly hired employees of Contractor through the E-Verify program if the E-Verify program no longer exists. Contractor certifies that they do not knowingly employ any unauthorized aliens.

6. COMPLIANCE WITH LAWS. Contractor warrants that the Services shall be in strict conformity with all applicable local, state and federal laws including, but not limited to, the standards promulgated by the Occupational Safety and Health Act, Executive Order 11246, as amended, relative to Equal Employment Opportunity and all other applicable laws, rules, and regulations, including the Civil Rights Act of 1964 pertaining to equal opportunity, Section 503 of the Vocational Rehabilitation Act of 1973, the Americans with Disabilities Act, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 and all applicable immigration laws and regulations including the 1986 Immigration Reform and Control Act et. seq. Contractor agrees to indemnify and hold harmless the Town, from and against any loss, cost, claim, liability, damage, or expense (including attorney's fees) that may be sustained because of Contractor's breach of such warranty.

7. NONDISCRIMINATION. Pursuant to IC 22-9-1-10, IC 5-16-6 and the Civil Rights Act of 1964, Contractor and its subcontractors shall not discriminate against any employee or applicant for employment in the performance of this contract. Contractor shall not discriminate with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, disability, national origin or ancestry. Breach of this covenant may be regarded as a material breach of contract and Contractor shall be subject to all available fines and penalties available under applicable law, statute or rule including, without limitation, those fines and remedies set forth in IC 5-16-6-1. Acceptance of this contract also signifies compliance with

applicable Federal laws, regulations, and executive orders prohibiting discrimination in the provision of services based on race, color, national origin, age, sex, disability or status as a veteran.

8. ENTIRE AGREEMENT/SEVERABILITY. Except as otherwise agreed in writing, this Agreement constitute the entire agreement between Contractor and the Town, superseding all prior quotations and understandings, oral or written. All such previous communications are hereby abrogated and withdrawn, and no stipulations, representations or agreements by Contractor or its officers, agents or employees shall be binding upon Contractor unless reduced to writing and attached to and incorporated by reference herein, and no local, general, or trade custom shall alter or vary the terms hereof

9. INDEPENDENT CONTRACTOR RELATIONSHIP. The Town and Contractor are and shall remain as independent contractors with respect to each other. The persons provided by Contractor to perform the Services shall be Contractor' employees and shall be under the sole and exclusive direction and control of Contractor. They shall not be considered employees of the Town, for any purpose. Contractor shall be responsible for compliance with all laws, rules and regulations involving, but not limited to, employment of labor, hours of labor, health and safety, working, conditions. and payment of wages with respect to such persons. Contractor shall also be responsible for providing such reasonable accommodations, including auxiliary aids and services, as may be required under the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., so as to enable any disabled person furnished by Contractor to perform the essential functions of the job. Contractor agrees to defend, indemnify, and hold harmless the Town, from and against any loss, cost, claim, liability. damage. or expense (including attorney's fees) that may be sustained by reason of Contractor' failure to comply with this paragraph.

IN WITNESS WHEREOF, the parties have executed this Contract for Services effective as of the date first above written.

TOWN OF GRABILL, INDIANA

CONTRACTOR

By: Wilmer Delagrange
Wilmer Delagrange
Town Council President

Sigature: Richard Hoeppner
Name: Richard Hoeppner
Title: Mayor

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

Schedule 1

Statement of Work

Description of Services:

Rental of Street Sweeper

Compensation:

\$150.00 an hour

Period of Performance:

As needed

**RESOLUTION NO. 1308-2017 OF THE TOWN OF GRABILL,
INDIANA**

**A RESOLUTION APPROVING A CONTRACT FOR ECONOMIC
DEVELOPMENT SERVICES**

WHEREAS, the Town of Grabill, Indiana (the “Town”) is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Town Council (the “Town Council”); and

WHEREAS, in order for Growing Grabill, Inc. to provide economic development marketing and advertising services for and on behalf of the Town, the Town desires to enter into a Contract for Economic Development Services which has been presented to the Town Council for its consideration and approval.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL
OF THE TOWN OF GRABILL, INDIANA, THAT:**

Section 1. Approval of Contract. The Town Council hereby approves the terms and conditions of the Contract for Economic Development Services in substantially the form attached hereto as [Exhibit A](#), and hereby authorizes its execution and delivery by the Town Council on behalf of the Town.

Section 2. Repeal of Conflicting Ordinances and Resolutions. The provisions of all other Town ordinances, resolutions, rules, regulations and policies in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

DULY PASSED AND ADOPTED this 3rd day of January, 2018, by the Town Council of the Town of Grabill, Allen County, Indiana, having been passed by a vote of 3 in favor and 0 opposed.

TOWN OF GRABILL, INDIANA
BY ITS COUNCIL

Wilmer Delagrance Jeff Smead

Wilmer Delagrane Jeff Smead

Claude E. Schrock

Claude E. Schrock

ATTEST:

Cynthia Barhydt

Cynthia Barhydt

Clerk-Treasurer, Town of Grabill,

Indiana

EXHIBIT A

Contract for Economic Development Services

Attached.

CONTRACT FOR ECONOMIC DEVELOPMENT SERVICES

THIS CONTRACT FOR ECONOMIC DEVELOPMENT SERVICES, is entered into as of the 3rd day of January, 2018, by and between the Town of Grabill, Indiana (“Town of Grabill”), and Growing Grabill, Inc., an Indiana not-for-profit corporation (hereinafter referred to as the “Corporation”).

WHEREAS, Town of Grabill has a need for economic development marketing and advertising services and activities; and

WHEREAS, Town of Grabill desires to engage the Corporation to render such economic development marketing and advertising services for the benefit of the Town of Grabill;

NOW, THEREFORE the parties hereto do mutually agree as follows:

- Scope of Services. The Corporation shall assist and advise Town of Grabill in economic development marketing and advertising activities,
1. and shall coordinate economic development marketing and advertising activities for Town of Grabill, which shall include the following:

The Corporation shall work with the Town of Grabill with respect to its retail, manufacturing and industrial recruiting and expansion activities for the Town of Grabill. These activities shall include actively seeking

 - a. new retail, manufacturing and industry to locate in the Town of Grabill and assisting local retail, manufacturing and industry with expansions of existing jobs and facilities.
 - b. The primary objective of this activity is: (i) to retain the jobs currently located in Town of Grabill; (ii) provide expansion opportunities to local industry which will result in more jobs; and (iii) recruit new retail, manufacturing and industry to locate in Town of Grabill resulting in an expanded Town tax base and increase in job opportunities for both Town and Allen County residents.
 - c. All services, marketing and advertising materials prepared and performed by Corporation shall be approved by the Town of Grabill prior to performance and/or distribution.

- Time of Performance. The services of the Corporation are to commence
2. on January 3, 2018 and shall be completed in a timely manner as required by the Town of Grabill, but shall not extend beyond December 31, 2018.

- Reporting Requirements. Upon the request of the Town of Grabill,
3. representatives of the Corporation shall attend Town of Grabill town council meetings and report to the town council the activities and services performed under this Contract.

- Compensation. This is a fee for services contract. As compensation for the
4. services rendered, Town of Grabill shall pay the Corporation a flat rate of \$850.00. The Corporation shall submit an invoice for the flat rate.

- Changes. Town of Grabill may, from time to time, request changes in the
5. scope of services to be performed by the Corporation hereunder.

- Personnel. The Corporation represents that it will be responsible for execution of services under this Contract. All services required hereunder
6. will be performed by the Corporation or its agent and all individuals engaged in the work shall be fully qualified and shall be authorized or permitted under state and local law to perform such services.

- Corporation Records Maintenance. The Corporation shall maintain
7. accounts and records, including personnel, and financial records, adequate to identify and account for all costs pertaining to this contract and such other records as may be deemed necessary to assure proper accounting.

- Findings Confidential. All of the reports, information, data, work product or any other material prepared or assembled by the Corporation under this
8. Contract are confidential and the Corporation agrees that they shall not be made available to any individual or organization without prior written approval of Town of Grabill.

- Copyright. No report, maps, advertising materials, marketing materials or other documents produced in whole or in part under this Contract shall be
9. the subject of an application for copyright by or on behalf of the Corporation.

- Compliance with Local Law. The Corporation shall comply with all
10. applicable laws, ordinances and codes of the state and local governments.

- Compliance with E-Verify Program.
- 11.

- a. Pursuant to I.C. 22-5-1.7, the Corporation shall enroll in and verify the work eligibility status of all newly hired employees of the Corporation through the E-Verify program ("Program"). The Corporation is not

required to verify the work eligibility status of all newly hired employees through the Program if the Program no longer exists.

The Corporation shall not knowingly employ or contract with an unauthorized alien or retain an employee or contract with a person that the Corporation subsequently learns is an unauthorized alien. If the Corporation violates this Section, the Corporation shall require contractor to remedy the violation not later than thirty (30) days after Town of Grabill notifies the Corporation. If the Corporation fails to

- b. remedy the violation within the thirty (30) day period, Town of Grabill shall terminate the contract for breach of contract. If Town of Grabill terminates the contract, the Corporation shall, in addition to any other contractual remedies, be liable to Town of Grabill for actual damages. There is a rebuttable presumption that the Corporation did not knowingly employ an unauthorized alien if the Corporation verified the work eligibility status of the employee through the Program.

If the Corporation employs or contracts with an unauthorized alien but Town of Grabill determines that terminating the contract would be

- c. detrimental to the public interest or public property, Town of Grabill may allow the contract to remain in effect until Town of Grabill procures a new Contractor.

If the Corporation uses a subcontractor to provide services under this contract, the Corporation shall, prior to performing any work, require each subcontractor to certify to the Corporation that the subcontractor does not knowingly employ or contract with an unauthorized alien and has enrolled in the Program. The Corporation shall maintain on file a

- d. certification from each subcontractor throughout the duration of the Project. If the Corporation determines that a subcontractor is in violation of this Section, the Corporation may terminate its contract with the subcontractor for such violation. Such termination may not be considered a breach of contract for the Corporation or the subcontractor.

Investment in Iran. The Corporation by the undersigned certifies that

- 12. pursuant to I.C. 5-22-16.5 that it is not engaged in any investment activities in Iran as said investment activity is prohibited by law.
- 13. Term; Expiration. This Contract shall expire December 31, 2018.

IN WITNESS WHEREOF, Town and Corporation have executed this Contract for Economic Development Services as of that date and year first above written.

Dated this 3 day of January, 2018.

“TOWN”

TOWN OF GRABILL, INDIANA, an Indiana municipal corporation

By: Wilmer Delagrang
Wilmer Delagrang, President

Address:
Grabill Town Council
P.O. Box 254
Grabill, Indiana 46741

“CORPORATION”

GROWING GRABILL, INC., an Indiana not-for-profit corporation

By:
Name: _____
Title: _____

Address:

ATTEST:

Cynthia Barhydt

Cynthia Barhydt

Clerk-Treasurer, Town of Grabill, Indiana

RESOLUTION 1322-2018

A RESOLUTION OF THE TOWN OF GRABILL: A FINANCIAL COMMITMENT REGARDING EAST ALLEN’S RURAL REVIVAL REGIONAL DEVELOPMENT PLAN

WHEREAS, the Town of Grabill is one of several communities that are part of the NewAllen Alliance; and

WHEREAS, the NewAllen Alliance is in the process of submission of a regional development plan titled *East Allen’s Rural Revival* to ideally receive designation as an Indiana Regional Stellar Community; and

WHEREAS, this process requires the municipalities within the NewAllen Alliance to provide a resolution showing their intention and ability to fund the certain projects that are submitted as a part of this regional development plan; and

WHEREAS, projects submitted as part of the regional development plan may receive Stellar funding as part of designation, or may otherwise be funded by other means considered complementary in nature.

WHEREAS, this vision of *East Allen’s Rural Revival Regional Development Plan* was established through the NewAllen Strategic Investment Plan, 2016 process.

NOW THEREFORE, BE IT RESOLVED BY THE GRABILL TOWN COUNCIL:

That, subject to the contingencies and assumptions set forth herein, the Town of Grabill pledges up to \$300,000, funded in equal installments of approximately \$75,000 annually over the duration of time beginning in CY 2019 up to and through CY 2022 for certain capital improvements set forth in the *East Allen’s Rural Revival Regional Development Plan (the “Plan”)*. Such funding pledge is contingent upon no material changes occurring to the existing scope of projects within the Plan, full funding from each other funding source of the projects within the Plan and maintaining the current

timeline for the projects within the Plan. This funding is for projects listed in the Plan including investment into revitalization of the downtown area, and segments of the Cedar Creek Parks Trail within the corporate boundaries of the Town of Grabill. The Town recognizes that these project costs will potentially originate unevenly, and, consequently will keep this in mind during future budget discussions while also limiting other spending as needed in order to honor this commitment. Any amount needed in excess of \$300,000 through CY 2022 will need to be presented to the Common Council of the Town of Grabill for review, but should be assumed to be zero for any consideration towards a pledged amount. If, the NewAllen Alliance ultimately does not receive the Stellar Community designation, this resolution shall be deemed rescinded without any action by the Town Council and any pledged or designated spending towards Stellar projects will be substituted completely at the sole pleasure and discretion of the Common Council of the Town of Grabill.

Adopted and Resolved this 5th day of September, 2018.

DULY PASSED AND ADOPTED this 5 day of Sept , 2018 by the Town Council of the Town of Grabill, Allen County, Indiana

Approved this 5 day of September 2018, at the hour of 7:30 P.M.

Town Council of Grabill

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead, Vice-President

Claude E. Schrock
Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Ordinance No. 3

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 66](#), adopted 8-4-1956.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #3: Auctions, Transient Salesmen, Traveling Peddlers (--/-
-/1913)

Ordinance No. 4 - In effect May 29, 1913

Editor's Note: This ordinance was repealed by [Ordinance No. 648-2015](#), adopted 6/17/2015.

Being an ordinance relating to chickens and animals running at large within the corporate limits of the Town of Grabill, Indiana.

Section No 1: - Be it ordained by the trustees of the Town of Grabill that owners of chickens and animals must be kept in confinement and prevent them from running at large.

Section No 2: - Persons violating the above act shall be liable to a fine of not less than one dollar (\$1.00) nor more than five dollars (\$5.00) Done at the Town of Grabill this 5rd day of May 1913.

J. S. Klopfenstein

David Witmer

C. O. Benjamin

} Trustees

Attest:-

Aaron Sauder Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included: +/- #4: Animal Control (5/5/1913)

Ordinance No. 6

Being an ordinance prohibiting children with express wagons and tricycles to play on certain streets in the corporate limits of the Town of Grabill, Ind.

Section 1: - Be it ordained by the trustees of the Town of Grabill, Ind. that children with express wagons and tricycles are prohibited to play on the public sidewalks on State Street known as the business district.

Section 2: - The marshal is empowered to use such means as he deems necessary to enforce the act.

Section 3: - This act shall be in force as soon as legally advertised.

J. S. Klopfenstein

David Witmer

C. O. Benjamin

} Trustees

Attest:

Aaron Sauder Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included: +/- #6: Prohibits Play on Streets (--/--/1913)

Ordinance No. 10

Editor's Note: This ordinance was repealed by [Ordinance No. 648-2015](#), adopted 6/17/2015.

An ordinance prohibiting Chickens, Ducks, Geese, Turkeys and other fowls from running at large within the Corporate Limits of The Town of Grabill, Indiana.

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana, that it shall be unlawful for any person being the owner of or having charge of any Chickens, Ducks, Geese, Turkeys, other fowls, of any kind or description to permit the same to run at large upon any street, alley, lot common or lane or any other public place within the Corporate limits of the Town of Grabill, Indiana and that it further shall be unlawful for the owner of such chickens, ducks, geese, turkeys or other fowls to permit the same to be at large upon any lot or parcel of ground, street, or alley, other than that belonging to said owner, but the said owner shall keep the same enclosed.

Section 2. Any person violating the provision of this Ordinance shall upon conviction, be fined not less than One (\$1.00) Dollar not more than Fifty (\$50.00) Dollars.

Section 3. This Ordinance shall be in full force and effect from and after its passage and legal publication and all ordinances in conflict herewith are hereby repealed.

Done at the Town of Grabill, Indiana, this 6th day of April 1914.

J. S. Klopfenstein	}	Board of
David Witmer		Trustees
C. O. Benjamin		The Town of Grabill Indiana.

Approved
W. P. Smith Clerk.

Published in Grabill Review
April 8th, 1914.

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included: +/- #10: Animal Control - Fowl at Large (4/6/1914) - Page 1

+/- #10: Animal Control - Fowl at Large (4/6/1914) - Page 2

Ordinance No. 9

An ordinance requiring Peddlers and Hawkers to take out License and fixing a Penalty for violation of same.

Sec 1. Be it ordained by the Board of Trustees of The Town of Grabill, Indiana, that every person who sells, barter or exchanges or offers for sale Goods, wares, Medicines, Merchandise, in, upon or along any street or alley or other public place in said Town, traveling from place to place therein, either on foot or with any kind of a vehicle, shall before engaging in such business, obtain from the Town Treasurer of Grabill, Indiana, a town license so to do.

Section 2. When such goods, wares, Medicines, Merchandise or other articles of value are sold in said Town of Grabill, Indiana as mentioned in Section one of this act, the person and each of them so selling shall take out a license, as mentioned in Section one of this act, and pay to the Town Treasurer of Grabill, Indiana the sum of Two (\$2.00) Dollars a day for each and every day so engaged.

Section 3. No license issued or granted under any provision of this ordinance shall be in any manner assignable or transferable, or authorizes any other person other than the one mentioned therein to sell, or authorize any other class of articles than those specified to be peddled.

Section 4. Every person licensed to sell, barter or exchange any articles of value mentioned in Section one of this act; having procured a license as mentioned in other Sections of this act, shall procure at his own expense and have conspicuously posted on his vehicle, if any he uses, a sign bearing the words "Licensed Vender" in plain, English letters. In other cases where no vehicle are used, the parties so selling said articles, as aforesaid, shall carry with them their license issued them by said Town Treasurer.

Section 5. Any person violating, or who shall fail to comply with any of the provisions of this ordinance, shall, upon conviction, be fined no less than

Five (\$5.00) Dollars and not more than Fifty (\$50.00) Dollars, and forfeit his license, which shall upon conviction, as aforesaid, be revoked.

Section 6. This ordinance shall be in full force and effect on and after its passage and legal publication, and all ordinances in conflict herewith are hereby repealed.

Done at the Town of Grabill, Indiana this Sixth (6th) day of April 1914.

J. S. Klopfenstein	}	Board of Trustees Town of Grabill, Ind.
David Witmer		
C. O. Benjamin		

Approved
W. P. Smith Clerk.

Published in Grabill Review
April 1914.

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included:

 #9: Peddlers & Hawkers License (4/6/1914) - Page 1

 #9: Peddlers & Hawkers License (4/6/1914) - Page 2

 #9: Peddlers & Hawkers License (4/6/1914) - Page 3

Ordinance No. 20 Aug 7 - 1916

Ordinance to protect the public health.

Section 1. Be it ordained by the board of trustees of the town of Grabill, Indiana that it shall be unlawful for any person, firm, company, or corporation to place, deposit, permit or have upon their premises, whether owned or leased by them, any one or more of the following unsanitary, fly producing, disease causing conditions, to wit:

- (1) Animal manure to accumulate during the hot season.
- (2) Filthy or littered cellars, house yards, barnyards, stable yards, factory yards, vacant areas in rear of stores, or vacant lots.
- (3) Privies, vaults, cesspools, pits or like places, which are not securely protected from flies and rats, or which are foul or malodorous.
- (4) Trash, litter, rags, waste, accumulations of empty barrels, boxes, crates, packing cases, tin cans, lumber not neatly piled, or anything whatsoever in which flies or rats may breed or multiply, or which may be a fire danger.

Section 2.

It shall be the duty of the town marshal, upon learning in any way whatsoever, of the existence of one or more of the unlawful conditions described in Section one (1) of this Ordinance, to notify the offender in writing upon official blanks provided by the town board, to remove or abate said unlawful conditions, stating the shortest reasonable time for such removal or abatement. In the event of the refusal or neglect on the part of the notified offender to remove or abate the unlawful conditions, the town marshal shall have power and authority to remove or abate the reported unlawful conditions, and he shall keep an accurate account of the cost and expenses thereof, which shall be paid from the town treasury upon sworn vouchers of the town marshal, and said cost and expenses shall be a lien upon the property and shall be collected by law as taxes are collected and duly paid into the town treasury.

Section 3.

It shall be unlawful for any person, company, firm or corporation to fill up an abandoned vault or pit of any kind without first cleaning same to the

bottom and sprinkling liberally with quick lime or other approved disinfectant.

Section 4.

Any person, persons, firm or corporation violating any of the sections of this ordinance, except when otherwise provided, shall upon conviction thereof, be fined in any sum not less than five (\$5) nor more than (\$50.00) dollars, and each day's violation shall constitute a separate offense.

Section 5.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6.

This ordinance shall be in force from and after its passage and its publication once each week, for two consecutive weeks, in a newspaper printed, published, and of general circulation in the town of Grabill, Indiana.

Board of Trustees	{	J. S. Klopfenstein
		David Witmer
		J. A. Klopfenstein

Aug 7, 1916

Attest: O. K. Hilty , Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included:

☐ +/- #20: Protect Public Health (8/7/1916) - Page 2

☐ +/- #20: Protect Public Health (8/7/1916) - Page 3

Ordinance No. 21

Ordinance prohibiting the use of slot machines, punch boards, etc.

Be it ordained by the Board of Trustees of the Town of Grabill, Ind.

Sec. 1: That it shall be unlawful for any person, persons, firm, company or corporation, to have in their possession for operation any slot machines or slot devices of any kind punch boards, dice or any game of chance or gambling devices of any kind whatsoever.

Sec. 2:

It shall be the duty of the Town Marshal upon learning in any way whatsoever, of the existence of one or more of the unlawful conditions described in this ordinance, to prosecute the person, persons, firm, company or corporation violating this ordinance.

Sec. 3:

Any person, persons, firm, company or corporation violating any part or parts of this ordinance, shall upon conviction, thereof be fined in any sum not less than Five (\$5.00) Dollars not more than Fifty (\$50.00) Dollars for each offense.

Sec. 4:

This ordinance shall be in force from and after its passage and after its publication once each week for two consecutive weeks, in a newspaper printed and published, and of general circulation in the town of Grabill, Ind.

J. S. Klopfenstein

Board of
Trustees David Witmer

J. A. Klopfenstein

Attest: O. K. Hilty - Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included: +/- #21: Prohibits Slot Machines, Punch Boards, etc. (8/7/1916) - Page 1

+/- #21: Prohibits Slot Machines, Punch Boards, etc. (8/7/1916) - Page 2

Ordinance No. 22

Ordinance prohibiting the storage, sale, discharge or firing of fireworks and other pyrotechnic displays, etc.

Be it ordained by the Board of Trustees of the town of Grabill, Ind. as follows:

Sec. I: The discharge, firing or use of all firecrackers, rockets, torpedoes, Roman candles or other fireworks or substances designed and intended for pyrotechnic display, and all pistols, canes, cannons, or other appliances using blank cartridges, or caps containing chlorate of potash mixture, or other explosives, is hereby prohibited within the corporate limits of the town of Grabill, Indiana.

Sec. II:

The sale of fireworks at retail is prohibited within the corporate limits of the town of Grabill, Indiana.

Sec. III:

The storage or sale of fireworks at wholesale is prohibited within the corporate limits of the town of Grabill, Indiana.

Sec. IV:

The use of shotguns, targets, rifles, or any firearms whatsoever by any person under 17 years of age is prohibited within the corporate limits of the town of Grabill, Indiana.

Sec. V:

Any person, firm, or corporation violating any of the provisions of this ordinance as regards the storage and sale of fireworks shall be deemed guilty of a misdemeanor and be fined not less than ten(\$10) dollars nor more than twenty five (\$25) dollars for each days neglect of compliance. Provided also, that violation of other sections of this ordinance shall be

considered a misdemeanor punishable by a fine not exceeding ten (\$10) dollars.

Sec. VI:

The chief of fire department may, at his discretion, remove or have removed, at the owner's expense, all stocks of fireworks and other combustibles exposed for sale or held in stock in violation of this ordinance.

Sec. VII:

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Sec. VIII:

This ordinance shall take effect and be in force from and after the passage and legal publication.

By order of
Board of Trustees

A yellow bracket graphic on the left side of the text, grouping the names of the Board of Trustees.

J. S. Klopfenstein
David Witmer
J. A. Klopfenstein

Attest: O. K. Hilty - Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included:

 #22: Prohibits Fireworks (--/--/----) - Page 1

 #22: Prohibits Fireworks (--/--/----) - Page 2

Ordinance No. 23

Ordinance regulating the use of billiard tables, pool tables, etc.

Be it ordained by the Board of Trustees of the town of Grabill, Ind. as follows:

Sec I.

That no person shall have or keep for gain within the corporate limits of the town, or distance of two miles therefrom, any billiard table, pool table, bagatelle or pigeon hole table, pin alley or shooting gallery, except as stated in section two of this ordinance.

Sec. II.

That whenever any person shall pay to the town treasurer on the first day of June of each year the sum of seventy-five dollars (\$75) for each table, pin alley or shooting gallery, that he shall own or keep, the town treasurer shall give such person a commutation certificate, stating the number of tables or alleys or galleries upon which commutation is granted. Said certificate shall be a full discharge of any and all penalties due said town, under any ordinance of said town relating to such tables, alley or galleries until the first day of June after its execution.

Sec. III.

That said tables, alleys or galleries shall not be open to the public longer than from seven A.M. until ten-thirty P.M.

Sec IV.

That any person violating any provision of this ordinance shall forfeit and pay fine of not more than one hundred dollars (\$100).

Sec. V.

This ordinance shall be force from and after its passage and its publication once each week for two consecutive weeks or after it has been posted in one public place in each ward for ten days.

Done at the town of Grabill, Indiana this first day of April 1918.

Board of Trustees



C. O. Benjamin
Grist Shank
J. A. Klopfenstein

Attest: O. K. Hilty Town Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included:

 #23: Regulates Billiard Tables, etc. (--/--/----) - Page 1

 #23: Regulates Billiard Tables, etc. (--/--/----) - Page 2

ORDINANCE NO. 64

Be it ordained by the Board of Trustees of the Town of Grabill, State of Indiana that the burning of leaves, trash, rubbish, etc., on any asphalt surfaced streets within the Town of Grabill shall be prohibited.

Persons violating the above act shall be liable to prosecution.

Done at Grabill this 1st day of November, 1955

(Henry H. Schwartz
(
(
Trustees (Philip Schlatter
(
(
(David Nueenschwander

Attest:

Hubert L. Neuenschwander

Clerk-Treasurer

Ordinance No. 66 (Sepersedes [Ord. #3](#)) Section 1

Be it ordained by the Board of Trustees of the Town of Grabill, that transient salesman, traveling peddlers of goods or wares of whatever nature, itinerant venders of bankrupt stock, fire sales or assignee's sales, shall pay into the Town Treasury the sum of not less than fifty (50) dollars nor more than one hundred (100) dollars per day, whereby the Town Clerk shall license them and give them the privilege to sell their goods, wares, or merchandise of whatever nature to any persons residing in the corporate limits of the Town of Grabill.

Section 2

Persons violating the above act shall be liable to a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars.

Done at Grabill, Indiana this 4th day of September, 1956.

(Philip Schlatter
(
(
Trustees (Edwin Zimmer
(
(
(Ralph E. Clifton

ATTEST:

Hubert L. Neuenschwander
Clerk-Treasurer

Ordinance Number 224

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 318](#), adopted 9/1/1993.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #224: Prohibits Mailboxes

ORDINANCE NUMBER 318

An Ordinance defining prohibition of the use of mail boxes except for Multiple Dwelling Units. This replaces [ordinance number 224 .](#)

BE IT ORDAINED by the Town Council of the Town of Grabill, Indiana, as follows:

1. The use of mail boxes accessible from the street is hereby prohibited within the corporate limits of the Town of Grabill, Indiana with the following exceptions: A. This prohibition shall not extend to multiple dwelling complexes wherein the number of units in such complex is twenty (20) or more.

B. Any single family resident further than one and one fourth (1¼) miles from the Post Office located in Grabill and located in the line of a route currently being served by a mail carrier.

2. That this Ordinance shall be in full force and effect immediately upon it's passage and approval.

Passed and approved this 1 day of September , 1993.

Recorded this 1 day of September , 1993.

Presented to and approved by me this the 1 day of September , 1993.

TOWN
COUNCIL

M. Joanne Sauder

R. E. Miller

Jeff Gray

ATTEST:

Glenda A. Whittern
GLENDAA WHITTERN
CLERK TREASURER

ORDINANCE NO. 338

AN ORDINANCE REGULATING THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES IN THE PUBLIC STREET, PARKWAYS, AND OTHER MUNICIPAL-OWNED PROPERTY: ESTABLISHING A TREE COMMISSION AS THE AGENCY PRESCRIBING REGULATIONS RELATING TO THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES IN PUBLIC PLACES: PROVIDING FOR THE ISSUING OF PERMITS FOR THE PLANTING, MAINTENANCE, AND REMOVAL OF TREES IN PUBLIC PLACES: PROVIDING FOR THE PRUNING AND REMOVAL OF TREES ON PRIVATE PROPERTY WHICH ENDANGER PUBLIC SAFETY: AND PRESCRIBING PENALTIES FOR VIOLATIONS OF ITS PROVISIONS.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF GRABILL, COUNTY OF ALLEN, STATE OF INDIANA.

THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE TOWN TREE ORDINANCE OF THE TOWN OF GRABILL, STATE OF INDIANA.

I. PURPOSE

It is the purpose of this Ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the Town of GRABILL, Allen County, Indiana.

II. AUTHORITY AND POWER

2.01 There is hereby created and established the GRABILL Tree Commission, which is given authority to administer the provisions of the Ordinance. The Commission shall consist of five members appointed by the President and approved by the Town Council.

At least, four of the members, shall be citizens and residents of this town.

An Indiana state certified Arborist will be contacted for consultation when needed.

2.02 It shall be the responsibility of the Commission to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Town Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the Town of GRABILL, State of Indiana. The Commission, when requested by the Town Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of it's work.

2.03 The Commission is given authority and the responsibility to implement the plan including care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. The Commission may choose to implement the plan, or portions thereof, through in-house expertise, by directed volunteers, or by qualified contractors and consultants.

2.04 The Commission shall choose its own officers and keep a journal of its proceedings. Subject to the approval of the Town Council, it shall make its own rules and regulations. A majority of the members shall be a quorum for the transaction of business.

III TERM OF OFFICE

The term of the five persons to be appointed by the president of the Town Council shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

IV APPLICABILITY

The Ordinance provides full power and authority over all trees, plants and shrubs located within street rights-of-way, parks and public places of the town; and to trees, plants and shrubs located on private property that constitute a hazard or threat as described herein.

V. DEFINITIONS

For the purpose of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include singular, and words in the singular include the plural. The work shall be mandatory and not merely directory.

5.01 Town is the Town of GRABILL, County of Allen, State of Indiana, and its governing body.

5.02 Commission is the GRABILL Tree Commission as established in this Ordinance.

5.03 Tree is any woody plant (including roots, trunk, branches, and foliage), usually single-trunked and attaining a mature height of greater than 20 feet.

5.04 Shrub is any woody plant (including roots, trunks, branches, and foliage), usually multi-trunked and attaining a mature height of less than 20 feet.

5.05 Consulting Arborist shall be a person skilled and trained in the arts and sciences of arboriculture, and shall hold a college degree or its equivalent in arboriculture, ornamental or landscape horticulture, urban forestry, or other closely related field. He/she shall have passed the Indiana State examination for Arborist.

5.06 Contractor is a person who is skilled and trained in the arts and sciences of arboriculture and who is hired by the Tree Commission or private property owner to perform work as it may relate to the planting, maintaining, or removal of trees.

- 5.07 Person is any person, firm, partnership, association, corporation, company, or organization of any kind.
- 5.08 Street or Highway means the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic. This term also includes platted alleys.
- 5.09 Park shall include all public parks having individual names.
- 5.10 Public Places shall include all other grounds owned by the Town of GRABILL, County of Allen, State of Indiana.
- 5.11 Property Line shall mean the outer edge of a street or highway.
- 5.12 Treelawn is that part of a street or highway not covered by sidewalk or other paving, laying between the property line and that portion of the street or highway usually used for vehicular traffic.
- 5.13 Public Trees shall include all shade and ornamental trees and any shrubs or vines now or hereafter growing on any street or any public areas where otherwise indicated.
- 5.14 Principal thoroughfare shall mean any street upon which trucks are not prohibited.
- 5.15 Property Owner shall mean the person owning such property as shown by the County Auditor's Plat of Allen County, State of Indiana.

VI. LICENSING

It shall be unlawful for any person to engage in the business and practice of planting, cutting, trimming, pruning, removing, spraying, or otherwise treating the public trees, shrubs, or vines within the town without first producing evidence of certification/license before the Commission. At least forty- eight (48) hours prior to commencement of work, the person/company must provide evidence of Indiana state certification as an Arborist to the Town Clerk.

VII. INSURANCE

At least forty-eight (48) hours prior to commencement of work, each applicant shall first file evidence of possession of worker compensation and

liability insurance in the minimum amounts of \$1,000,000 for bodily injury or death and \$100,000 property damage indemnifying the Town or any person injured or damaged resulting from the pursuit of such endeavor as herein described.

VIII. LANDSCAPING

In new subdivisions or when the development of commercial property occurs, the Allen County Department of Planning Services will request and receive from the developer, landscaping plans for that development. The application required herein shall state the number of trees to be set out; the location, grade, species, cultivar or variety of each tree; the method of planting; and such other information as the Allen County Department of Planning Services shall find reasonably necessary to a fair determination of whether a permit should be issued. The plan shall also include a "tree protection plan" where existing trees occur within the development. The Tree Commission will then review these landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks and other public places abutting lands henceforth developed and/or subdivided.

IX. ADJACENT LANDOWNER RESPONSIBILITY

No person shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the Tree Commission.

X. TREE PROTECTION

10.01 Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth or health of trees, or threatens to spread disease or insect infestations, the Tree Commission shall at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove or otherwise control such condition within reasonable time to be specified in such notice.

10.02 Wherever it is necessary to remove a tree or trees from a tree lawn in connection with the paving of a sidewalk, or the paving or widening of the

portion of a street or highway used for vehicular traffic, the Town shall replant such trees or replace them as determined by the Tree Commission.

10.03 All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box not less than four (4) feet high and eight (8) feet square, or at a distance in feet from the tree equal to the diameter of the trunk in inches at breast height, whichever is greater, and all building material, dirt, or other debris shall be kept outside the barrier.

10.04 No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit from the Commission. No person shall deposit, place, store, or maintain upon any public place of the municipality, any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, or fertilizer to the roots of any tree growing therein, except by written permit of the Commission.

10.05 Unless specifically authorized by the GRABILL Tree Commission, in writing, no person shall intentionally damage, cut, carve, transplant, or remove any tree, attach any rope, wire, nails, advertising posters, or other contrivance to any tree, allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

10.06 The Commission shall have as one of their duties the location, selection and identification of any trees which qualify as "Landmark Trees." A tree may qualify as a Landmark Tree if it meets one or more of the following criteria: species rarity, old age, association with a historical event or person, abnormality, scenic enhancement, etc.

XI. PRIVATE TREES

11.01 The Commission has the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance and to order its removal if necessary. A public nuisance

is any tree with an infectious disease or insect problem; dead or dying trees; a tree or limb(s) that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles; or a tree that poses a threat to safety as determined by the Commission.

11.02 It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be private trees, to prune and otherwise maintain such trees in such manner that they will not be perceived as a public nuisance. The minimum clearance of any overhanging portion thereof shall be ten(10) feet over sidewalks, and fourteen (14) feet over all streets except truck thoroughfares which shall have a clearance of sixteen (16) feet.

11.03 Should any person or persons owning real property bordering on any street fail to maintain private trees as herein above provided, the Commission shall order such person or persons, within six (6) days after mailing of written notice, to so maintain such trees.

11.04 The order required herein shall be served by depositing in the mail a copy of the order addressed to the last known address of the property owner, by certified mail, or by personal service. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the Commission to contract a qualified contractor to maintain such trees, and the exact cost thereof shall be assessed to the owner as provided by law in the case of special assessments.

XII. PERMITS

12.01 No person except the Commission, its agent, or a contractor hired by the Commission may perform any of the following acts without first obtaining from the Commission a permit for which no fee shall be charged: planting trees within the public right-of-way or other public space; removing trees within the public right-of-way or other public space; pruning trees within the public right-of-way or other public space; or straying or fertilizing trees within the public right-of-way or other public space.

12.02 The person/company requesting a permit shall make application stating the type of work to be performed, the location of the proposed work, the number and type of trees on which the work is to be performed, when the work is to be performed, and by whom the work is to be performed.

Applications for permit and permits will be processed and administered at the office of Town Clerk, GRABILL, Indiana. All applications for permit shall be applied for at least forty-eight (48) hours prior to the proposed commencement of proposed work. All applications for permit shall be reviewed by at least one member of the Commission prior to approval of the permit application.

XIII. ENFORCEMENT

13.01 The Commission shall have the power to promulgate and enforce rules, regulations and specifications concerning the trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines, hedges and other plants upon the right-of-way of any street, alley, sidewalk, or other public place in the City. Said rules, regulations, and specifications are to be presented to the Town Council for review and acceptance before they become effective.

13.02 The Commission shall have the power to issue written notices of violation, written notices to perform work, and written notices to stop work.

XIV. ENFORCEMENT, PENALTIES, CLAIMS, AND APPEALS

14.01. It shall be the duty of the Commission, by and through its Executive Director, to enforce the provisions of this Ordinance in the manner and form and with the powers provided by this Ordinance, as now or hereafter amended, and as provided under the laws of the State of Indiana.

14.02 All departments, officials and employees of the Town and the County of Allen, Indiana, which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building or purpose in the Town if the same would be in conflict with the provisions of this Ordinance.

14.03 The Commission, shall also be empowered to issue, in its discretion, an order for proceedings and work on any structure, premises, land or lot which is in violation of this Ordinance to be immediately stayed, and to call upon the police power of the Town and County to give effect to such order. A decision by the Commission to issue such an order may be appealed to the full Commission, provided however, that the decision of the Commission to issue a stay order shall remain in effect during the pendency of the appeal, and thereafter, unless modified or revoked by the full Commission. A violation of such an order issued by the Commission shall be considered as a violation of this Ordinance.

14.04 The use of any land or lot, or premises, which is contrary to any of the provisions of this Ordinance, or the failure or refusal of a developer, or the developer's successor in interest, to adopt and carry out a landscaping plan as required herein in a subdivision in accordance with this Ordinance and/or with the developer's plans and specifications for the subdivision, as filed with the Commission, is hereby declared to be a common nuisance and an unlawful violation of this Ordinance, and the owner or possessor of such structure, land, lot or premises, or as to uncompleted improvements in a subdivision, the developer or the developer's successor in interest, shall be liable for maintaining a common nuisance.

14.05 Any person whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise who, either individually or in concert with another, acts contrary to any provision of this Ordinance, or is liable under this Ordinance for maintaining a common nuisance, shall be in violation of this Ordinance. Such person may be prosecuted by the Commission, by and through its Executive Director, in the Allen Superior Court, for Such violation. A person who violates any provision of this Ordinance or who fails to comply with any notice, commission, order, or commission rules and regulations, issued pursuant to provisions of the Ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) for each separate offense. Each day during which any violation of the provisions of this Ordinance shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this ordinance, the injury, mutilation, or death of a tree, shrub, or other plant located on public property is caused, the cost

of repair or replacement of such tree, shrub, or other plant shall be determined in accordance with the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens, as published by the International Society of Arboriculture.

14.06 The Commission, may bring an action for an injunction in the Circuit Court or Superior Court of Allen County, Indiana, to enjoin any person or governmental unit from violating, or continuing to violate, any provision of this Ordinance, and/or from maintaining a common nuisance and to cause such violation and/or nuisance to be prevented or abated. Such action may also be initiated by any property owner who may be especially damaged by any such violation of this Ordinance.

14.07 The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the owner of the property upon which the nuisance was located shall be subject to prosecution.

14.08 Appeals - All decisions made by the Commission are final unless written appeal by the violator is received by the Commission within thirty (30) calendar days of the notification. The appeal process within this Ordinance shall be consistent with the Town of GRABILL's appeal process. This appeal process shall be true of all decisions made by the Commission with the exception of orders regarding private trees as described in section 11.03 of this ordinance.

14.09 The Commission may also bring an action in the Circuit Court or Superior Court of Allen County, Indiana for a mandatory injunction directing a person who violates, or is liable for a violation, or this Ordinance to remove a structure erected, used or maintained in violation of this Ordinance.

14.10 The remedies provided for in this section shall be cumulative, and not exclusive, and shall be in addition to any other remedies provided by law.

X.V. LEGALITY OF ORDINANCE AND PARTS THEREOF

Should any section, clause, or provisions of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

XVI. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed this 11 day of January , 19 95 .

Signed this 11 day of January , 19 95 .

M. Joanne Sauder ,
M. Joanne Sauder President of GRABILL Town Council

R. E. Miller ,
Raymond E Miller Member of GRABILL Town Council

Jeffrey W. Gray ,
Jeffrey W. Gray Member of GRABILL Town Council

Attest: Glenda A. Whittern ,
Glenda A Whittern Town Clerk Treasurer

TOWN OF GRABILL 356

Be it resolved by the Town Council of the Town of Grabill does hereby create this Yard Waste Ban for the citizens within the Town's corporate boundaries.

For the purpose of this ordinance, the following definitions shall apply:

Dispose:

To discard, abandon, cause to be or allow the removal of waste from the site of origination.

Landfill:

"Landfill" means a solid waste management disposal facility as defined by state statute at which solid waste is deposited on or in the ground as an intended place of final location.

The term does not include the following:

- a. A site that is devoted solely to receiving one (1) or more of the following: (i) fill dirt; (ii) vegetative matter subject to disposal as a result of landscaping, yard maintenance, land clearing, or any combination of activities referred to in this clause, (iii) construction debris.
- b. A facility receiving waste that is regulated under IC 13-7-8.5.

Persons:

"Person" means an individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, city, school city, town, school town, school district, school corporation, county, any consolidated unit of government, political subdivision, state agency, or any other legal entity.

Vegetative Matter:

Any yard or landscaping waste, or land clearing waste, including leaves, grass, brush, limbs, and branches.

YARD WASTE BAN

After September 1, 1993, no Allen County solid waste landfill shall knowingly accept any leaves and leaf mold.

After September 1, 1993, no person shall dispose of leaves and leaf mold in any Allen County solid waste landfill.

After January 1, 1994, no Allen County solid waste landfill shall knowingly accept any vegetative matter resulting from landscaping maintenance or land clearing.

After January 1, 1994, no person shall dispose of vegetative matter resulting from landscaping maintenance or land clearing in any Allen County solid waste landfill.

Violator of this ordinance shall be subject to any and all penalties listed in the Allen County Yard Waste Ban of August 31, 1993.

Dated this 13th day of November , 1996.

ALLEN COUNTY SOLID WASTE DISTRICT BOARD

By: M. Joanne Sauder

By: Wilmer Delagrange

By: Gregory Smitley

By:_____

By:_____

By:_____

By:_____

The Town Council of Grabill will hear the public regarding the signing of the following ordinance at a public hearing on September 15, 1999 at 7:00 PM at Town Hall on 13717 First Street in Grabill, Indiana.

ORDINANCE 387

AN ORDINANCE TO PROVIDE FOR THE REMOVAL OF OBNOXIOUS WEEDS, GRASSES, AND RANK VEGETATION.

WHEREAS, neglected accumulation of weeds, grass and other rank vegetation growing upon real estate in the Town of Grabill and other hazards constitute a nuisance and are detrimental to the health and welfare of the citizens of the Town of Grabill; and WHEREAS, it is in the best interests of the Town of Grabill and its citizens to provide for the removal of accumulated hazards from real estate located in said Town; NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, ALLEN COUNTY, INDIANA and pursuant to IC 36-7-10.1-3 the following ordinance is adopted:

Section 1. WEEDS TO BE REMOVED

- (A) This ordinance will be administrated by the Clerk-Treasurer or her designee.

- (B) It shall be unlawful for any person to allow or permit any weeds or other rank vegetation to be or remain upon any property owned, leased, occupied by, or under the control of such person located within the City.

- For the purposes of this ordinance, weeds and rank vegetation are defined as any poison ivy, ragweed, thistle, poison oak, or any growth of grass or weed in excess of nine (9") inches in height shall be
- (C) considered as weeds or other rank vegetation. The terms "Weeds and other rank vegetation", shall not include agricultural crops such as hay and pasture or vegetation growing on federally certified wetlands or growing upon any real estate in the City.

Section 2. FAILURE OF OWNER TO REMOVE

Upon the failure of any owner, lessee, or occupant of real estate to cut or remove the weeds as provided for above, the Town Clerk Treasurer (A) shall deliver by registered mail addressed to the last known address of the owner, a notice of violation of the Town Weed Ordinance and demanding that the weeds be cut or removed within five (5) days.

If the owner of real estate fails to cut or remove the weeds or other rank vegetation within the time demanded, the town or its contractors (B) shall remove the weeds or rank vegetation without further notice to landowner.

Upon cutting or removal of the weeds, grass or other rank vegetation by the town, the town clerk-treasurer shall make a certified statement of the actual cost incurred by the City in such removal, which certified statement shall include administrative expenses. The certified (C) statement shall be delivered to the owner of the real estate by registered mail. If the owner fails to pay the amount certified on the statement within ten (10) days after receipt of the statement, a certified copy of the statement shall be filed in the Office of the Auditor of Allen County, and the amount contained thereon shall be added to the tax duplicate of the property affected by the work.

Section 3. APPEAL

(A) The aggrieved party may appeal the billing to the Town Council by filing notice of same within 10 days of receipt of the billing.

This Ordinance shall be in full force and effect from and after its passage and signing by the Town Council and legal publication. Approved and signed this 15th day of September , 1999.

TOWN COUNCIL OF
GRABILL

M. Joanne Sauder
M Joanne Sauder, President

Wilmer Delagrangue
Wilmer Delagrangue, Member

Gregory A. Smitley
Gregory A. Smitley, Member

ATTEST:

Glenda A. Whittern
Glenda A Whittern, Clerk Treasurer

ORDINANCE

520

AN ORDINANCE TO PROVIDE FOR

THE ABATEMENT OF A PUBLIC NUISANCE

WHEREAS, a public nuisance is disruptive and detrimental to the quiet enjoyment of the citizens of the Town of Grabill; and

WHEREAS, it is in the best interests of the Town of Grabill and its citizens to provide for the abatement of a public nuisance in said Town; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, ALLEN COUNTY, INDIANA pursuant to IC 36-1-6-2 the following ordinance is adopted:

Section 1. PURPOSE AND AUTHORITY

1.01 Purpose; Administration.

- A. The Clerk-Treasurer or her designee will administrate this ordinance.
- B. It shall be unlawful for any person to maintain a public nuisance.

1.02 Incorporation of State Law.

- A. It is the intent of this ordinance to incorporate herein the requirements of IC 36-1-6-2 as it now exists and is hereafter modified or superseded.

1.03 Authority to Make Inspections.

- A. It shall be the duty of all officers and employees of the town to report the existence of nuisances to the Town Marshal's Department. For this purpose, law enforcement personnel and other representatives designated by the Town Council as

to specific situations shall have the authority and obligation to visit, enter into or upon any property or premises within the limits of the town in accordance with the requirements of other applicable law to ascertain and discover any nuisance and to make examination thereof.

Section 2. CONDITIONS CONSTITUTING A PUBLIC NUISANCE

In addition to what is declared in this Section to be a public nuisance, those offenses which are known to the common law and the statutes of Indiana as a public nuisance may, when found to exist within the town limits, be treated as such and be proceeded against as provided in this Section and code, or in accordance with any other provisions of the law.

2.01

Whenever the word "nuisance" is used in this Section it refers to a public nuisance.

2.02 No owner, occupant, tenant, or any other person having a substantial interest in any improved or unimproved real property within the town, or any agent thereof, shall permit or allow to remain on or within that property or upon abutting public ways, any materials, trash, garbage, debris, or any other matter which is detrimental to the public health, comfort, safety, or the aesthetic well-being of the community.

2.03 The following conditions, but not limited only to those, shall constitute public nuisances for the purpose of this chapter:

A. Litter;

B. Fallen trees, stumps, or dead trees;

Boxes, appliances, furniture, household items, and tires,
C. tools, fixtures, related items, and long term storage of construction material;

D. Demolition remains;

- Open excavations, uncovered or improperly covered holes, whether lined or unlined, and dirt piles on any open or unfenced real property within the town, including open foundations;
- E.
- F. Dressing of poultry or rabbits;
- G. Structure defaced with paint or wording;
Any wastewater, filth, offal, garbage, trash, rubbish, animal waste, or human excrement, which is deposited, allowed, or caused to be upon any property;
- H.
- I. Any substance which is caused or permitted to flow onto or be deposited upon any public property or public way, except natural surface water drainage;
- J. The erection of a dam or any other obstruction by a private party which prevents the natural flow of water and causes it to collect or pool upon any public property;
- K. Any dead animal;
Any real or personal property which is infected with contagious disease and is likely to cause an imminent health hazard;
- L.
- M. The placing or accumulation on or within any real or personal property, or the permitting of the same of any matter, which attracts or may attract rodents, insects, or animals in such a manner as to create a health hazard or unsanitary or dangerous condition;
Any real or personal property used as a place of residence or habitation for sleeping that is maintained in such a way as to be dangerous or detrimental to life or health, due to the lack of or defects in water, drainage, heating, plumbing, or ventilation;
- N.
- O. Any dilapidated or condemned building, structure, or dwelling, or remains thereof, so out of repair that it constitutes a fire hazard liable to catch on fire or communicate fire to surrounding properties;
- P. Any noxious odors, smoke, dust, or noise that emits from premises into the surrounding atmosphere which created an

- uncomfortable condition to surrounding properties;
- Q. The storage of explosive, combustible, or other inflammable material which creates a safety or health risk;
- R. Any trees, shrubbery, weeds, snow, fences, or other material which obstruct public ways or cause a visual barrier for vehicular traffic;
- S. Any junk automobiles, broken concrete, scrap metal, or automobile parts;
- T. Any growth of weeds, or other rank vegetation which is:
1. Permitted to remain upon any property owned, leased, occupied by, or under the control of such person located within the City; or
 2. In excess of nine (9") inches in height; or
 3. Actually or imminently detrimental to the public health, safety, or welfare.
- ([Ordinance 387](#), passed September 15, 1999)

Section 3. NOTICE OF VIOLATION.

- When a public nuisance is found to exist, as provided for above, the Town Clerk-Treasurer shall deliver by registered mail,
- 3.01 addressed to the last known address of the owner, a notice of violation of the Town Public Nuisance Ordinance and demand the abatement of the public nuisance within ten (10) days.
- Within ten (10) calendar days of receipt of a notice to abate, the
- 3.02 owner may notify the Town Clerk-Treasurer in writing of any specific objection to that notice. No further abatement action shall be pursued until the Town Council directs such action.
- If after the expiration of those ten (10) days, the public nuisance continues unabated, and either no such objection has been made
- 3.03 or an objection has been made and considered by the Town Council, and the Council has so directed, further action shall be taken to abate that nuisance in accordance with this chapter.

Section 4. FAILURE TO ABATE NUISANCE.

- 4.01 Whenever the Town Clerk-Treasurer, after the expiration of the notice, determines that the property's owner has failed to abate

the nuisance, the Town Marshall may cause a citation to be issued against that owner. For the first offense, the fine shall be Twenty-Five and 00/100 Dollars (\$25.00), for the second offence the fine shall be One Hundred and 00/100 Dollars (\$100.00), for all subsequent offences the fine shall be Two Hundred and 00/100 Dollars (\$200.00). Each subsequent day of violation shall be considered a separate and chargeable offense.

- 4.02 In addition to the issuance of a citation under Section 4.01, upon the failure, neglect, or refusal of any party to comply with the notice to abate, the Town Council may cause the Town or its contractors to abate the public nuisance, and thereafter furnish the Council with a statement of the costs of that abatement.

Section 5. **PROCEDURE FOR COLLECTION OF ABATEMENT AND ADMINISTRATIVE COSTS.**

- 5.01 Upon the abatement of the public nuisance, the Town Clerk-Treasurer shall make a certified statement of the actual cost incurred by the Town in such abatement, which certified statement shall include administrative expenses. The certified statement shall be delivered to the owner of the real estate by registered mail. If the owner fails to pay the amount certified on the statement within thirty (30) days after receipt of the statement, a certified copy of the statement shall be filed in the Office of the Auditor of Allen County, and the amount contained thereon shall be added to the tax duplicate of the property affected by the work.

- 5.02 The aggrieved party may appeal the billing to the Town Council by filing notice of the same within ten (10) days of receipt of the billing.

December 13, 2006

Town Council

Wilmer Delagrang

Greg Liechty

Candace J. DeCamp

Attest:

Glenda A. Whittern
Glenda A. Whittern

ORDINANCE # 2007-6-13

**AN ORDINANCE OPTING OUT OF COUNTY ORDINANCE NO.
11-22-06-25**

WHEREAS, the Board of Commissioners of the County of Allen adopted Ordinance No. 11-22-06-05 regulating smoking within certain public places and places of employment within Allen County, Indiana, and creating penalties for the violations thereof; and

WHEREAS, the Town of Grabill wishes to consider its own ordinance as it relates to smoking in public places and places of employment; and

WHEREAS, the Ordinance adopted by the Board of Commissioners of the County of Allen permits any municipality within Allen County, Indiana, to opt-out of the requirements of the County's Ordinance by adopting an ordinance so stating and filing the same with the Board of Commissioners of the County of Allen.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Grabill, that it opts out of the requirements of the Board of Commissioners of the County of Allen Ordinance No. 11-22-06-25 and further directs the Clerk-Treasurer to file a copy of this ordinance with the Board of Commissioners of Allen County upon its adoption.

This Ordinance shall become effective from and after its adoption.

Adopted by the Town Council of the Town of Grabill, Indiana, on this 13th day of June, 2007

TOWN OF GRABILL

BY: _____

Wilmer Delagrange, President

By: _____

Greg Liechty, council member

By: _____

Lynn Witt, council member

Attest:

Glenda A Whittern
Clerk Treasurer

ORDINANCE NO. 648-2015

AN ORDINANCE MAKING IT UNLAWFUL TO MAINTAIN CERTAIN ANIMALS AND REPEALING ORDINANCE NO. 4 AND ORDINANCE NO 10.

WHEREAS, the Town of Grabill, Allen County, Indiana (the “Town”) has determined that is necessary and in the best interest of the residents of the Town to regulate and prohibit certain animals within the Town’s corporate boundaries; and,

WHEREAS, the Town has previously adopted [Ordinance No. 4](#) titled AN ORDINANCE RELATING TO CHICKENS AND ANIMALS WITHIN THE CORPORATE LIMITS OF THE TOWN and [Ordinance No. 10](#) titled AN ORDINANCE PROHIBITING TO CHICKENS, DUCKS, GEESE, TURKEYS AND OTHER FOWLS FROM RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF THE TOWN. and

WHEREAS, it is necessary to establish new limitations and restrictions with respect to the ownership, harboring and maintaining certain animals within the Town.

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

Section 1. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- “*Domestic Livestock*” means any domesticated farm animal. other than a Domestic Pet, that is kept for commercial purposes, and includes but
 - (a) is not limited to buffalo, oxen, cows, horses, donkeys. mules, cattle, ostrich, mink, pigeons, and doves and any animal which is bred in any part from an animal listed herein.
 - (b) “*Domestic Pet*” means any animal that is a member of one (1) of the following species and is kept for pleasure rather than utility:

cat;	hamster;
chinchilla;	mouse;
cockatiels;	parakeets;
dog;	rat;
ferret;	reptile, non-venomous; or rabbits;
guinea pig.	

(c) “*Exotic Animal*” means an animal belonging to a species, not including those specifically listed as Domestic Livestock, that is not native to the United States. or an animal that is hybrid or a cross between a domestic pet or livestock and an animal, not specifically listed as a Domestic Livestock, that is not native to the United States. Also includes “wild animals” which means any animal not a domestic animal.

(d) “*Fowl*” means a chicken, duck, goose, guinea, turkey, peacock or waterfowl.

(e) “*Harboring*” means the actions of any Person that permit any animal habitually to remain, lodge or to be fed within such Person’s parcel, home, enclosure, yard or place of business or on any premises where such Person resides or that such Person controls. An animal shall be presumed to be harbored if it is fed or sheltered for three (3) consecutive days

(f) “*Person*” means any individual, firm, association, partnership, trust, estate or corporation

(g) “*Town*” shall mean the Town of Grabill, Indiana, acting by and through the Town Council.

Section 2. HARBORING OF DOMESTIC LIVESTOCK, EXOTIC ANIMALS, HOGS, PIG, SWINE AND/OR FOWL.

It shall be unlawful for any Person to keep, harbor, or allow about the

(a) premises of any such Person any Exotic Animals within the corporate limits of the Town.

It shall be unlawful for any Person to keep, harbor, allow, or have on or

(b) about the premises of any such Person, a hog, pig or swine within the corporate limits of the Town

- Except within those areas within the corporate limits of the Town designated as A1 Agricultural, it shall be unlawful for any Person to
- (c) keep, harbor, or allow about the premises of any such Person any Domestic Livestock and/or Fowl.

Section 3. PENALTIES FOR VIOLATION.

- Penalty/Violation of Ordinance. If a resident is in violation of this Ordinance, the resident shall be subjected to a civil fine of twenty-five
- (a) dollars (\$25.00) for each day the violation continues after receipt of a notice of violation (defined in (b) below).

- Notice of Violation. Upon receipt of the complaint that a violation of this Ordinance exists, the Town's Clerk-Treasurer shall issue a ten (10)
- (b) day written notice to fix or otherwise abate the violation to comply with the Ordinance.

- Citations and Fines. If the violation of the Ordinance within the Town continues over the ten (10) day written notice period, the owner will be
- (c) fined fifty dollars (\$50.00) and given a final citation or notice to fix within five (5) days. If the violation is not fixed within the second violation period, the owner will be fined fifty dollars (\$50.00) per day for each day the Person is in violation of this Ordinance.

Section 4. 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 5. Any decision concerning the enforcement of this Ordinance by the Town Council may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 6. All ordinances or parts of ordinances in conflict herewith, including [Ordinance No. 4](#) (May 29, 1913) and [Ordinance No. 10](#) (April 6, 1941), 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 7. This Ordinance shall be in full force and effect on the ninetieth (90th) day following its passage, approval, and publication as may be required or provided by law.

Passed and adopted by the Town Council of the Town of Grabill, Indiana,
on the 17 day of June, 2015.

Wilmer Delagrange Pres.
Wilmer Delagrange,
President

Jeffrey Smead
Jeffrey Smead

Candace DeCamp
Candace DeCamp

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Ordinance No. 24

Ordinance requiring Wabash Railway to place light at crossing.

Be it ordained by the Board of Trustees of the town of Grabill, Indiana, as follows:

Sec. I.

That the Wabash Railway Company be and is hereby required to erect and maintain one - one hundred watt electric street light at the crossing of State Street and the Wabash tracks, said light to be placed on North side of track, and not over twenty-five feet from track, and to be installed not later than June first, 1918.

Sec. II.

That upon failure of the Wabash Railway Company to erect and maintain said street light at said crossing, the Board of Trustees of the town of Grabill, Indiana, shall have the right to order the erection and maintenance of said street light at said crossing and to collect the cost of said Wabash Railway Company, together with attorney fees.

Done at the town of Grabill, Indiana, this first day of April, 1918.

Board of Trustees:

C. O. Benjamin
Grist Shank

J. A. Klopfenstein

Attest: O. K. Hilty, Town Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included:

+/- #24: Railroad Crossing Light (4/1/1918)

Ordinance Number 4

An Ordinance regulating traffic and parking upon public streets, and providing penalties for the violation thereof.

Section 1. Be it ordained by the Board of Trustees of the Town of Grabill, Indiana, that State Street at its intersection with Main Street, and at its intersection with West Street, and its intersection with Henry Street and its intersection with Indiana Street in said Town is and shall be a Stop Street; and all vehicles, motor driven or otherwise, including bicycles, shall come to a full and complete stop before entering upon said State Street at said intersections, which stop shall be back of the side walk line of said street.

Section 2. That it shall be unlawful to park any vehicle on the North side of State Street directly opposite where West Street enters State Street or within Fifteen (15) feet thereof in either way; and it shall also be unlawful to park any vehicle on the South side of State Street directly opposite where Henry Street enters State Street or within Fifteen (15) feet thereof in either way; and it shall also be unlawful to park a vehicle on either side of State Street within Fifteen (15) feet of the Main Street intersection with said State Street.

Section 3. That it shall be unlawful for any one to carelessly or purposely run into or against or to remove or displace or change the location of, or to mutilate, deface or destroy any traffic regulation sign or marker upon any of the streets or side walks of said Town.

Section 4. The provisions of this ordinance shall not be taken as granting any rights or privileges upon the streets of the Town, but is merely prohibitive of certain acts; to facilitate and prevent the obstruction of travel on such streets.

Section 5. Any person, firm or corporation failing to comply with or violating any of the provisions of this ordinance shall be fined in any sum not less than One Dollar (\$1.00) nor more than Ten Dollars (\$10.00).

Section 6. Whereas an Emergency exists for the immediate taking effect of this ordinance the same shall be in full force and effect from and after its passage and ten days publication of notice thereof.

Passed this 14 Day of June 1926.

J. A. Klopfenstein
David A. Grabill

Ullrich Kipfer

ORDINANCE NO. 60

An ordinance regulating parking upon public streets in the Town of Grabill.

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana that it shall be unlawful to park any vehicle on the west side of Main Street where First Street enters said Main Street or within fifteen (15) feet thereof in either way; and it shall also be unlawful to park any vehicle on the west side of Main Street where Second Street enters said Main Street or within fifteen (15) feet thereof in either way.

Done at Grabill this Fifth day of October, 1954.

(Henry H. Schwartz
(
(
Board of Trustees (David Nueunschwander
(
(
(Philip Schlatter

Seal

Attest: Hubert L. Neuenschwander
Clerk-Treasurer

ORDINANCE NO. 71
AND ORDINANCE REGULATING
PUBLIC PARKING IN THE
TOWN OF GRABILL

Section 1

BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana, that no person shall stand or park a vehicle in any street within the corporate limits of the Town of Grabill other than in the direction of lawful traffic movement.

Section 2

BE IT FURTHER ORDAINED that it shall be unlawful to park any vehicle within fifteen feet from the street intersection within the corporate limits of the Town of Grabill.

Section 3

BE IT FURTHER ORDAINED that it shall be unlawful to park any vehicle on the south side of First Street from its intersection with Main Street west to the alley and on the north side of First Street from the fire house west to West Street.

Section 4

Anyone violating this ordinance shall be liable to a fine of not less than \$1.00 nor more than \$5.00 for each offense.

Done at Grabill this the 2nd day of May July, 1957.

ATTEST:

Philip Schlatter

Hubert L. Neuenschwander
Clerk-Treasurer

Ralph Clifton

Edwin Zimmer

TRUSTEES

ORDINANCE NO. 166

An Ordinance authorizing the installation and operation of two (2) emergency traffic lights along egress and ingress routes of the Fire Department of the Town of Grabill, Allen County, Indiana.

Whereas, the Board of Trustees of the Town of Grabill deems it advisable and proper to improve the present health, safety, convenience and welfare of the citizens of said town by providing efficient fire fighting equipment and systems; and,

Whereas, the fire station for the Town of Grabill is located upon the following described tract of real estate:

Part of the Southwest 1/4 of Section 24 in Township 32 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit: Beginning at the intersection of the North and South half section line of said Section with the center line of State Street as now established in the Town of Grabill, Indiana; thence West and Northerly along the center line of said State Street 653 feet; thence North 180.93 feet; thence East and Southerly parallel with the center line of State Street 107 feet; thence North 204 feet; thence West and Northerly parallel with the center line of State Street 127 feet; thence South 204 feet; thence Southeasterly parallel to said State Street 20 feet to the place of beginning, and;

Whereas, the entrance of fire trucks onto State Street and the passage of said trucks along State Street through the intersection of said State Street and Fairview Street are highly trafficked areas; and

Whereas, there are no traffic signals on State Street at the entrance thereof for fire trucks or at the intersection of State Street and Fairview Street to warn motorists and pedestrians of the approach of fire trucks; and

Whereas, the Board of Trustees of the Town of Grabill deems it wise and proper both to provide for efficient fire protection and for the safety of motorists and pedestrians in the Town of Grabill; and

Whereas, under Indiana Statutes 18-1-1.5-15, the Town of Grabill has the power to establish, maintain and operate a fire fighting and prevention system and facilities and equipment for police and fire systems; and

Whereas, pursuant to Section 9-4-1-32, the Town of Grabill is authorized to place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and carry out the provisions of this Act or local traffic ordinances or to regulate, warn or guide traffic:

NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Grabill, of Allen County, Indiana:

SECTION 1. That an emergency light be erected and maintained by the Town of Grabill at the intersection of State Street with the Fire Department egress and ingress route which route is the twenty (20) feet abutting on the North Lot No. 1 in Souder's Addition.

SECTION 2. That an emergency light be erected and maintained by the Town of Grabill at the intersection of State Street and Fairview Street in said Town of Grabill.

SECTION 3. That said emergency lights shall be operated in such a way as to warn oncoming vehicular and pedestrian traffic of the approach of fire trucks.

SECTION 4. That vehicular traffic shall be required to yield the right of way to approaching fire trucks and to yield said right of way when said emergency light is flashing.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and approval by the President of the Board of Trustees.

Ron Shaw RON SHAW,
as President of the Board of Trustees
of the Town of Grabill, Indiana

Attest:

Alleen Kipfer
ALLEEN KIPFER
Clerk-Treasurer

Presented by me to the President of the Board of Trustees of the Town of Grabill on the 14th day of September , 1977 at the hour of 7:00 P.M.

Alleen Kipfer
ALLEEN KIPFER
Clerk-Treasurer

This Ordinance approved and signed by me on the 14th day of September , 1977 at the hour of 7:00 P.M.

Ron Shaw
RON SHAW,
as President of the Board of Trustees
of the Town of Grabill, Indiana

ORDINANCE NO. 183

An Ordinance providing for the placing and maintaining of traffic control signals and devices and providing for their obedience by operators of the vehicular traffic and others.

SECTION 1. This Ordinance shall be deemed and construed to be in exercise of the police powers of the town for the preservation and protection of public safety, and all of its provisions shall be liberally construed with the view to the effectuation of such purpose.

SECTION 2. It is a misdemeanor for any person to do any act forbidden or to fail to perform any act required in this chapter or to counsel, aid or abet therein.

SECTION 3. Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this Ordinance shall be punished by fine, not exceeding \$100.00 for any one offense which may be recovered in an action in the name of the corporation.

SECTION 4. Attached hereto and made a part hereof the same as if set forth herein at length is a map of the town of Grabill, upon which there has been placed "by legend defined hereafter" the indication where there shall be established a stop sign, yield sign, or flashing light sign. Stop signs are designated by "S", yield signs by "Y", and flashing light signs by "F".

SECTION 5. The placement of said signs are hereby adopted and approved.

SECTION 6. At the places designated where stop signs are to be erected, the sign shall be erected at or near the entrance to such intersection, and every driver of a vehicle approaching the same shall stop such vehicle at such sign or at a clearly marked stop line before entering the intersection, except when directed to proceed by a police officer or traffic control signal, and shall yield the right-of-way to other vehicles which are approaching so closely on such intersecting street as to constitute an immediate hazard, that such driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on such intersecting street shall yield

the right-of-way to the vehicle so proceeding in or near the intersecting street.

SECTION 7. When yield signs are erected as provided herein, at or near the entrance of any intersection, every driver of a vehicle approaching such sign shall slow down to a speed reasonable for existing conditions, or shall stop if necessary before entering the intersecting street, except when directed to proceed by a police officer or traffic control signal, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving and to any vehicle in the intersection or which is approaching on another street so closely as to constitute an immediate hazard. Such driver, having so yielded, may proceed and the drivers of all other vehicles approaching the intersection on intersecting streets shall yield to the vehicles so proceeding.

SECTION 8. A. When a flashing red (stop signal) lense is illuminated with rapid intermittent flashes, traffic shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

B. When a flashing yellow lense is illuminated with rapid intermittent flashes, traffic may proceed through the intersection or pass such signal only with caution.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and upon it being posted in one public place in each of the wards of the town at least ten (10) days before the same shall finally take effect.

Adopted July 18, 1979

Ronald W. Shaw
RONALD W. SHAW
President of the Board of Trustees
of the Town of Grabill, Indiana

ATTEST:

Alleen Kipfer
Alleen Kipfer
Clerk-Treasurer

ORDINANCE NO. 186

AN ORDINANCE RESTRICTING THE PARKING OF SEMI-TRAILERS
ON THE STREETS AND ALLEYS OF THE TOWN OF GRABILL

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

Section 1. The parking of semi-trailers on the streets and alleys of the Town shall be prohibited except while loading or unloading; provided, however, that said exception for loading and unloading shall not be in excess of the time actually needed or one (1) hour whichever is the lesser; and provided, further, however, that notwithstanding the foregoing moving vans shall be permitted to unload residential furniture for the time actually required for expeditiously completing such unloading, but such unloading shall not occur at any residence more often than once every three (3) months.

Section 2. 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 Grabill, on the 11th day of June , 19 80 .

TOWN OF GRABILL, INDIANA

Ronald W. Shaw
Ronald W. Shaw, Trustee

Wilbur Secrist
Wilbur Secrist, Trustee

M. Joanne Sauder
M. Joanne Sauder, Trustee

Attest:

Alleen Kipfer
Alleen Kipfer, Clerk-Treasurer

ORDINANCE NO. 187

AN ORDINANCE ESTABLISHING FIRST STREET FROM MAIN STREET TO WEST STREET AS A ONE-WAY STREET WITH TRAFFIC RESTRICTED TO TRAVELING IN A WESTERLY DIRECTION

BE IT ORDANINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRABILL, INDIANA:

Section 1. The Town hereby establishes that portion of First Street lying between Main Street and West Street as a one-way street in which all traffic shall be restricted to traveling in a westerly direction.

Section 2. 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 Grabill, on the 16th day of July , 19 80 .

TOWN OF GRABILL, INDIANA

Ronald W. Shaw
Ronald W. Shaw, Trustee

Wilbur Secrist
Wilbur Secrist, Trustee

M. Joanne Sauder
M. Joanne Sauder, Trustee

Attest:

Alleen Kipfer
Alleen Kipfer, Clerk-Treasurer

413

TOWN OF GRABILL
TRAFFIC CODE

Chapter

410. GENERAL PROVISIONS

411. TRAFFIC RULES

412. STOPPING, STANDING AND PARKING

413. BUSES AND TRUCK; LOADS

414. BICYCLES; TOY VEHICLES; SKATEBOARDS

CHAPTER 410: GENERAL PROVISIONS

SECTION

GENERAL PROVISIONS

[410.01](#) Definitions

[410.02](#) Purpose

[410.03](#) Obedience to traffic code required

[410.04](#) Application to regulation to public employees

[410.05](#) Application to persons propelling pushcarts or riding animals

[410.06](#) Obedience to Police and Fire Department officials

TRAFFIC-CONTROL SIGNALS AND DEVICES

[410.15](#) When signs required for enforcement

[410.16](#) Authority to designate crosswalks, establish safety zones and mark traffic lanes

[410.17](#) Play streets

ADMINISTRATION

[410.30](#) Town Clerk Treasurer

ENFORCEMENT; ARREST PROCEDURE

[410.45](#) Authority of Police Officers; members of the Fire Department to assist Police Officers

[410.46](#) Procedure for arrest

[410.47](#) Failure to obey notice

[410.48](#) Forms for notices to appear and answer charges of violations

[410.49](#) When complaint to be issued

[410.99](#) Penalty

GENERAL PROVISIONS

§ 410.01 DEFINITIONS.

For the purpose of this Traffic Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ALLEY. A right-of way other than a street, road, crosswalk or easement, designed for the special accommodation of the property it reaches.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, Allen County Sheriffs Department and such ambulances and other vehicles having a public emergency use as are authorized and designated by the Town Clerk Treasurer.

BICYCLE. Any foot-propelled vehicle, regardless of the number of wheels in contact with the ground.

BUSINESS DISTRICT. The territory contiguous to and including a street when 50% or more of the frontage thereon for a distance of 200 feet or more is occupied by buildings in use of business.

CROSSWALK.

(1) That part of a roadway at an intersection included within the connections of the lateral lines in the sidewalks on opposite sides of the highway measured from the curbs; or in the absence of curbs, from the edge of the traversable roadway.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings.

CURB LOADING ZONE. A space adjacent to a curb, or lateral boundary line of a roadway, reserved for the exclusive use of vehicles while loading or unloading passengers or materials.

DRIVER. Every person who drives or is in actual physical control of a vehicle.

FIREFIGHTER. Any active member of a volunteer, township or municipal fire department responding to a fire in the Town.

FREIGHT CURB LOADING ZONE. A curb loading zone reserved for the exclusive use of vehicles while loading or unloading freight.

INTERSECTION.

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two streets which join one another at an angle.

(2) Where a street includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided street by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways 30 feet or more apart, then every crossing of two roadways of such street shall be regarded as a separate intersection.

LANED ROADWAY. A roadway which is divided into three or more clearly marked lanes for vehicular travel.

MOPED/MOTORIZED BICYCLE. A two or three wheeled vehicle that is propelled by an internal combustion engine or a battery powered motor, and if powered by an internal combustion engine, has the following:

(1) An engine rating of not more than two horsepower and a cylinder capacity not exceeding 50 cubic centimeters.

(2) An automatic transmission.

(3) A maximum design speed of not more than 25 miles per hour on a flat surface.

MOTORCYCLE. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

MOTOR VEHICLE. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from over-head trolley wires, but not operated upon rails.

OFFICIAL TRAFFIC CONTROL DEVICES. All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

PARK. The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading.

PASSENGER CURB LOADING ZONE. A curb loading zone reserved for the exclusive use of vehicles while loading or unloading passengers.

PEDESTRIAN. Any person afoot.

POLICE OFFICER. Every member of the Allen County Sheriff's Department, law enforcement officer or any person specifically authorized to direct or regulate traffic or to make arrests for violations of this Traffic Code.

PREFERENTIAL INTERSECTION. An Intersection where traffic entering on one street is required to yield the right-of-way to traffic entering upon the other street when proper signs are erected as provided in this chapter.

RAILROAD. A carrier of person or property upon cars, other than street cars, operated upon stationary rails.

RAILROAD TRAIN. An engine, whether powered by steam, gasoline, electric, diesel or other type motor, with or without cars coupled thereto, operated upon rails.

RESIDENCE DISTRICT. The territory contiguous to and including a street not comprising a business district, when the property on such street for a distance of 200 feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY. A general term denoting land, property or interest therein, usually in a strip of land acquired for or devoted to the construction

of a highway, road or street that will include the traveled way, shoulders, roadsides, auxiliary lanes, medians, border areas, park strips, sidewalks, curbs, gutters, and frontage roads.

ROADWAY. That portion of a street improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, ROADWAY, as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE. The area or space set apart within a roadway for the exclusive use of pedestrians and which is structurally protected, is so marked or is so indicated by adequate signs as to be plainly visible at times.

SIDEWALK. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

STOP. Complete cessation of movement.

STOP INTERSECTION. An Intersection where traffic on one street is required by law to stop before entering or crossing the same when stop signs are erected, as provided in this chapter.

STOP, STOPPING or STANDING. Any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with traffic or in compliance with the direction of a Police Officer or traffic-control sign or signal.

STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained, except alleys, when any part thereof is open to the use of the public for purposes of vehicular travel.

THROUGH STREET. Every street or portion thereof at the entrance to which vehicular traffic from intersecting streets or highways is required by law to yield the right-of-way to vehicles on such through street or highway, in obedience either to a stop sign or a yield sign, when such signs are erected as provided in this chapter.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purposes of travel.

TRAFFIC-CONTROL SIGNAL. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks.

YIELD INTERSECTION. An Intersection where traffic entering on one street is required to slow down to a speed reasonable for existing conditions or stop if necessary before entering or crossing the same, when "Yield" signs are erected as provided in this chapter.

§ 410.02 PURPOSE.

This Traffic Code shall be deemed and construed to be an exercise of the police powers of this Town for the preservation and protection of public safety; all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

§ 410.03 OBEDIENCE TO TRAFFIC CODE REQUIRED.

It is a violation for any person to do any act forbidden or fail to perform any act required in this chapter or to counsel, aid or abet therein.

§ 410.04 APPLICATION OF CODE TO PUBLIC EMPLOYEES.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, township, or this Town, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statutes. Penalty, see [§ 410.99](#).

§ 410.05 APPLICATION TO PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS.

Every person propelling any pushcart or riding an animal upon a street and every person driving any animal-drawn vehicle shall be subject to the provisions of this chapter that are applicable to the driver of any vehicle, except those provisions of this chapter which, by their very nature, can have no application. Penalty, see [§ 410.99](#).

§ 410.06 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS.

No person shall willfully fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department Official. Penalty, see [§ 410.99](#).

TRAFFIC-CONTROL SIGNALS AND DEVICES

§ 410.15 WHEN SIGNS REQUIRED FOR ENFORCEMENT.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

§ 410.16 AUTHORITY TO DESIGNATE CROSSWALKS, ESTABLISH SAFETY ZONES AND MARK TRAFFIC LANES.

The Town Council shall by resolution;

(A) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in its opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

(B) To establish safety zones of such kind and character and at such places as it may deem necessary for the protection of pedestrians.

(C) To mark lanes for traffic on street pavements or at such places as it may deem advisable, consistent with this chapter or other traffic ordinances of the Town.

§ 410.17 PLAY STREETS.

(A) The Town Council shall, by resolution adopted in accordance with [§ 410.30](#), have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

(B) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or portion thereof. Penalty, see [§ 410.99](#).

ADMINISTRATION

§ 410.30 TOWN COUNCIL; POWERS AND AUTHORITY.

(A) The Town Council shall by resolution:

(1) Make regulations necessary to make effective the provision of this Traffic Code.

(2) Make temporary or experimental regulations to cover emergency or special conditions.

(B) The Town Council shall by resolution:

(1) Determine the placement of, and provide for the maintenance of traffic-control signs, signals and devices when and as required to make effective the provisions of this chapter or other traffic ordinances of this Town, or to facilitate the movement or promote

the safety of traffic at an intersection, and to place and maintain such additional traffic-control devices as it may deem necessary to regulate traffic under state law or to warn traffic, subject to the provisions of state law as to traffic-control signals.

(2) Authorize or designate authorized emergency vehicles as defined in [§ 410.01](#).

(3) Establish play streets in accordance with [§ 410.17](#).

(4) Designate "yield" intersections as defined in [§ 410.01](#).

(5) Determine angle parking locations in accordance with [§ 412.02](#).
(A).

(6) Restrict parking near intersections in accordance with [§ 412.22](#).

(7) Designate curb loading zones in accordance with [§ 412.56](#).

(8) Determine turn restrictions in accordance with [§ 411.03](#).

(9) Devise one-way streets and alleys in accordance with [§ 411.02](#), [411.04](#) and [411.05](#).

(10) Erect stop signs on through streets in accordance with [§ 411.16](#).

(11) Designate crosswalks and safety zones and mark traffic lanes in accordance with [§ 411.16](#).

(12) Place turn markers, buttons or signs in accordance with [§ 411.03](#), [§ 411.04](#) and as required by the provisions of this Traffic Code.

ENFORCEMENT; ARREST PROCEDURE

§ 410.45 AUTHORITY OF POLICE OFFICERS; MEMBERS OF THE FIRE DEPARTMENT TO ASSIST POLICE OFFICERS.

(A) It shall be the duty of the local police department or those contracting to provide such services to enforce all street traffic laws of the Town and all state vehicle laws applicable to street traffic in this Town.

(B) Such law enforcement officers are hereby authorized to direct all traffic in conformance with all traffic laws and regulations; provided, that in the event of a fire or other emergency, to expedite traffic or to safeguard pedestrians, the officers shall direct traffic as conditions may require, notwithstanding the provisions of the traffic laws and regulations.

(C) Members of a Fire Department, when at the scene of a fire or any emergency situation, may direct or assist the law enforcement officer directing the traffic thereat or in the immediate vicinity thereof.

§ 410.46 PROCEDURE FOR ARREST.

Except when authorized or directed under the state law to immediately take a person arrested for a violation of any traffic law before a magistrate, any police officer, upon making an arrest for violation of the state traffic laws, this chapter or other traffic ordinances of this Town, shall take the name, address and operator's license number of the alleged violator and the registered number of the motor vehicle involved, shall issue to him in writing, on the form provided by the Clerk Treasurer pursuant to [§ 410.48](#), a notice to answer to the charge against him at a place and at a time at least five days after such arrest to be specified in the notice and forthwith release the person arrested from custody. The officer shall send one copy of such notice to the Clerk Treasurer and one copy to the Allen County Superior Court Traffic Division.

§ 410.47 FAILURE TO OBEY NOTICE.

Any person who fails to appear in response to the notice provided in [§ 410.46](#) is guilty of a violation, regardless of the disposition of the charge for which he was originally arrested.

§ 410.48 FORMS FOR NOTICES TO APPEAR AND ANSWER CHARGES OF VIOLATIONS.

The Clerk Treasurer shall provide, in triplicate, suitable serially numbered forms for notifying violators to appear and answer to charges of violating this chapter and other laws and ordinances of this Town. Such forms shall be issued to and receipted for by the law enforcement officer or other person acting for him. The Town Clerk Treasurer each month shall prepare a report of the disposal made by the law enforcement officers of all triplicate forms issued to them. These reports shall be public records.

§ 410.49 WHEN COMPLAINT TO BE ISSUED.

In the event any person fails to comply with a notice given to such person or attached to a vehicle pursuant to [§§ 410.46 and 410.47](#), respectively, or fails to make appearance pursuant to a summons directing an appearance in the Violations Bureau of the Allen County Superior Court, the Town Clerk Treasurer shall forthwith have a complaint entered against such person and secure and issue a warrant for his arrest.

§ 410.99 PENALTY.

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this chapter shall be punished by a fine not more than \$2,500.

CHAPTER 411: TRAFFIC RULES

SECTION

OPERATION OF VEHICLES

[411.01](#) Limitations on backing

[411.02](#) Driving in alleys

[411.03](#) Restrictions on U-turns

[411.04](#) Authority to sign one-way streets and alleys

[411.05](#) Operation of vehicles on one-way streets and alleys

THROUGH STREETS; STOP INTERSECTIONS AND YIELD INTERSECTIONS

[411.15](#) Designation of through streets

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PROHIBITED ACTS

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ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES WITHIN TOWN LIMITS

[411.60](#) Definitions

[411.61](#) Possession or consumption prohibited

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OPERATION OF VEHICLES

§ 411.01 LIMITATIONS ON BACKING.

No driver of a vehicle shall back such vehicle across any marked or unmarked crosswalk or into any intersection, nor shall he back such vehicle at any other place, unless such movement can be made with reasonable safety and without interfering with other traffic.

§ 411.02 DRIVING IN ALLEYS.

No driver of any vehicle shall drive into, on or through any alley or any portion thereof except for the purpose of going to or departing from a place or property abutting the section or block of such alley which such driver has caused his vehicle to enter.

§ 411.03 RESTRICTIONS ON U-TURNS.

No driver of any vehicle shall turn such vehicle so as to proceed in the opposite direction, herein otherwise referred to as a U-turn, upon any street in a central business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic or where properly posted by uniform traffic control sign.

§ 411.04 AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS.

Whenever this chapter or any ordinance of this Town designates any one-way street or alley, the Clerk Treasurer shall place and maintain signs giving notice thereof, and any such regulation shall be effective once such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

§ 411.05 OPERATION OF VEHICLES ON ONE-WAY STREETS AND ALLEYS.

Upon those streets and parts of streets and in those alleys described in Schedule 3, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. Penalty, See [§ 411.99](#).

THROUGH STREETS; STOP INTERSECTIONS AND YIELD INTERSECTIONS

§ 411.15 DESIGNATION OF THROUGH STREETS.

Those streets and parts of streets described in Schedule 4, maintained on file in the office of the Clerk Treasurer are hereby declared to be through streets for the purposes of this sub-chapter.

§ 411.16 STOP SIGNS; AUTHORITY TO ERECT.

Whenever this code designates and describes a stop intersection or through street, it shall be the duty of the Town Clerk Treasurer to place and maintain a stop sign on each street intersecting that portion thereof described and designated in schedules 4 and 5, maintained on file in the office of the Clerk Treasurer, as such by this chapter or any ordinance of this Town.

SPEED REGULATIONS

§ 411.25 APPLICATION OF STATE SPEED LAWS; EXCEPTION.

(A) The laws of the state establishing or regulating speed limits for vehicles on public streets or highways shall apply to all public streets or highways within the town, except in the circumstances where, as properly authorized by state law, such limits have been increased or decreased by local authorities on the basis of an investigation, which has determined such increase or decrease to be safe and reasonable. In such circumstances it shall be unlawful for any person to drive or operate a vehicle in excess of any speed so determined, when signs are in place giving notice thereof.

(B) An alphabetical listing of each town street, highway or portion thereof upon which the speed limit has been increased or decreased by town

authorities as herein authorized, shall be complied by the Clerk Treasurer and shall be known as the "Grabill speed limit" the clerk Treasurer shall make such listing available for public inspection. All changes in such listing by the Clerk Treasurer or other local authority as herein authorized shall be promptly attached to such listing. For convenience, the Clerk Treasurer may forward a certified copy of such listing, and any subsequent changes, to the court that hears and/or adjudicates violations of local speeding ordinances.

§ 411.26 STATE SPEED LIMITS INCREASED IN CERTAIN ZONE.

It is hereby determined upon the basis of an investigation that the speed permitted by state law upon those streets or portions thereof described in Schedule 2, maintained on file in the office of the Clerk Treasurer, is less than is necessary for safe operation of vehicle thereon by reason of the designation and sign-posting of such streets as through highways, or by reason of widely spaced intersections, and it is hereby declared that the speed limit upon those streets or portions thereof described in Schedule 2, maintained on file in the office of the Clerk Treasurer, shall be as therein stated, which speeds so declared shall be effective at the time specified therein when signs are erected giving notice thereof.

§ 411.27 RESERVED.

PARADES AND PROCESSIONS

§ 411.40 PERMIT REQUIRED.

No funeral procession or parade containing 200 or more persons or 50 or more vehicles, excepting the forces of the United States Army or Navy, the military forces of this state, and the forces of the police and fire departments, shall occupy, march or proceed along any right-of-way except in accordance with a letter of permission issued by the Clerk Treasurer and such other regulations as are set forth in this Traffic Code which may apply.

PROHIBITED ACTS

§ 411.50 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any vehicle when such vehicle is in motion.

§ 411.51 RIDING ON VEHICLES NOT DESIGNED FOR PASSENGER USE.

No person shall ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

§ 411.52 DRIVING ON SIDEWALKS PROHIBITED.

The driver of a vehicle shall not drive in, on or across any sidewalk, except at a permanent or temporary driveway or alley.

ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES WITHIN CITY LIMITS

§ 411.60 DEFINITIONS.

ALCOHOLIC BEVERAGE and CONTAINER. The definitions set forth in IC 7.1-1-3-5 shall be incorporated and used in this chapter.

MOTOR VEHICLE. The definition as set forth in IC 9-13-2-105 shall be incorporated and used in this chapter, except that this definition shall not include:

- (A) Recreational vehicles, as defined in IC 9-13-2-150; or
- (B) Any chartered passenger vehicle licensed to operate within the state.

§ 411.61 POSSESSION OR CONSUMPTION PROHIBITED.

A violation is committed, if a person, while in a motor vehicle that is being operated upon a public highway within the Town limits:

- (A) consumes an alcoholic beverage; or

(B) Possesses a container;

(1) that has been opened;

(2) that has a broken seal; or

(3) from which some of the contents have been removed.

§ 411.62 OPERATOR OR OWNER OF MOTOR VEHICLE IN VIOLATION.

(A) The operator or owner of a motor vehicle who, while the motor vehicle is in operation, knowingly keeps or allows to be kept in an area of the motor vehicle that is accessible to the operator or a passenger a container that has been opened; that has a broken seal; or from which some of the contents have been removed; commits a violation of this section.

(B) Notwithstanding the [§ 411.60](#) definition of motor vehicle, the operator of a recreational vehicle or chartered passenger vehicle who, while the motor vehicle is in operation, knowingly keeps or allows to be kept in an area of the recreational vehicle or chartered passenger vehicle that is accessible to the operator a container that has been opened; that has a broken seal; or from which some of the contents have been removed commits a violation of this section.

§ 411.99 PENALTY.

Violations of [411.60 through 411.62](#) shall subject the violator to a fine of \$50. The fine for each subsequent violation shall not be less than \$100, nor more than \$500.

CHAPTER 412: STOPPING, STANDING AND PARKING

SECTION

MANNER OF PARKING

[412.01](#) Standing or parking close to curb

[412.02](#) Angle parking

[412.03](#) Obstructional parking prohibited

[412.04](#) Reserved

[412.05](#) Driver to stop vehicle when traffic obstructed

[412.06](#) All-night parking prohibited

[412.07](#) Parking in alleys

[412.08](#) Reserved

[412.09](#) Stopping, standing or parking near hazardous or congested places

[412.10](#) Parking in fire lane

RESTRICTED OR PROHIBITED PARKING ON CERTAIN STREETS

[412.20](#) Application of provisions

[412.21](#) Regulations not exclusive

[412.22](#) Parking prohibited in specified places

[412.23](#) Parking in residential districts

[412.24](#) Parking for certain purposes prohibited

[412.25](#) Parking prohibited at all times on certain streets

[412.26](#) Parking prohibited during certain hours on certain streets

[412.27](#) Stopping, standing or parking prohibited during certain hours on certain streets

[412.28](#) Parking time limited on certain streets

[412.29](#) Erection of parking signs; duty of Town Clerk Treasurer

RESERVED

[412.40](#) Reserved

[412.41](#) Reserved

[412.42](#) Reserved

[412.43](#) Reserved

[412.44](#) Reserved

[412.45](#) Reserved

[412.46](#) Reserved

LOADING AND UNLOADING ZONES; PUBLIC CARRIER STOPS AND STANDS

[412.55](#) Permit for backing to curb for purpose of loading or unloading

[412.56](#) Designation of curb loading zones

[412.57](#) Passenger curb loading zones

[412.58](#) Freight curb loading zones

412.59 Reserved

412.60 Reserved

412.61 Reserved

PARKING FACILITIES FOR PERSONS WITH PHYSICAL DISABILITIES

[412.70](#) Purpose; definitions

[412.71](#) Authority and procedure for designating accessible parking space on Town streets

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[412.73](#) Authority to appoint volunteers

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Snow Alert; Parking and Stopping of Vehicles

[412.75](#) Definitions

[412.76](#) Snow alert, determination and proclamation; duration

[412.77](#) Stopping or parking vehicles during snow alert

[412.78](#) Snow emergency; determination and proclamation; duration

[412.79](#) Stopping or parking vehicles on snow emergency routes

[412.80](#) Removal and impoundment of vehicles parked in violation of provisions

[412.81](#) Deposit of snow and ice from private property onto sidewalk or street prohibited

Enforcement

[412.90](#) Notice of illegally parked vehicles

[412.91](#) Failure to comply with notice attached to parked vehicles

[412.92](#) Prima facie presumption in reference to illegal parking

[412.93](#) Fine schedule; delinquent payment

[412.99](#) Penalty

MANNER OF PARKING

§ 412.01 STANDING OR PARKING CLOSE TO CURB.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of a lawful traffic movement and with the right-hand wheels of the vehicle on a two-way street and the right-hand or left-hand wheels of vehicle on a one-way street within 12 inches of the curb or edge of the roadway, except as otherwise provided in this chapter. No person shall stand or park a vehicle in addition to the foregoing except on or in an authorized area for the purpose of parking or standing of vehicles in any Town park; provided, that in no event shall any part or portion of the vehicle be permitted to extend over the outer edge of any curb or roadway or touch any utility, light, traffic device pole, trees or lawn at any time; provided, that this section shall not be deemed to apply to utility, signal and street repair vehicles and park maintenance vehicles when the necessary performance of their primary function requires otherwise. Penalty, see [§ 412.99](#).

§ 412.02 ANGLE PARKING.

(1) The Town Council shall by resolution determine upon what streets angle parking shall be permitted and shall, mark or sign such streets, but such angle parking shall not be established upon any federal or state highway within this Town unless the state Highway Department has determined by resolution or
(A) order entered in its minutes a copy of which is received by the Town Clerk Treasurer and certified by the Town Clerk Treasurer to the Town Council, that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(2) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left-hand side of a two-way street.

(B) Upon those streets which have been designated by the Town Council for angle parking under the provisions of division (A) above, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. Penalty, see [§ 412.99](#).

§ 412.03 OBSTRUCTIONAL PARKING PROHIBITED.

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than 15 feet of the width of the roadway unobstructed for the free movement of vehicular traffic. Penalty, see [§ 412.99](#).

§ 412.04 RESERVED.

§ 412.05 DRIVER TO STOP VEHICLE WHEN TRAFFIC OBSTRUCTED.

No driver of a vehicle shall enter an intersection or a marked crosswalk unless and until there is sufficient space on the other side of the intersection of crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. Penalty, see [§ 412.99](#).

§ 412.06 ALL-NIGHT PARKING PROHIBITED.

No persons, except physicians on emergency calls, shall park a vehicle between the hours of 2:00 a.m. and 6:00 a.m. on the days and streets or sides of streets described in Schedule f maintained on file in the office of the Town Clerk. Penalty, see [§ 412.99](#).

§ 412.07 PARKING IN ALLEYS.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, except while loading or unloading, and no person shall stop, stand or park a vehicle within an alley in such positions as to block the driveway entrance to any abutting property. Penalty, see [§ 412.99](#).

§ 412.08 RESERVED.

§ 412.09 STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES.

(A) The Town Clerk Treasurer, upon the approval of the Town Council, is hereby authorized to determine, and have designated by proper signs, places not exceeding 150 feet in length in which the stopping standing or parking of vehicles would create a hazardous condition or would cause unusual delay in traffic.

(B) When official signs are erected at hazardous or congested places under the provisions of this section, no person shall stop, stand or park a vehicle in any such designated place. Penalty, see [§ 412.99](#).

§ 412.10 PARKING IN FIRE LANE.

When a fire lane has been designated as described in Schedule 7 on file in the office of the Town Clerk, all vehicles parked in said fire lane can be ordered to be removed and/or towed by a Fire Department or law enforcement officer. Penalty, see [§ 412.99](#).

RESTRICTED OR PROHIBITED PARKING ON CERTAIN STREETS

§ 412.20 APPLICATION OF PROVISIONS.

The provisions of this sub-chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified and as indicated on official signs, except when is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer.

§ 412.21 REGULATIONS NOT EXCLUSIVE.

The provisions of this sub-chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times or under specified conditions.

§ 412.22 PARKING PROHIBITED IN SPECIFIED PLACES.

No person shall park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or other direction of a law enforcement officer or official traffic control device in any of the following places:

(A) On or across a sidewalk or otherwise obstructing public passage between the curb lines or lateral lines of any roadway and adjacent property lines.

(B) Within five feet of a public or private driveway and/or alley.

(C) Within an intersection.

(D) Within 15 feet of a fire hydrant.

(E) On or within a crosswalk.

(F) Within 20 feet of a crosswalk at an intersection.

(G) Within 30 feet upon the approach to any flashing beacon, stop sign, yield sign, or traffic control signal located at the side of the roadway or located overhead in some fashion.

(H) Between a safety zone and the nearest curb or within 30 feet or points on the curb immediately opposite the ends of a safety zone, unless the Town Council has indicated a different length by signs or markings.

(I) Within 50 feet of the nearest rail of a railroad crossing.

(J) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within 75 feet of such entrance, when properly sign-posted.

(K) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(L) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(M) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(N) At any place where official signs prohibit parking.

(O) Upon any street for any period of time longer than 24 continuous hours, except on Saturdays, Sundays and holidays; provided, that this section shall not be deemed to apply to utility, signal and street repair vehicles when necessary performance of their primary function requires otherwise.

(P) Upon any portion of residential property other than in a driveway, or as otherwise permitted upon the street or alley adjacent to said residential real estate.

Penalty, see [§ 412.99](#)

§ 412.23 PARKING IN RESIDENTIAL DISTRICTS.

(A) The only vehicles permitted to be parked in residential districts in the city shall be:

(1) Operable automobiles, vans, pickup trucks and motorcycles, which shall be parked in the driveway, street or alley of said residential districts, unless otherwise prohibited pursuant to [§ 412.22](#).

(2) Operable recreational vehicles, campers, boats and vehicles with six (6) or more tires which shall only be parked in the driveway or alley of said residential district but not in the street.

(B) The following vehicles will not be permitted to be parked in said residential districts: semi-trucks, truck-tractors, farm tractors, road tractors, semitrailer, pull-trailers, or other commercial vehicles; school buses, church buses; or inoperable automobiles, vans, motorcycles, recreation vehicles, campers, boats and trucks.

(C) Permitted and prohibited parking in residential districts is summarized as follows ("Y" means yes; "N" means no):

Parking of Vehicles in Residential Districts

	<u>Driveway.</u>	<u>Street</u>	<u>Alley.</u>	<u>Yard*</u>
<u>Division (A)(1)</u>				
Operable automobiles	Y	Y	Y	N
Operable vans	Y	Y	Y	N
Operable motorcycles	Y	Y	Y	N
Operable pickup	Y	Y	Y	N
<u>Division (A)(2)</u>				
Operable recreational vehicles	Y	N	Y	N
Operable campers, boats	Y	N	Y	N
Operable vehicle with six (6) or more wheels	Y	N	Y	N

Parking of Vehicles in Residential Districts Continued

	<u>Driveway.</u>	<u>Street</u>	<u>Alley.</u>	<u>Yard*</u>
Division (B)				
Inoperable automobiles	N	N	N	N
Inoperable vans	N	N	N	N
Inoperable motorcycles	N	N	N	N
Inoperable pickup trucks	N	N	N	N
Inoperable recreational vehicles	N	N	N	N
Inoperable campers, boats	N	N	N	N
Inoperable vehicles with six (6) or more wheels	N	N	N	N
Operable or inoperable semi-trucks	N	N	N	N
Operable or inoperable truck-tractors	N	N	N	N
Operable or inoperable farm tractors	N	N	N	N
Operable or inoperable road tractors	N	N	N	N
Operable or inoperable semi-trailers	N	N	N	N

Operable or inoperable pull trailers	Y	N	Y	N
Operable or inoperable antique vehicles	Y	N	Y	N

Parking of Vehicles in Residential Districts Continued

	<u>Driveway.</u>	<u>Street</u>	<u>Alley.</u>	<u>Yard*</u>
Operable or inoperable school buses	N	N	N	N
Operable or inoperable church buses	N	N	N	N

* Yard includes backs, sides, parkways, and curb or parkway overlap.

(D) All violations of [§ 412.22](#) and [§ 412.23](#) shall be enforced by a law enforcement officer. Penalty, see [§ 412.99](#)

§ 412.24 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway for the principal purpose of:

(A) Displaying such vehicle for sale of for the primary purpose of advertising any product or thing.

(B) Greasing or repairing such vehicle, except repairs necessitated by an emergency. Penalty, see [§ 412.99](#).

§ 412.25 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

When signs are erected pursuant to this sub-chapter giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Schedule 7, maintained on file in the office of the Town Clerk Treasurer. Penalty, see [§ 412.99](#).

§ 412.26 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.

When signs are erected in each block pursuant to this sub-chapter giving notice thereof, no person shall park a vehicle between the hours specified in

Schedule 8, maintained on file in the office of the Town Clerk Treasurer, of any day except Sundays and holidays within the district or upon any of the streets described in Schedule 8. Penalty, see [§ 412.99](#).

§ 412.27 STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block pursuant hereto giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified in Schedule 9, maintained on file in the office of the Town Clerk Treasurer, of any day except Sundays and holidays within the district or upon any of the streets described in Schedule 9. Penalty, see [§ 412.99](#).

§ 412.28 PARKING TIME LIMITED ON CERTAIN STREETS.

(A) One-hour parking. When signs are erected in each block pursuant to this sub-chapter giving notice thereof, no person shall park a vehicle for longer than one hour at any time between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays within the district or upon any of the streets described in Schedule 10, maintained on file in the office of the Town Clerk Treasurer.

(B) Ninety-minute parking. When signs are erected in each block pursuant to this sub-chapter, giving notice thereof, no person shall park a vehicle for longer than 90 minutes at any time between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays within the district or upon any of the streets described in Schedule 11, maintained on file in the office of the Town Clerk Treasurer.

(C) Two-hour parking. When signs are erected in each block pursuant to this sub-chapter giving notice thereof, no person shall park a vehicle for longer than two hours at any time between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays within the district or upon any of the streets described in Schedule 12, maintained on file in the office of the Town Clerk Treasurer.

(D) Three-hour parking. When signs are erected in each block pursuant to this sub-chapter giving notice thereof, no person shall park a vehicle for

longer than three hours at any time between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays within the district or upon any of the streets described in Schedule 13, maintained on file in the office of the Town Clerk Treasurer.

(E) Thirty-minute parking. When signs are erected in each block pursuant to this sub-chapter giving notice thereof, no person shall park a vehicle for longer than 30 minutes at any time between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays within the district or upon any of the streets described in Schedule 14, maintained on file in the office of the Town Clerk Treasurer.

(F) Fifteen-minute parking. When signs are erected in each block pursuant to this sub-chapter giving notice thereof, no person shall park a vehicle for longer than 15 minutes at any time between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and holidays within the district or upon any of the streets described in Schedule 15, maintained on file in the office of the Town Clerk Treasurer. Penalty, see [§ 412.99](#).

§ 412.29 ERECTION OF PARKING SIGNS; DUTY OF TOWN CLERK TREASURER.

Except as provided in [§ 412.22](#) and [§ 412.23](#), whenever by this chapter or by any other ordinance of this city any parking time limit is imposed or parking is prohibited on designated street, it shall be the duty of the Town Clerk Treasurer to erect appropriate signs giving notice thereof and no such regulation shall be effective unless such signs are erected and in place at the time of any alleged offense.

§§ 412.40 to 412.46 RESERVED.

LOADING AND UNLOADING ZONES; PUBLIC CARRIER STOPS AND STANDS

**§ 412.55 PERMIT FOR BACKING TO CURB FOR PURPOSE OF
LOADING OR UNLOADING.**

(A) The Town Clerk Treasurer is authorized to issue a letter of permission to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such letter of permission. Such letters of permission may be issued either to the owner or the lessee of the property to be served or to the owner of the vehicle involved, shall be limited to one particular place and one particular occasion or day, and shall grant to such person the privilege as therein stated and authorized herein; and it shall be unlawful for any permitted or other person to violate any of the special terms of conditions or any such letter of permission.

(B) Notwithstanding the existence of a curb loading zone, no driver shall back a vehicle against a curb to load or unload unless the driver of the vehicle holds a letter of permission issued by the Town Clerk Treasurer granting him such privilege, and such letter of permission shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such letter of permission. Penalty, see [§ 412.99](#).

§ 412.56 DESIGNATION OF CURB LOADING ZONES.

The Town Council, is hereby authorized to determine the location of passenger and freight curb loading zones, and shall have placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

§ 412.57 PASSENGER CURB LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone pursuant to [§ 412.58](#), during the hour when the code provisions applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

§ 412.58 FREIGHT CURB LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone pursuant to [§ 412.56](#) during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 15 minutes. Penalty, see [§ 412.99](#).

PARKING FACILITIES FOR PERSONS WITH PHYSICAL DISABILITIES

§ 412.70 PURPOSE; DEFINITIONS.

(A) **PURPOSE.** It is the intent of this sub-chapter to comply with provisions of IC 5-16-9-1 et seq., and, if IC 5-16-9-1 et seq., is amended, the Town of Grabill shall comply with the Indiana statute, as amended.

(B) The definitions in this section apply throughout this sub-chapter.

ACCESSIBLE PARKING SPACE. refers to a parking space that conforms with the standards of IC 5-16-9-4.

MOTOR VEHICLE. has the meaning set forth in IC 9-13-2-105.

PARKING FACILITY. Any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.

PERSON WITH A PHYSICAL DISABILITY. A person who has been issued a placard under IC 9-14-5 or a person with a disability registration plate for a motor vehicle by the Bureau of Motor Vehicles under IC 9-1822.

PUBLIC AGENCY means:

- (1) The State of Indiana, its departments, agencies, boards, commissions, and institutions, including state educational institutions (as defined under IC 20-12-0.5-1); and
- (2) A county, city, town, township, school or conservancy district, other governmental unit or district, or any

department, board, or other subdivision of the unit of government.

This sub-chapter applies to a reserved accessible parking space in a parking facility that is located on property that is privately or publicly owned.

§ 412.71 AUTHORITY AND PROCEDURE FOR DESIGNATING ACCESSIBLE PARKING SPACE ON TOWN STREETS.

Where designated accessible parking spaces are requested and needed on Town streets, it shall be the responsibility of the petitioner to provide a petition signed by at least 51 % of the residents on both sides of the affected block of said street. Requests for the permanent placement of an approved sign shall be submitted in writing on a Town application form to the Town Council. After review of such requests and approval by the Town Council, such spaces shall be designated with appropriate signs. The purchase, installation and maintenance of the signs and posts shall be paid by the petitioner through the Town Clerk Treasurer. Only one permit will be granted to a resident or petitioner. However, under no circumstances shall the authority and procedure for designating accessible parking space on Town streets, herein described, be applied in such a manner as to violate or conflict with the provisions of IC 5-1-6-9, or with the Americans with Disabilities Act of 1990, as from time to time amended (42 United States Code 12181), or with the Americans with Disabilities Act Guidelines adopted by the United States Department of Justice.

§ 412.72 VIOLATIONS.

(A) Any person who parks a motor vehicle which does not have displayed a placard of a person with a physical disability or a disabled veteran, issued under IC 9-14-5 or under the laws of another state, or a registration plate of a person with a physical disability or a disabled veteran, issued under IC 9-18-18, 9-1822, or the laws of another state, in a parking space reserved for a vehicle of a person with a physical disability commits a violation of this sub-chapter.

(B) Any person who knowingly parks in a parking space reserved for a person with a physical disability while displaying a placard to which neither

the person nor the person's passenger is entitled commits a violation of this sub-chapter.

(C) A person who, in a parking space reserved for a person with a physical disability, parks a vehicle that displays a placard or special registration plate entitling a person to park in a parking space reserved for a person with a physical disability commits a violation of this sub-chapter if that person is not, at that time, in the process of transporting a person with a physical disability or disabled veteran.

(D) Citations for violations of this sub-chapter may be issued by local law enforcement officials, and volunteers appointed pursuant to [§ 412.73](#).

(E) Any violation of this sub-chapter shall result in a fine of \$35 for each violation.

§ 412.73 AUTHORITY TO APPOINT VOLUNTEERS.

The Grabill Town Council is authorized to appoint volunteers for the issuance of complaints and summonses for the purposes described in, and consistent with, the provisions of IC 5-16-9-11, as added by Public Law 48-1997.

§ 412.74 EFFECT OF STATE AND FEDERAL LEGISLATION.

(A) In the event of a conflict between any of the provisions of [§ 412.70](#) through [§ 412.74](#) and IC 5-16-9, as amended from time to time, the latter shall prevail.

(B) In the event of a conflict between any of the provisions of [§ 412.70](#) through [§ 412.74](#) of the Ordinances of the Town of Grabill and the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Guidelines adopted by the United States Department of Justice, the latter two bodies of law shall prevail.

(C) IC 9-14-5, entitled "Parking Placards for Persons with Physical Disabilities", provides for the Indiana Bureau of Motor Vehicles to issue parking placards for person with physical disabilities. This function, and all

related functions, having been preempted by Indiana State Police, and having thereby been delegated to the Indiana Bureau of Motor Vehicles, the Office of the Town Clerk Treasurer of Grabill will not issue a town impaired mobility parking permit. The town impaired mobility parking permits which may be issued and outstanding as of the effective date of this sub-chapter will be recognized by the Town until and including October 31, 2001, after which date the Town will no longer honor or recognize previously issued town impaired mobility parking permits.

SNOW ALERT: PARKING AND STOPPING OF VEHICLES

§ 412.75 DEFINITIONS.

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

SNOW ALERT. A period of time prior to, during or after a snowfall of an actual or predicted accumulation of no less than two inches as forecast by the United States Weather Bureau and during which time vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of such vehicles could hinder, delay, and obstruct the safe flow of traffic and the proper cleaning, clearing and making safe of certain heavily traveled public streets of this town, which streets shall be designated as "Snow Control Routes" and listed in Schedule 18, maintained in the office of the Town Clerk Treasurer.

SNOW EMERGENCY. A period of time prior to a forecast by the United States Weather Bureau during and after a snowfall, during which the vehicular traffic is expected to be particularly hazardous or congested due to the elements, and during which period of time the parking of such vehicles could hinder, delay and obstruct the safe flow of traffic and of the proper cleaning, clearing and making safe of certain heavily traveled public streets of this Town, which streets shall be designated snow control, routes and listed in Schedule 18, maintained on file in the office of the Town Clerk Treasurer.

§ 412.76 SNOW ALERT, DETERMINATION AND PROCLAMATION; DURATION.

A snow alert shall commence by order of the Town Clerk Treasurer, during or after a snowfall with an accumulation of not less than two inches in the sound judgment and discretion of the Town Clerk Treasurer when the circumstances warrant the determination of such a condition for the public safety of the town. Such snow alerts shall continue in effect until the Town Clerk Treasurer shall determine that such a condition no longer exists and accordingly shall terminate such alert.

§ 412.77 STOPPING OR PARKING VEHICLES DURING SNOW ALERT.

It shall be unlawful for the owner, driver or operator of any vehicle to park, stop or stand the same or to permit the same to be parked or to stand at any time during the period of any snow alert or any of the posted routes or streets as listed in Schedule 18 maintained on file in the office of the Town Clerk Treasurer. Penalty, see [§ 412.99](#)

§ 412.78 SNOW EMERGENCY, DETERMINATION AND PROCLAMATION; DURATION.

A snow emergency shall commence by order of the Town Clerk Treasurer before, during or after a snow fall when, in its sound judgment and discretion, the circumstances warrant the determination of such an emergency for the public safety of the town. Such snow emergency shall continue in effect until the Town Clerk Treasurer determines that an emergency no longer exists and accordingly terminates such emergency.

§ 412.79 STOPPING OR PARKING VEHICLES ON SNOW EMERGENCY ROUTES.

It shall be unlawful for the owner, driver or operator of any vehicle to park or stop the same or to permit the same to be parked or to stand at any time during the period of any snow emergency on any of the routes or streets listed in Schedule 18, maintained on file in the office of the Town Clerk Treasurer. Penalty, see [§ 412.99](#).

§ 412.80 REMOVAL AND IMPOUNDMENT OF VEHICLES PARKED IN VIOLATION OF PROVISIONS.

Any law enforcement officer, upon discovering any such vehicle so parked or stopped in violation of this subchapter, may remove such vehicle or cause the same to be removed to any town-owned property or to a private garage or place where so authorized pursuant to contract where such vehicle shall be impounded and retained and shall be released only to a registered owner thereof upon payment of all towing and storage costs. Penalty, see [§ 412.99](#).

§ 412.81 DEPOSIT OF SNOW AND ICE FROM PRIVATE PROPERTY ONTO SIDEWALK OR STREET PROHIBITED.

It shall be unlawful for any person to deposit, put or place or to suffer, allow, or cause to be deposited, put or placed any snow or ice from any private property upon any public sidewalk, street, alley, or within five feet of any fire hydrant. Penalty, see [§ 412.99](#).

ENFORCEMENT

§ 412.90 NOTICE OF ILLEGALLY PARKED VEHICLES.

Whenever any motor vehicle with or without the driver is found parked, standing or stopped in violation of any of the restrictions imposed by this chapter or other ordinance of this Town, or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to such vehicle a notice in writing, on the form provided by the Clerk Treasurer pursuant to [§ 410.48](#), for the driver to answer to the charge against him within 30 days. The officer shall send one copy of such notice to the Clerk Treasurer's office.

§ 412.91 FAILURE TO COMPLY WITH NOTICE ATTACHED TO PARKED VEHICLE.

If a violator of the restrictions on stopping, standing or parking under this chapter or of the traffic laws or ordinances does not appear in response to a

notice affixed to such motor vehicle within a period of 30 days, the Town Council shall send to the owner of the motor vehicle to which the notice was affixed a letter informing him of the violation and warning him that in the event such violator continues to disregard the notice, a complaint will be filed and warrant for arrest issued. The sending of such letter shall not be deemed jurisdictional.

§ 412.92 PRIMA FACIE PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such stopping, standing or parking the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who stopped, placed or parked such vehicle at the point where, and for the time during which, such violation occurred.

§ 412.93 FINE SCHEDULE; DELINQUENT PAYMENT.

(A) A fine schedule shall be maintained in the office of the Clerk Treasurer.

(B) All fines delinquent in payment for 30 calendar days or longer from the date of the violation will be double the original fines, unless otherwise specified in this chapter.

(C) All violations outlined in this chapter are considered separate and additional violations, each and every hour such violation occurs unless otherwise specified in this chapter.

§ 412.99 PENALTY.

(A) there is hereby established the following schedule of penalties for violations of the following provisions of this chapter:

(1) Sections [412.46](#) and 412.61. If the violator appears in response to a notice affixed to such motor vehicle within a period of 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$5. If the violator fails to appear in response to a notice affixed to such motor vehicle after 30 calendar days from the date and time shown on said notice affixed to such motor vehicle the penalty shall be \$10.

(2) Sections [412.22\(O\)](#) and [412.26](#). If the violator appears in response to a notice affixed to such motor vehicle within a period of 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$10. If the violator fails to appear in response to a notice affixed to such motor vehicle after 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$20.

(3) Section [412.02](#), [412.07](#), [412.08](#) and [412.22\(D\)](#), [\(E\)](#), and [\(N\)](#). If the violator appears in response to a notice affixed to such motor vehicle within a period of 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$20. If the violator fails to appear in response to a notice affixed to such motor vehicle after 30 calendar days from the date and time shown on said notice affixed to such motor vehicle, the penalty shall be \$40. The penalty for violating [§ 412.46\(E\) and \(F\)](#) shall be a fine of no less than \$1,000 nor more than \$2,500.

(B) Any person violating any provision of [§ 412.22 \(P\)](#) and [412.23](#) outlined herein under the jurisdiction of the Town Council shall be immediately fined, without prior notice as follows:

(1) Inoperable and/or abandoned vehicles, \$80.

(2) Illegal vehicles in residential area, \$50.

(3) Operable vehicles in yard, \$50.

Each and every day such violation is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines shall be payable to the Town Clerk Treasurer located in the Town Hall.

(1) A person who falsely represents himself as having the
(C) qualification to obtain a town impaired mobility permit will be fined up to a maximum of \$100 and have such person's permit revoked.

(2) Any motor vehicle parking in an area designated for the exclusive use of impaired mobility persons which does not bear a disabled veteran registration plate or a space registration plate or display a town impaired mobility parking permit, shall be ticketed at the owner's expense. The fine shall be \$50 for each violation.

CHAPTER 413: BUSES AND TRUCKS; LOADS

SECTION

BUSES

[413.12](#) Restrictions on loading and unloading school buses

TRUCKS

[413.25](#) Definitions

[413.26](#) Truck Traffic Restricted; Exceptions

[413.27](#) Truck route permit required

413.28 Truck routes established (*Section Does Not Exist*)

[413.29](#) Truck loads causing litter prohibited

[413.30](#) Truck parking restricted

ENFORCEMENT

[413.40](#) Accurate maps setting out truck routes to be kept

[413.99](#) Penalty

GENERAL PROVISIONS

SCHOOL BUSES

TRUCKS

§ 413.12 RESTRICTIONS ON LOADING AND UNLOADING SCHOOL BUSES.

No school bus shall load or unload any passengers until such vehicle is parallel to the curb and not more than one foot distant therefrom, except when prevented from doing so by an obstruction or other condition beyond its control. If there is no curb, all loading and unloading shall be done in such a manner as to cause no obstruction to the regular flow of traffic.

§ 413.25 DEFINITIONS.

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

LOCAL TRUCK ROUTE. A way over certain streets, roads or other public ways designated to accommodate trucks which do not exceed specified weight, length and height restrictions and which have an origin or destination, or both, within Allen County.

POINT OF DESTINATION. A point of delivery, a fuel stop, a point of authorized rest, a terminal, a truck stop and any authorized parking or garage facility.

POINT OF ORIGINATION. A starting point, a fuel stop, a point of authorized rest, a terminal, a truck stop, and any authorized parking or garage facility.

THROUGH TRUCK ROUTE. A way over certain streets, roads or other public ways which has been designated to accommodate trucks which have both origins and destinations outside of Allen County.

TRUCK. A motor vehicle designed, and used and maintained primarily for the transportation of property.

§ 413.26 TRUCK TRAFFIC RESTRICTED; EXCEPTIONS

(A) (1) It shall be unlawful for the operator of any truck without a point of destination or a point of origination inside the county

to drive said truck upon the streets, roads or other public ways of the town not designated as through truck routes.

(2) It shall be unlawful for the operator of any truck within a point of destination or point of origination, or both, within Allen County to drive said truck upon the streets, roads or other public ways of the Town not designated as local truck routes, except for such travel as is necessary and unavoidable in the transfer of property to and from such places or premises abutting, on or having access only from such non-designated street; however, that in any case such truck shall travel over the shortest possible route from the point of entry to the Town (if from outside of the Town) or the point of origination (if from inside the Town) to the point of designation and following delivery, over the shortest possible route to the next delivery (if inside the Town), to the point of final destination (if within the Town), or to the nearest available point of exit from the Town.

(B) The following are exempted from the prohibitions contained in division (A) above.

(1) The operation of trucks licensed to carry a combined body and weight load not exceeding 10,000 pounds.

(2) The operation of emergency vehicles.

(3) The operation of trucks owned or operated by the town, public utilities, or any contractor or materials supplier, while engaged in the repair, maintenance, or construction of streets, street improvements, or public utilities within the city.

(4) The operation of trucks upon any officially established detour.

(5) Special temporary emergency use permits or letters of permission issued by the Clerk's Treasurer's office.

§ 413.27 TRUCK ROUTE PERMIT REQUIRED.

(A) The owner of any truck licensed to carry combined body and load weight of at least 20,000 pounds that is used principally for the transportation and delivery of property between two or more points situated

in Allen County and is not involved in the interstate shipment of goods, shall file with the Clerk an application, on a form prescribed by the Clerk Treasurer, for a letter of permission to allow the truck to use and be driven upon the Town's local truck routes upon this condition that the maximum gross weight of such vehicle not exceed the following weight limit:

(1) the total gross, loaded weight in pounds, of any vehicle or combination of vehicles shall not exceed an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W equals overall gross weight on any group of two or more consecutive axles to the nearest 5000 pounds, L equals distance in feet between the extreme of any group of two or more consecutive axles, and N equals number of axles in the group under consideration, except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more. The overall gross weight limits, calculated under this subdivision, may not exceed 80,000 pounds.

(2) The total weight concentrated on the roadway surface from any tandem axle group shall not exceed 17,000 pounds for each axle of the assembly.

(3) No vehicle shall have a maximum wheel weight, unloaded or with load, in excess of 8000 pounds per inch per width of tire, measured between flanges of rim, nor an axle weight in excess of 20,000 pounds.

(B) Upon the proper execution and filing of an application and the payment of a fee of \$2 to the Clerk Treasurer, to be credited to the Road Fund, the Clerk Treasurer shall issue a letter of permission for each truck

appropriately describing it by motor number or body number, and by license number. Such letter of permission shall not be transferrable from one vehicle to another vehicle, and shall be attached to the vehicle so as to be readily visible by any law enforcement or other person charged with the duty of enforcing this subchapter.

§ 413.29 TRUCK LOADS CAUSING LITTER PROHIBITED.

It shall be unlawful for any person to drive or move any truck within the Town unless said truck is so constructed and loaded as to prevent any of its load or contents from being blown or deposited upon any street, roadway, sidewalk, alley or other public place. Penalty, see [§ 413.99](#).

§ 413.30 TRUCK PARKING RESTRICTED.

Other than in an emergency, it shall be unlawful for the registered owner or for anyone having the care and custody of any truck with an overall length of more than 20 feet, or with an overall width of more than seven feet, six inches, to park such vehicle on or in any street, alley or driveway in any residential district in the Town, except temporarily while actually engaged in the loading or unloading of property on or from such vehicle. Other than in an emergency, it shall also be unlawful for the registered owner or for anyone having the care and custody of any vehicle without motive power, commonly called "trailer" to park, suffer, permit or allow such trailer to stand or be parked on any public street, placed or thoroughfare of any kind in the Town unless it is attached to another vehicle having motive power, unless a special permit for such parking has been obtained from the Clerk Treasurer. Penalty, see [§ 413.99](#).

ENFORCEMENT

§ 413.40 ACCURATE MAPS SETTING OUT TRUCK ROUTES TO BE KEPT.

The Clerk Treasurer shall keep and maintain accurate maps setting out truck routes. The maps shall be kept on file in the office of the Clerk Treasurer and shall be available to the public.

§ 413.99 PENALTY.

(A) Every person convicted of a violation of the chapter shall be punished by a fine of \$250.

(B) For weight violations, a fine of \$.01 per pound for each overweight pound may be imposed in lieu of the fine herein provided.

CHAPTER 414: BICYCLES; TOY VEHICLES; SKATEBOARDS

SECTION

GENERAL PROVISIONS

414.01 Reserved

LICENSING

414.15 Reserved

414.16 Reserved

414.17 Reserved

414.18 Reserved

414.19 Reserved

414.20 Reserved

414.21 Reserved

OPERATION OF BICYCLES, COASTERS, ROLLER SKATES, SKATEBOARDS AND SIMILAR DEVICES

[414.35](#) Speed to be reasonable and prudent to surrounding conditions

[414.36](#) Emerging from alleys or driveways

[414.37](#) Parking of bicycles

[414.38](#) Riding on sidewalks

[414.50](#) Use of coasters, roller skates, skateboards and similar devices

[414.99](#) Penalty

GENERAL PROVISIONS

OPERATION OF BICYCLES

§ 414.35 SPEED TO BE REASONABLE AND PRUDENT TO SURROUNDING CONDITIONS.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. Penalty, see [§ 414.99](#).

§ 414.36 EMERGING FROM ALLEYS OR DRIVEWAYS.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of way to all vehicles approaching on such roadway.

§ 414.37 PARKING OF BICYCLES.

No person shall park a bicycle upon the traveled portion of the street. Bicycles may be parked only upon the sidewalk area in a rack provided to support the bicycle, against a building or in such manner as to afford the least obstruction to pedestrian traffic.

§ 414.38 RIDING ON SIDEWALKS.

(A) No person shall ride a bicycle upon a sidewalk within a business district.

(B) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(C) No person shall operate a moped or motorized bicycle on any sidewalk or other path designed for the primary use of bicycles.

TOY VEHICLES

§ 414.50 USE OF COASTERS, ROLLER SKATES, SKATEBOARDS, AND SIMILAR DEVICES.

No person upon roller skates, a skateboard, riding in or by means of any coaster or toy vehicle or similar devices, except bicycles, shall go upon any roadway except while crossing a street or a crosswalk, and when so crossing, such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by this chapter.

§ 414.60 SKATEBOARDING PROHIBITED IN CERTAIN AREAS.

(A) Operating a skateboard on a business district sidewalk is hereby declared a public nuisance and is therefore prohibited.

(B) The Clerk Treasurer shall have the discretion to post signs as necessary and appropriate to indicate the prohibitions set out in division (A). Penalty, see [§ 414.99](#).

§ 414.99 PENALTY.

Every person convicted of a violation of any provision of this chapter, where another penalty is not expressly provided, shall be punished by a fine of \$10.00.

This Ordinance adopting a Traffic Code shall be in full force and effect from and after its passage, signing, recording and publication as provided by law.

Passed and adopted by the Town Council of the Town of Grabill, Indiana on the 15th day of May, 2002.

TOWN COUNCIL OF GRABILL

Wilmer Delagrange

President

Greg Liechty

Member

Richard Coulter

Member

ATTEST:

Glenda A. Whittern

Glenda A. Whittern, Clerk Treasurer

Attachments:

+/-

Map of **STOP, YIELD, NO PASSING** Signs

+/-

Map of **NO PARKING THIS SIDE OF STREET** Areas

RESOLUTION NO. 450

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, AUTHORIZING THE PLACEMENT OF STOP SIGNS ON STATE STREET AT THE INTERSECTION WITH FAIRVIEW DRIVE

WHEREAS, the Town proposes to place stop signs for traffic proceeding east and west on State Street at its intersection with Fairview Drive; and,

WHEREAS, [Section 410.30 of the Traffic Code](#) of the Town of Grabill authorizes the Town Council by resolution to determine the placement of traffic-control signs and to erect stop signs on through streets;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, THAT:

Stop signs shall be placed and maintained on State Street in the Town of Grabill at the intersection of State Street and Fairview Drive directing

1. traffic proceeding in both directions on State Street to stop at its intersection with Fairview Drive.

The Town Clerk-Treasurer is directed to place and maintain the stop

2. signs at the above intersection and shall maintain a record of this resolution in the Office of the Clerk Treasurer.

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 26th day of July , at 7:00 P.M.

Town Council of the Town of Grabill, Indiana

Wilmer Delagrange

Greg Liechty

Candace DeCamp

ATTEST:

Glenda A. Whittern

Glenda A Whittern, Clerk Treasurer

ORDINANCE 620 -09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, REGULATING THE OPERATION OF GOLF CARTS ON THE PUBLIC WAYS WITHIN GRABILL.

WHEREAS, the Grabill Town Council is the legislative body of the Town of Grabill; and

WHEREAS, the Grabill Town Council is desirous of promoting, preserving and protecting the public health, safety and welfare of the citizens of the Town of Grabill by regulating the operation of golf carts of the Town streets of the Town of Grabill.

NOW, THEREFORE, BE IT ORDAINED by the Grabill Town Council, Allen County, Indiana, as follows:

Section 1. Place of Operation

(A) A person may operate, drive or park a golf cart on the streets and alleys within the Town of Grabill subject to the following rules and restrictions.

(B) Golf carts shall be driven as close to the right edge of the street or alley as possible.

(C) No person shall operate a golf cart on a sidewalk.

(D) No person shall operate a golf cart so that it impedes or blocks the normal flow of traffic.

Section 2. Requirement of Drivers License

Operators of golf carts must have a valid driver's license and shall obey all State, Federal and Local laws, regulations and ordinances governing

passenger motor vehicles, including but not limited to laws, regulations and ordinances pertaining to licensing of operators and traffic regulation.

Section 3. Time of Operation and Nighttime Restrictions

Golf carts operated during darkness from dusk to dawn, or during inclement weather, when headlamps are necessary for other motor vehicles, must be equipped with and use headlights and taillights visible from a distance of no less than 500 feet.

Section 4. Requirement of Financial Responsibility

No person shall operate or permit the operation of a golf cart on the streets or alleys of Town Grabill without proof of financial responsibility.

Section 5. Requirement Manufactured Safety

No person shall operate a golf cart unless any and all passengers of said golf cart are seated in a seat attached to the golf cart as manufactured.

Section 6. Requirement of Slow Moving Vehicle

No person shall operate a golf cart unless said golf cart is equipped with and displays a triangular slow moving vehicle emblem that is entirely visible from the rear, day or night. Said emblem shall comply with the requirements established by the State of Indiana IC-9-21-9-2. The emblem shall conform with those standards and specifications adopted for slow-moving vehicles in 205-IAC 1-1-1 et. seq. Such emblem shall be mounted on the rear of such vehicle, in the approximate horizontal geometric center of the vehicle, at a height of three (3) to five (5) feet above the roadway, and shall be maintained at all times in a clean and reflective condition.

Section 7. Requirement Annual Fee

Each owner of a golf cart operated on the streets or alleys in Grabill shall register each golf cart with the Grabill Town Clerk-Treasurer Office annually and pay a registration fee of \$25.00, which shall be deposited, into the General Fund.

Section 8. Requirement of Registration

The Town of Grabill shall provide to the owner of a registered golf cart a sticker, which shall be affixed to said golf cart which sticker shall display the month and year of expiration of registration and an assigned number for registration purposes.

Section 9. Requirement of acknowledgment

No golf cart shall be registered unless and until the owner of said golf cart receives and reads a copy of this Ordinance and signs an acknowledgment that he or she received and read this Ordinance.

Section 10. Violation of Ordinance

(A) Any person, firm, or corporation who violates, or permits a violation of, any provision of this Ordinance for which another penalty is not specifically provided shall pay a minimum fine of fifteen dollars (\$15.00) and a maximum fine of one thousand dollars (\$1,000.00).

(B) If a person, firm, or corporation violates Section 7, 8 or 9 of this Ordinance a second time, upon discovery of the violation, the golf cart may be impounded by the law enforcement officer in addition to any other penalties. In the event of impoundment, the golf cart shall not be released until the basis of the violation has been corrected and the owner or operator of the golf cart has paid all towing and impoundment fees incurred as a result of the impoundment of the golf cart.

Section 11. Exceptions

Nothing in this Ordinance shall apply to motorized carts operated by the Town of Grabill or carts being operated for special events with permission of the President.

Section 12. Effective

This Ordinance shall be in full force and effective immediately after its passage and approval by the president of the Town of Grabill, Indiana, and

after proper notice and publication as required by law.

PASSED AND APPROVED by the Common Council of the Town of
Grabill, Indiana this 22 day of July , 2009.

Jeff Smead
Jeff Smead,
Councilman

Lynn Witt
Lynn Witt,
Councilman

Presented by me to the President of the Town of Grabill, Indiana for his
approval and signature this 22 day of July , 2009.

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

This Ordinance duly approved and signed by me on this 22 day of July ,
2009.

Wilmer Delagrang
Wilmer
Delagrang,
President

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Attachments:

- ☐ +/- News Release: Governor Signs Golf Cart Ordinance Bill
- ☐ +/- Engrossed Version, House Bill 1483 - Page 1
- ☐ +/- Engrossed Version, House Bill 1483 - Page 2
- ☐ +/- Engrossed Version, House Bill 1483 - Page 3
- ☐ +/- Engrossed Version, House Bill 1483 - Page 4
- ☐ +/- Engrossed Version, House Bill 1483 - Page 5
- ☐ +/- Engrossed Version, House Bill 1483 - Page 6
- ☐ +/- Engrossed Version, House Bill 1483 - Page 7
- ☐ +/- Engrossed Version, House Bill 1483 - Page 8

RESOLUTION NO. 1250-2010 -A

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, AUTHORIZING THE PLACEMENT OF THREE STOP SIGNS AND TWO YEILD SIGNS IN SURREY TRACE ADDITION

WHEREAS, the town proposes to place (3) stop signs for traffic at the intersections of Stowe Drive (2) and Illinois Street (1), and, **WHEREAS**, the town proposes to place two yield signs, one at the intersection of Surrey Trace and Illinois(1), and one at Surrey Trace and Stowe Drive;

WHEREAS, [Section 410.30 of the traffic Code](#) of the Town of Grabill authorizes the Town of Grabill by resolution to determine the placement of traffic control signs and to erect stop signs on through streets; **NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GABILL, INDIANA, THAT:**

1. Stop signs shall be placed and maintained on Stowe Drive (2), Illinois Street (1)
2. Yield signs shall be placed and maintained on Surrey Trace, and one at Surrey Cove;

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 9 day of June , 2010, at _____ P.M.

Town Council of Town of Grabill, Indiana

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Councilman

Lynn Witt
Lynn Witt, Councilman

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer

RESOLUTION NO. 1250-2010

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, AUTHORIZING NO PARKING ON THE WEST SIDE OF PARKING LOT TO NORTH EDGE OF BALL DIAMOND

WHEREAS, the town proposes to place no parking on the west side of the parking lot to north edge of the north ball diamond, and; **WHEREAS**, the town proposes to place no parking from here to corner signs at each end, and;

WHEREAS, [Section 410.30 of the traffic Code](#) of the Town of Grabill authorizes the Town of Grabill by resolution to determine the placement of traffic control signs; **NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GABILL GRABILL, INDIANA, THAT:**

1. No parking signs be placed on the West Side of the North ball diamond;
2. No parking here to corner signs be placed on West side of the North Ball Diamond;
3. There will be no parking on west side of parking lot to Wieland;

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 9 day of June , 2010, at _____ P.M.

Town Council of Town of Grabill, Indiana

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Councilman

Lynn Witt
Lynn Witt, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

RESOLUTION NO. 1251-2010

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, AUTHORIZING THE PLACEMENT OF NO THROUGH TRUCKS SIGNS TO BE PLACED AT ENTRANCE OF SURREY TRACE ADDITION AND STOWE DRIVE

WHEREAS, the town proposes to place no through trucks sign at the entrance (s) of the Surrey Trace addition in Grabill, Indiana, Allen County , and,

WHEREAS, the town proposes to place no through trucks signs at Surrey Trace Stowe Drive, and,

WHEREAS, the town deems it necessary for the welfare and safety of the Surrey Trace residents, and,

WHEREAS, [Section 410.30 of the traffic Code](#) of the Town of Grabill authorizes the Town of Grabill by resolution to determine the placement of traffic control signs and to erect traffic signs on streets;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, THAT

1. To ensure welfare and safety to the Surrey Trace residents;

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 25 day of August , 2010, at 9:30 P.M.

Town Council of Town of Grabill, Indiana

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead

Jeff Smead, Councilman

Lynn Witt

Lynn Witt, Councilman

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer

RESOLUTION NO. 1252-2010

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, AUTHORIZING 30 MILE SPEED LIMIT SIGN PLACED AT GRABILL TOWN LIMITS

WHEREAS, the town proposes to place 30 mile speed limit Sign at Grabill Town limits by Country Shoal Addition , and;

WHEREAS, the town proposes to lower the speed limit on 2nd Street from 35 to 30, by Country Shoal Addition and across from Grabill Family Dentistry, and;

WHEREAS, [Section 410.30 of the traffic Code](#) of the Town of Grabill authorizes the Town of Grabill by resolution to determine the placement of traffic control signs; and;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GABILL, INDIANA, THAT:

1. The speed limit on 2nd Street inside town limits will be reduced from 35 to 30.

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 25 day of August , 2010, at 9:45 P.M.

Town Council of Town of Grabill, Indiana

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead
Jeff Smead, Councilman

Lynn Witt
Lynn Witt, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

RESOLUTION NO. 1254-2011

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, AUTHORIZING THE PLACEMENT OF DEAD END STREET SIGN ON FIRST STREET EXTENTION

WHEREAS, the town proposes to place (1) Dead End sign for traffic at the start of First Street extension, between addresses 13507 Fairview Street and 13427 Fairview Street and,

WHEREAS, [Section 410.30](#) of the traffic Code of the Town of Grabill authorizes the Town of Grabill by resolution to determine the placement of traffic control signs and to erect stop signs on through streets;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, THAT:

1. A traffic sign titled DEAD END shall be placed and maintained on First Street extension

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 18 day of May , 2011, at 7:50 P.M.

Town Council of Town of Grabill, Indiana

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead
Jeff Smead, Vice-President

Candace DeCamp
Candace DeCamp, Councilwoman

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer

RESOLUTION NO. 1274-2014

**A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF GRABILL, INDIANA,
AUTHORIZING THE PLACEMENT OF
THREE STOP SIGNS TO BE PLACED AT THE
INTERSECTION OF COUNTRY SHOAL ON
BOTH SIDES OF STREET AND WINSTONE
DRIVE**

WHEREAS, the town proposes to place three stop signs for traffic at the intersection of COUNTRY SHAOL LANE on both sides of the street and WINDSTONE DRIVE, and,

WHEREAS, [Section 410.30](#) of the traffic Code of the Town of Grabill authorizes the Town of Grabill by resolution to determine the placement of traffic control signs and to erect stop signs on through streets;

**NOW THEREFORE, BE IT RESOLVED BY
THE TOWN COUNCIL OF THE TOWN OF
GABILL, INDIANA, THAT:**

1. Three Stop signs shall be placed and maintained at the intersection of Country Shoal on both sides of street and Windstone Drive;

ADOPTED BY THE TOWN COUNCIL OF
GRABILL, INDIANA, this 10 day of Dec , 2014, at
9:20 P.M.

Town Council of Town of Grabill, Indiana

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Vice President

Candace Decamp, Councilwoman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

RESOLUTION NO. 1281-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, AUTHORIZING THE PLACEMENT OF FOUR WAY STOP SIGNS AT THE CORNERS OF SECOND STREET AND INDIANA STREET AND CORNERS OF SECOND STREET AND WEST STREET

WHEREAS, the town proposes to place 4 way stop signs for traffic at the intersections of Second Street and Indiana Street , and,

WHEREAS, the town proposes to place 4 way stop signs, for traffic at the intersections of Second Street and West Street , and,

WHEREAS, [Section 410.30](#) of the traffic Code of the Town of Grabill authorizes the Town of Grabill by resolution to determine the placement of traffic control signs and to erect stop signs on through streets;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GABILL, INDIANA, THAT:

1. Stop signs shall be placed and maintained on 4 corners of Second Street and Indiana Street ;
2. Stop signs shall be placed and maintained on 4 corners of Second Street and West Street;

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 3 day of Aug , 2016, at 7:30 P.M.

Town Council of Town of Grabill, Indiana

Wilmer Delagrance

Wilmer Delagrance, President

Jeff Smead
Jeff Smead, Vice President

Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

RESOLUTION NO. 1315-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, AUTHORIZING THE PLACEMENT OF STREET SIGN ON THE CORNER OF THIRD STREET AND INDIANA STREET

WHEREAS, the town proposes to place stop signs for traffic at the corners of Third Street and Indiana Street and,

WHEREAS, [Section 410.30](#) of the traffic Code of the Town of Grabill authorizes the Town of Grabill by resolution to determine the placement of traffic control signs and to erect stop signs on through streets;

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL
OF THE TOWN OF GABILL, INDIANA, THAT:**

1. A traffic sign titled STOP shall be placed and maintained on the corners of third and Indiana Street

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this
16 day of May , 2018, at 7:35 P.M.

Town Council of Town of Grabill, Indiana

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead, Vice-President

Claude E. Schrock
Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

RESOLUTION NO. 1324-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, AUTHORIZING THE PLACEMENT OF STREET SIGN ON ROTH ROAD

WHEREAS, the town proposes to place “stop sign ahead” for traffic on Roth Road and,

WHEREAS, [Section 410.30](#) of the traffic Code of the Town of Grabill authorizes the Town of Grabill by resolution to determine the placement of traffic control signs and to erect stop ahead signs on through streets;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GABILL, INDIANA, THAT:

1. A traffic sign titled “STOP SIGN AHEAD ” shall be placed and maintained on Roth Road

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 19 day of Sept , 2018, at 8 P.M.

Town Council of Town of Grabill, Indiana

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Vice-President

Claude E. Schrock
Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer

Ordinance No. 1

Editor's Note: This ordinance is Archived. It covers a one-time upgrade of State Street.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #1: Grading and Paving of a Street (2/3/1913)

Ordinance No. 13

Editor's Note: This ordinance is Archived. It is a "one-time" ordinance from 1915 dealing with improvements to a number of streets.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #13: Street Improvement (1/4/1915) - Page 1



(ARCHIVED) #13: Street Improvement (1/4/1915) - Page 2

Ordinance 32

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana that the street known as Indiana Street in the Town of Grabill, Indiana and which runs from State Street North to the proposed North Street, said North Street in fact having never been opened, and said Indiana Street as herein described being a part of Klopfenstein's Fourth Addition to the Town of Grabill, Indiana and of Klopfenstein's Fifth Addition to the Town of Grabill, Indiana.

Dated this 3rd day of April, 1922.

Board of Trustees		Jacob Conrad Pres.
		David Grabill
		Albert Neuenschwander

Attest: Stanley Koch, Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included:  #32: Indiana Street (4/3/1922)

Ordinance No. 67

Be it ordained by the Board of Trustees of the Town of Grabill, that any new streets, built within the Town of Grabill, shall be built to completion, with the cost of said street being assessed to the property owners along this street in equal proportion according to the amount of property held by each property owner along said street.

Be it further ordained that after the completion of such new streets, the maintenance and repair of said streets shall become the responsibility of the Town of Grabill and shall be paid for out of town funds.

Done at Grabill, Indiana this 4th day of September, 1956.

(Philip Schlatter
(
(
Trustees (Edwin Zimmer
(
(
(Ralph E. Clifton

ATTEST:

Hubert L. Neuenschwander

Clerk-Treasurer

ORDINANCE NO. 69

Editor's Note: This ordinance is Archived. It concerns a "one-time" operation and discusses the waivers from affected property owners.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #69: Widening of State St. (6/4/1957)

ORDINANCE # 73

Editor's Note: This ordinance is Void. It refers to a one-time contract acceptance.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (ARCHIVED) #73: Repair of State Street (8/5/1957)

340 AGREEMENT

Editor's Note: This ordinance is Void. It refers to a one-time agreement.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #340: Share Cost of Street Work (1/11/1995)

RESOLUTION 374

Editor's Note: This resolution is Archived. It refers to a one-time agreement to share expenses of a road improvement.

Editor's Note: Photographs of the pages of this resolution:

 (ARCHIVED) #374R: Road Improvement (6/24/1998)

COMES NOW the Town Council of the Town of Grabill, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

Ordinance No. 601

Amendment No. ____

WHEREAS petitioner Town Council of Grabill filed a Petition to name a new public street Home Guard Way with the Allen County Department of Planning Services; and, **WHEREAS** the Allen County Plan Commission held a public hearing on this Petition on the 13th day of December, 2001; and, **WHEREAS**, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the new public street located on the north 36 feet of lots 52, 53, 54, and 55 of Grabill's Sixth Addition adjacent to a platted alley between West Street and the railroad right-of-way be named Home Guard Way; now, therefore, **BE IT ORDAINED** by the Town Council of the Town of Grabill, State of Indiana, that the Council concurs with the Plan Commission's recommendation and approves this Petition; **BE IT FURTHER ORDAINED** that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Council; **ENACTED THIS** 9th day of January , 2002.

**THE TOWN COUNCIL OF THE TOWN OF
GRABILL, STATE OF INDIANA**

Wilmer Delagrangre Pres.

Greg Liechty

Richard Coulter

Attest:

Glenda A. Whittern

Attachments:

☐ +/- Resolution of Allen County Plan Commission re: Home Guard Way (1/7/2002)

☐ +/- Allen County Plan Commission - Findings of Fact (12/20/2001)

☐ +/- Letter to Allen County Dept. of Planning Services (11/13/2001)

☐ +/- Surveyor's Sketch and Legal Description

RESOLUTION # 432

Editor's Note: This resolution is Void. It refers to a one-time situation.

Editor's Note: Photographs of the pages of this resolution:

 (ARCHIVED) #432R: Road Access to Proposed Library
(10/22/2003)

Ordinance No. 444

Editor's Note: This ordinance has Expired. It authorized borrowing for a Highway Capital Improvement Project - in 2004 - with a term not to exceed five years.

Editor's Note: Photographs of the pages of this ordinance:

 (EXPIRED) #444: Authorize Borrowing for a Highway Capital Improvement Project (7/27/2004) - Page 1

 (EXPIRED) #444: Authorize Borrowing for a Highway Capital Improvement Project (7/27/2004) - Page 2

RESOLUTION 2007-08-28

WHEREAS, the Town Council of Grabill provides snow-plowing for the streets in the town of Grabill and WHEREAS, Chris Freehling has provided a price of \$60 per hour for plowing and promised it through the year 2010, THE TOWN COUNCIL OF GRABILL hereby accepts the quote and agrees to pay same upon receipt of an insurance certificate.

So Approved this 28th day of August, 2007

Town Council of Grabill
Wilmer Delagrange
Wilmer Delagrange,
President

Gregory Liechty

Lynn Witt
Lynn Witt

ATTEST:

Glenda A. Whittern
Glenda A Whittern
Clerk Treasurer

RESOLUTION NO. 1287-2017

A RESOLUTION DEDICATING A PUBLIC RIGHT-OF-WAY AND NAMING OF NEW STREET IN THE SAWMILL INDUSTRIAL PARK IN THE TOWN OF GRABILL, INDIANA

WHEREAS, the Town of Grabill, Indiana, finds it in the public interest to maintain certain easements and right-of-ways as part of the public roads and streets of the Town of Grabill.

NOW THEREFORE, be it resolved by the Town Council of the Town of Grabill, Indiana that:

Section 1. The Town of Grabill, Indiana, an Indiana municipal corporation, being the owner of real property located within the Sawmill Industrial Park more specifically described on [Exhibit A](#) attached hereto and incorporated herein (the “Real Estate”), hereby dedicates the Real Estate to public use and as part of the public street system of the Town of Grabill, as follows:

- a. The Real Estate and street shall be known as Eicher Drive running in an Easterly direction from Sawmill Drive through Sawmill Industrial Park to Roth Road.
- b. The speed limit on Eicher Drive shall be 30 mph at all times.
- c. There will be a STOP designation at the intersection of Eicher Drive and Roth Road.
- d. No parking is allowed at any time along either side of this street and public right-of-way.

Section 2. That the above named street be signed by the Town of Grabill and maintained as a public street and be subject to the traffic laws of the Town of Grabill, Indiana.

Introduced and filed on the 17th day of May, 2017.

DULY PASSED AND ADOPTED this 21st day of June, 2017, by the Town Council of the Town of Grabill, Allen County, Indiana.

TOWN OF GRABILL, INDIANA
BY ITS COUNCIL

Wilmer Delagrange
Wilmer Delagrange

Jeff Smead
Jeff Smead

X

For Opposed

X

For Opposed

Claude E. Schrock
Claude E. Schrock

X

For Opposed

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

This instrument prepared by: Zachary E. Klutz, Attorney, Taft Stettinius & Hollister LLP, One Indiana Square, Suite 3500, Indianapolis, Indiana 46204; (317) 713-3483

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. /s Zachary E. Klutz

Exhibit A

Legal Description of Eicher Drive

Attached.

☐ +/- #1287-2017: Dedicating Eicher Drive in Sawmill Industrial Park
(5/17/2017) - Warranty Deed

☐ +/- #1287-2017: Dedicating Eicher Drive in Sawmill Industrial Park
(5/17/2017) - Legal Description

☐ +/- #1287-2017: Dedicating Eicher Drive in Sawmill Industrial Park
(5/17/2017) - Property Map

RESOLUTION NO. 1302-2017

A RESOLUTION DEDICATING A PUBLIC RIGHT-OF-WAY AND NAMING OF STREET IN THE SAWMILL INDUSTRIAL PARK IN THE TOWN OF GRABILL, INDIANA

WHEREAS, the Town of Grabill, Indiana, finds it in the public interest to maintain certain easements and right-of-ways as part of the public roads and streets of the Town of Grabill.

NOW THEREFORE, be it resolved by the Town Council of the Town of Grabill, Indiana that:

Section 1. The Town of Grabill, Indiana, an Indiana municipal corporation, being the owner of real property located within the Sawmill Industrial Park more specifically described on [Exhibit A](#) attached hereto and incorporated herein (the “Real Estate”), hereby dedicates the Real Estate to public use and as part of the public street system of the Town of Grabill, as follows:

- a. The Real Estate and newly dedicated public street shall serve as an extension of the existing Sawmill Road and shall therefore also be known as Sawmill Road running in a Southerly direction from the existing Sawmill Road through Sawmill Industrial Park to Eicher Drive.
- b. The speed limit on Sawmill Road shall be 30 mph at all times.
- c. No parking is allowed at any time along either side of this street and public right-of-way.

Section 2. That the above named street be signed by the Town of Grabill and maintained as a public street and be subject to the traffic laws of the Town of Grabill, Indiana.

Introduced and filed on the 27th day of October, 2017.

DULY PASSED AND ADOPTED this 27th day of October, 2017, by the Town Council of the Town of Grabill, Allen County, Indiana.

TOWN OF GRABILL, INDIANA
BY ITS COUNCIL

Wilmer Delagrange Jeff Smead
Wilmer Delagrange Jeff Smead

Claude E. Schrock
Claude E. Schrock

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

This instrument prepared by: Zachary E. Klutz, Attorney, Taft Stettinius & Hollister LLP, One
Indiana Square, Suite 3500, Indianapolis, Indiana 46204; (317) 713-3483

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Is Zachary E. Klutz

☐ +/- #1302-2017: Dedicating, Naming of Street in Sawmill Industrial Park
(10/27/2017) - Signature Certification, Jeff Smead

☐ +/- #1302-2017: Dedicating, Naming of Street in Sawmill Industrial Park
(10/27/2017) - Signature Certification, Claude Schrock

☐ +/- #1302-2017: Dedicating, Naming of Street in Sawmill Industrial Park
(10/27/2017) - Signature Certification, Wilmer Delagrange

Exhibit A

Legal Description of Sawmill Road

Attached.

☐ +/- #1302-2017: Dedicating, Naming of Street in Sawmill Industrial Park
(10/27/2017) - Legal Description

☐ +/- #1302-2017: Dedicating, Naming of Street in Sawmill Industrial Park
(10/27/2017) - Parcel Sketch

Ordinance No. 5

Being an ordinance relating to the width of sidewalks constructed in the corporate limits of the Town of Grabill, Ind.

All sidewalks in the Business sections of the Town of Grabill shall be no less than four (4) feet wide and all sidewalks in the residential sections of the Town of Grabill shall be no less than three and one half (3 1/2) feet wide.

Amended by [Ordinance No. 63](#), adopted 10/4/1955.

+/- { *view archive* }

Section 2: When the board of Trustees of the town mentioned in section one of this act deems it necessary that sidewalks in certain parts of the town should be wider than mentioned in section one of this act it shall be in in their jurisdiction to designate a proper width.

Section 3: - The above act shall be in force as soon as legally advertised.

Done at the Town of Grabill, Ind this 4th day of August 1913.

J. S. Klopfenstein

David Witmer

C. O. Benjamin

} Trustees

Attest:

Aaron Sauder, Clerk

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included:

+/- #5: Width of Sidewalks (8/4/1913)

ORDINANCE NO. 63

Be it ordained by the Board of Trustees of the Town of Grabill, State of Indiana, that [Ordinances no 5](#) be changed to read as follows: All sidewalks in the Business sections of the Town of Grabill shall be no less than four (4) feet wide and all sidewalks in the residential sections of the Town of Grabill shall be no less than three and one half (3 1/2) feet wide.

Be it further ordained that all sidewalks shall be kept in line with and the elevation of the prevailing walks along such streets.

Done at Grabill, Indiana this 4th day of October, 1955.

(Henry H. Schwartz
(
(
Trustees (David Nueenschwander
(
(
(Philip Schlatter

Attest:

Hubert L. Neuenschwander
Clerk-Treasurer

Ordinance #61

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 150](#), adopted 11/14/1973

Editor's Note: Photographs of the pages of this ordinance: ☐ +/- (VOID) #61:
Plan Commission (7/15/1955) - Page 1

☐ +/- (VOID) #61: Plan Commission (7/15/1955) - Page 2

☐ +/- (VOID) #61: Plan Commission (7/15/1955) - Page 3

☐ +/- (VOID) #61: Plan Commission (7/15/1955) - Page 4

☐ +/- (VOID) #61: Plan Commission (7/15/1955) - Page 5

ORDINANCE NO. 97

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 153](#), adopted 3/6/1974.

Editor's Note: Photographs of the pages of this ordinance: ☐ (VOID) #97:
Master Plan (11/2/1959) - Page 1

☐ (VOID) #97: Master Plan (11/2/1959) - Page 2

☐ (VOID) #97: Master Plan (11/2/1959) - Page 3

ORDINANCE NO. 138

Editor's Note: This ordinance is Void. It was replaced (readopted) by [Ordinance No. 150](#), adopted 11/14/1973.

Editor's Note: Photographs of the pages of this ordinance: ☐ +/- (VOID)
#138: Designating Allen County Plan Commission (5/13/1970) - Page 1

☐ +/- (VOID) #138: Designating Allen County Plan Commission
(5/13/1970) - Page 2

☐ +/- (VOID) #138: Designating Allen County Plan Commission
(5/13/1970) - Page 3

☐ +/- (VOID) #138: Adoption Certification (5/13/1970)

ORDINANCE NO. 150

AN ORDINANCE DESIGNATING THE ALLEN COUNTY PLAN COMMISSION AS THE PLAN COMMISSION OF THE TOWN OF GRABILL OF ALLEN COUNTY, INDIANA

WHEREAS, the Board of Trustees of Grabill deems it advisable and proper to promote the orderly development of its governmental units and its environs; to improve the present health, safety, convenience and welfare of the citizens of said Town and to plan for the future development of the Town's communities to the end that highway systems be carefully planned, that new community centers grow only with adequate highways, utility, educational and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds; and, WHEREAS, the Board of Trustees of the Town of Grabill deem it wise and proper to provide the means and methods whereby the aforesaid goals, ideals, objectives and purposes may be granted unto the citizens of the Town of Grabill for their use, benefit and enjoyment; and, WHEREAS, the County of Allen has a plan commission duly and properly established in accordance with the laws of the State of Indiana; and, WHEREAS, the Town of Grabill may under and pursuant to Section 25 of Chapter 174 of the Acts of the Indiana General Assembly for the year 1947 designate the Allen County Plan Commission as the Plan Commission of the Town of Grabill; and, WHEREAS, the Town of Grabill may pursuant to said Acts designate the Allen County Board of Zoning Appeals as the Board of Zoning Appeals of the Town of Grabill; and,

WHEREAS, the Town of Grabill may pursuant to said Act designate the Allen County Zoning Administrator as the Zoning Administrator of the Town of Grabill:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRABILL, ALLEN COUNTY, INDIANA:

Section 1. That the Allen County Plan Commission be and the same is hereby designated as the Plan Commission of the Town of Grabill, of Allen County, Indiana, pursuant, to and in accordance with the provisions of Section 25 of Chapter 174 of the Acts of the Indiana General Assembly for the year 1947 as amended or supplemental thereto.

Section 2. That the Allen County Plan Commission so designated as the Plan Commission for the Town of Grabill by this ordinance shall have all of the powers and duties granted to a plan commission of a Town including the Town of Grabill, pursuant to and as provided by Chapter 174 of the Acts of the Indiana General Assembly for the year 1947.

Section 3. That the Allen County Board of Zoning Appeals be and the same is hereby designated as the Board of Zoning Appeals of the Town of Grabill, Allen County, Indiana.

Section 4. That the Allen County Zoning Administrator be and he is hereby designated as the Zoning Administrator of the Town of Grabill, Allen County, Indiana.

Section 5. That the Town of Grabill by its duly elected, qualified and acting Board of Trustees does by this ordinance hereby ratify, confirm and approve all acts of the Allen County Plan Commission, the Allen County Board of Zoning Appeals and the Allen County Zoning Administrator in regard to the performance of their statutory duties and functions pursuant to and in accordance with the Acts of the Indiana General Assembly as the same may now apply to said Town or as the same may apply to said Town in the future.

Section 6. That all ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

Section 7. That this ordinance shall be in full force and effect from and after its passage by the Board of Trustees of the Town of Grabill, Allen County, Indiana.

Dated this 14th day of November , 1973.

Carlton Sauder

Ronald W. Shaw

Wilbur Secrist

BOARD OF TRUSTEES
TOWN OF GRABILL
ALLEN COUNTY,
INDIANA

ATTEST:

Alleen Kipfer
Clerk-Treasurer

ORDINANCE NO. 153

AN ORDINANCE ADOPTING, RATIFYING AND APPROVING A MASTER PLAN FOR THE TOWN OF GRABILL, INDIANA, PURSUANT TO CHAPTER 174 OF THE ACTS OF THE 1947 INDIANA GENERAL ASSEMBLY, AS AMENDED

WHEREAS, the Town of Grabill did on the 14th day of November, 1973, by [Ordinance No. 150](#) designate the Allen County Plan Commission as the Plan Commission of the Town of Grabill and by said same ordinance did designate the Allen County Board of Zoning Appeals as the Board of Zoning Appeals of the Town of Grabill and the Allen County Zoning Administrator as the Zoning Administrator of the Town of Grabill; and,

WHEREAS, the Allen County Plan Commission has prepared a Master Plan for the Town of Grabill so as to assure the promotion of public health, safety, morals, convenience, order and the general welfare for said Town; and,

WHEREAS, the Allen County Plan Commission has adopted a Master Plan for the development of the Town of Grabill after notice and public hearing thereon as required by Statute; and,

WHEREAS, a copy of said Master Plan for the Town of Grabill has been certified to this Board of Trustees by the Secretary of the Allen County Plan Commission along with a Subdivision Control Ordinance and a Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRABILL, INDIANA;

Section 1. That the Master Plan prepared by the Allen County Plan Commission for the Town of Grabill and certified to the Board of Trustees of the Town of Grabill by the Secretary of the Allen County Plan Commission is incorporated herein by reference and made a part hereof as if copied verbatim herein and said Master Plan is hereby accepted as the

Master Plan of the Town of Grabill and the same is so ratified, confirmed and approved in its entirety.

Section 2. The Zoning Administrator, the Allen County Plan Commission, being the Plan Commission of the Town of Grabill, the Town of Grabill or any aggrieved or damaged property owner collectively or individually, may institute a suit for injunction in the Circuit Court or any Superior Court of Allen County to enjoin and/or restrain any person or governmental unit from violating any provisions of the Master Plan for the Town of Grabill and to cause such violation to be prevented, abated or removed, which remedy shall not be exclusive but in addition to any other remedies provided by law.

Section 3. That any ordinance or parts of ordinance in conflict herewith are hereby repealed.

Section 4. The enactment of this ordinance shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or part of provision of any ordinance of the Town of Grabill, Indiana, prior to the taking effect of this ordinance.

Section 5. That this Ordinance shall be in full force and effect from and after its passage on this the 6th day of March , 1974.

Carlton Sauder

Ronald W. Shaw

Wilbur Secrist

BOARD OF TRUSTEES OF THE TOWN OF
GRABILL, ALLEN COUNTY, INDIANA

ATTEST:

Alleen Kipfer
CLERK-TREASURER

ZONING ORDINANCE No. 99
FOR THE
TOWN OF GRABILL, INDIANA

Editor's Note: This ordinance is Archived. See [Editor's Note Regarding Zoning](#).

Editor's Note: Photographs of the pages of this ordinance: ☐ +/-
(ARCHIVED) #99: Original Zoning and Districts (12/28/1959) - Page 1

☐ +/- (ARCHIVED) #99: Original Zoning and Districts (12/28/1959) - Page
2

☐ +/- (ARCHIVED) #99: Original Zoning and Districts (12/28/1959) - Page
3

☐ +/- (ARCHIVED) #99: Original Zoning and Districts (12/28/1959) - Page
4

☐ +/- (ARCHIVED) #99: Original Zoning and Districts (12/28/1959) - Page
5

☐ +/- (ARCHIVED) #99: Original Zoning and Districts (12/28/1959) - Page
6

☐ +/- (ARCHIVED) #99: Original Zoning and Districts (12/28/1959) - Page
7

☐ +/- (ARCHIVED) #99: Original Zoning and Districts (12/28/1959) - Page
8

☐ +/- (ARCHIVED) #99: Original Zoning and Districts (12/28/1959) - Page
9

ORDINANCE NO. 106

Editor's Note: This ordinance is Archived. See [Editor's Note Regarding Zoning](#).

Editor's Note: Photographs of the pages of this ordinance:

- ☐ +/- (ARCHIVED)#106 Amends Zoning Ordinance (2/13/1962)
- ☐ +/- (ARCHIVED) Attachment: Petition from Grabill Plan Commission

ORDINANCE NO. 115 FOR THE
TOWN OF GRABILL, INDIANA

Editor's Note: This ordinance is Archived. See [Editor's Note Regarding Zoning](#).

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED)#115 Amends Zoning Ordinance (4/12/1967) - Page
1

 (ARCHIVED)#115 Amends Zoning Ordinance (4/12/1967) - Page
2

ORDINANCE NO. 119 FOR THE
TOWN OF GRABILL, INDIANA

Editor's Note: This ordinance is Archived. See [Editor's Note Regarding Zoning](#).

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (ARCHIVED) #119 Amends Zoning Ordinance (12/13/1967)

☐ +/- (ARCHIVED) Legal Notice of Planning Commission Public
Hearing

ORDINANCE NO. 155

GRABILL, INDIANA

COMES NOW, the Board of Trustees of the Town of Grabill, Indiana, and pursuant to the authority vested in them by Indiana Code 18-7-5, as amended, enact the following:

Grabill Zoning Ordinance No. 155

Amendment No. 2

BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana that: Section 19, Improvement Location Permit; Paragraph A; be amended to read, to-wit:

All buildings, structures, or dwellings except those buildings and structures incidental to agricultural uses, utility lines and supports, accessory buildings of 144 square feet or less and fences which are no greater than 8 feet in A. height and located behind the front building line or the side building line on the side street of a corner lot shall not be erected, reconstructed, enlarged, maintained or moved until an Improvement Location Permit shall have been issued by the Zoning Administrator.

PASSED this 14th day of November , 1979, and in full force and effect from this date.

BOARD OF TRUSTEES OF THE TOWN
OF GRABILL, INDIANA

Ronald W. Shaw

Wilbur Secrist

M. Joanne Sauder

ATTEST:

Alleen Kipfer
Clerk-Treasurer

Attachments:

☐ Adoption Recommendation - Allen County Plan Commission
(10/30/1979)

GRABILL CODE
TITLE 3

COMES NOW, the Town Council of the Town of Grabill, State of Indiana, and, pursuant to the authority vested in it by *Indiana Code* 36-7 et. seq., as amended, enacts the following which strikes certain provisions from Articles 1 and 13 of the *Town of Grabill Zoning Ordinance*.

**TOWN OF GRABILL CODE - TITLE 3
AMENDMENT NO. 327**

3-1-3

CHAPTER 3.

~~EXEMPTION OF AGRICULTURAL USES~~

~~Nothing contained in these regulation shall impose restrictions or require a permit with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of agricultural buildings, or structures to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes should conform to building or set-back lines. Dwelling units, however, are not considered exempt from the regulations of this Ordinance and shall meet all the requirements contained herein.~~

CHAPTER 1.

IMPROVEMENT LOCATION PERMIT

3-13-1-1 All buildings, structures or dwellings except ~~those buildings and structures incidental to agricultural uses,~~ utility lines and supports, accessory buildings of 144 square feet or less, and fences which are no greater than 8 feet in height and located behind the front building line or the side building line on the side street of a corner lot, shall not be erected, reconstructed, enlarged, maintained or moved until an Improvement Location Permit shall have been issued by the Zoning Administrator.

Passed this 8th day of June, 1994, by the Town Council of the Town of Grabill, State of Indiana, with full force and effect established from this date forward.

**TOWN COUNCIL OF THE TOWN OF GRABILL,
STATE OF INDIANA**

M. Joanne Sauder

R. E. Miller

Jeffrey W. Gray

ATTEST:

Glenda A. Whittern

GLEND A WHITTERN, CLERK-TREASURER

TOWN OF GRABILL ORDINANCE NO. 155
AMENDMENT NO. 291

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 330](#), adopted 9/14/1994.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 1

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 2

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 3

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 4

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 5

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 6

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 7

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 8

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 9

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 10

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 11

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 12

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 13

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 14

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 15

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 16

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 17

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 18

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 19

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 20

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 21

☐ +/- (VOID) #291: Zoning Amendment - Floodplain Regulations
(9/11/1990) - Page 22

GRABILL TOWN CODE

TITLE 3

COMES NOW, the Town Council of the Town of Grabill, State of Indiana, and pursuant to the authority vested in it by the *Indiana Code* 36-7 et seq., as amended, enacts the following changes to certain provisions in Article 18 of the *Grabill Town Code*.

GRABILL TOWN CODE - TITLE 3

AMENDMENT NO. 330

3-18 ARTICLE 18 - FLOODPLAIN REGULATIONS

3-18-1 CHAPTER 1 - GENERAL PROVISIONS

3-18-1-1 STATEMENT OF PURPOSE AND INTENT. The purpose of this article is to control development in the floodplain in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential

for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdictions, which includes the effects of flooding, the community hereby adopts the following floodplain management regulations in order to meet the following intent:

- a. Protect human life and health.
- b. Minimize public and private property damage.
- c. Protect individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
 - Minimize surface and ground water pollution and erosion of
- d. the floodplain soils which will adversely affect human, animal or plant life.
- e. Control development which will, when acting alone, or cumulatively with similar development:
 - create an unjustified demand for public investment in flood control works by requiring that uses vulnerable to floods,
 - 1. including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement;
 - cause additional flood losses if public streets, sewers, water,
 - 2. and other utilities must be extended below the flood level to serve the development;
 - create an additional burden to the public to pay the costs of
 - 3. rescue, relief, emergency preparedness measures, or storm sewer systems;
 - create an additional burden to the public for business interruptions, disruption of transportation routes,
 - 4. interference with utility services, or other factors that result in the loss of wages, sales production, and tax revenue; and
 - 5. create a significant impact on the natural environment.
- f. Provide for public awareness of flooding potential.
- g. Control uses allowed within the flood hazard areas, such as fill, dumping, storage of materials, structures, buildings, and other works which, acting alone or in combination with other

existing or future uses, will cause damaging flood heights and velocities by obstructing flows and reducing natural valley storage in the flood hazard areas.

To make federally subsidized flood insurance available for
h. property in the floodplain by fulfilling the requirements of the National Flood Insurance Program.

CAUSE OF FLOOD LOSSES. These flood losses are caused by:
(1) the cumulative effect of practices and obstructions in the floodplain which causes increased flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to flood damages, or by uses which create hazards to surrounding
3-18-1-2 lands as a result of flood discharges caused by more intensive use of upland drainage areas in the form of residential developments, streets, parking lots, commercial buildings, storm drain construction and other uses and practices which promote increased storm water runoff.

3-18-2

CHAPTER 2 - DEFINITIONS

For the purpose of this article only, the following definitions are adopted:

Base Flood Elevation (BFE) - The elevation of the regulatory flood.

Building - see "Structure."

Cumulative Effect - The impact on the environment which results from the incremental impact of an action when added to other past and present actions. A cumulative effect can result from individually minor, but collectively significant, actions taking place over a period of time.

Development - Any change or improvement to land brought about by human activity including but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure valued at more than \$1,000, or any detached accessory

- structure larger than 144 square feet;
- installation of a manufactured home on a site, preparing a site for a
- 2. manufactured home, or installing a recreational vehicle on a site for more than 180 days, where permitted;
- 3. installation of utilities, erection of walls and fences, construction of roads, or similar projects;
- 4. construction of flood control structures such as levees, dikes, channel improvements, etc.;
- 5. mining, dredging, filling, grading, excavation, or drilling operations;
- 7. construction and/or reconstruction of bridges or culverts;
- 8. storage of materials; or
- 9. any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include any authorized activity with respect to a regulated drain as defined in IC 36-9-27-2, as may be amended from time to time. Neither does this definition include activities such as 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, excavating, or constructing permanent structures.

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

Flood Insurance Rate Map (FIRM) - The latest official map of a community on which special hazard areas (floodplain) and risk premium zones applicable to the community are delineated.

Flood Proof - Any combination of measures taken on a new or existing structure for reducing or eliminating flood damage.

Flood Protection Grade (FPG) - The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area.

Floodplain - The channel proper and areas adjoining any wetlands, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe. For the purposes of this article, the floodplain is only that area covered by a "Regulatory Flood."

Floodway - The channel of a watercourse and those portions of the floodplain adjoining the channel that are required to carry and discharge flood water or flood flows of any river or stream including, but not limited to, flood flows associated with the regulatory flood.

Floodway Fringe - That area outside of the floodway within the area of the regulatory flood that is inundated from flood flows of varying depths.

Historic Structure - Any structure that is:

1. listed individually on the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the United States Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily designated as a registered historic district;
3. individually listed on the Register of Indiana Historic Sites and Historic Structures; or
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) by an approved state program as determined by the Secretary of Interior; or
 - (b) directly by the Secretary of the Interior in states without approved programs.

Irreversible - The adverse effect of actions which cannot be restored or mitigated within 60 days for herbaceous plants or 180 days for woody vegetation.

Letter of Map Amendment (LOMA) - An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area. A Letter Of Map Amendment is only issued by the Federal Emergency Management Agency.

Letter of Map Revision (LOMR) - An official revision to the currently effective Federal Emergency Management Agency map. It is issued by the Federal Emergency Management Agency and changes flood zones, delineations, and elevations.

Lowest Floor - The lowest of the following:

1. the top of the basement floor;
2. the top of the garage floor, if the garage is the lowest level of the structure;
3. the top of the first floor of a building elevated on pilings or constructed on a crawl space with permanent openings; or
the top of the floor level of an enclosure below an elevated building
4. where the walls of the enclosure provide any resistance to the flow of flood waters, unless as otherwise provided by these regulations.

Manufactured Home - 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, Existing - 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 this ordinance.

Manufactured Home Park or Subdivision, Expansion - The preparation of additional sites by construction of facilities for servicing lots on which manufactured homes are to be affixed (including installation of utilities, construction of streets, and either final site grading or pouring of concrete pads).

Manufactured Home Park or Subdivision, New - A manufactured home park or subdivision for which construction of facilities for servicing lots on which manufactured homes are to be affixed (including at a minimum, installation of utilities, construction of streets, and either final site grading or pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

Market Value - The most probable price for which the appraised property (in this case just the structure in question) will sell in a competitive market under all conditions necessary to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest and assuming that neither is under duress.

New Construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the initial Flood Insurance Rate Map including any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of these floodplain management regulations, including any subsequent improvements to such structures.

Recreational Vehicle - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projections,

designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

Regulatory Flood - A flood having a one percent probability of being equalled or exceeded in any given year, as calculated by a method and procedure approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. A regulatory flood is also known by the terms base flood and 100-year flood.

Special Flood Hazard Area (SFHA) - Those lands within the jurisdiction of Allen County that are subject to inundation by the regulatory flood. The Special Flood Hazard Areas of Allen County are generally identified as such on the current Flood Insurance Rate Maps of Allen County prepared by the Federal Emergency Management Agency dated August 3, 2009 and any future revisions thereto.

[Amended by [Ordinance No. 619-09](#), adopted 6/10/2009.]

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{ *view archive* }

Significant - Any action which would increase the height of a regulatory flood by 0.1 feet.

Start of Construction - The date a building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 60 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond excavation or filling; or placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other actual part of a building, whether or not that alteration effects the external dimensions of the building.

Structure - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. For the purposes of this article, the term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days where allowable by this ordinance.

Substantial Damage - 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 - 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 which have incurred substantial damage, regardless of the actual repair work performed. A structure may attain substantial improvement cumulatively over time. The term does not, however, include:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Violation - 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.

[Addition by [Ordinance No. 619-09](#), adopted 6/10/2009.]

Watershed - An area which drains to a single point. In a natural basin, this is the area contributing flow to a given place or stream.

Zone A - Shaded areas on the Flood Insurance Rate Map where no base flood elevation has been determined.

Zone AE - Shaded areas on the Flood Insurance Rate Map where base flood elevations have been determined.

Zone AH - Shaded areas on the Flood Insurance Rate Map depicting flood depths of one to three feet (usually areas of ponding) and where base flood elevations have been determined.

Zone AO - Shaded areas on the Flood Insurance Rate Map depicting flood depths of one to three feet (usually sheet flow on sloping terrain) where average depths have been determined. For areas of alluvial fan flooding, velocities have also been determined.

Zoning Administrator - The person appointed by the Allen County Plan Commission to enforce and administer the provisions of this zoning ordinance.

Zoning District - Portions of the territory within the jurisdiction of the Allen County Plan Commission shown on the zoning maps for Allen County to which a uniform set of regulations apply. These regulations prohibit and permit certain land uses per district, while also prescribing certain yard, height, and other dimensional requirements.

3-18-3 CHAPTER 3 - PERMITTED USES IN THE FLOODPLAIN

FLOODWAY - The purpose of this section is to guide development away from areas identified as floodway. The floodway, as identified, is not to be considered a zoning district. The floodway is identified as such by the Federal Emergency

3-18-3-1 Management Agency on the most current edition of the Allen County and Incorporated Areas Flood Insurance Study and Flood Insurance Rate Maps. These maps and any subsequent revisions thereto are adopted by reference and declared to be part of this section.

Permitted Uses. The following uses shall be permitted by right a. (exclusive of enclosed structures) if permitted by the zoning district in which the property is located.

1. Agricultural uses.

2. Wildlife areas, nature preserves, forests, and wetlands.

Parks and recreational uses, such as golf courses, driving ranges, and play areas, provided no structures or fill will be located within the floodway.

4. Public Utilities.

5. Public transportation facilities such as roads, streets and bridges, which are located on public rights of way.

6. Public works projects for flood control improvements such as levees, floodwalls, and dams.

b. Prohibited Uses.

1. All encroachments, including structures and fill, except the fill needed for public transportation facilities and public works projects for flood control improvements.

3-18-3-2 FLOODWAY FRINGE - The purpose of this section is to control and minimize development in areas subject to potential flooding, but outside an identified floodway. The floodway fringe, as identified, is not to be considered a zoning district. The floodway fringe is that area identified by the Federal Emergency Management Agency on the most current edition of the Allen County and Incorporated Areas Flood Insurance Study and Flood Insurance Rate Maps as outside the floodway, but subject to inundation by the regulatory flood. These

maps and any subsequent revisions thereto are adopted by reference and declared to be part of this section.

a. Permitted Uses.

1. All uses permitted in the floodway.
All structures permitted within the applicable zoning district,
2. meeting all damage protection and building protection standards of this article.
Accessory uses permitted within the applicable zoning
3. district, meeting all damage prevention and building protection standards of this article.

b. Prohibited Uses.

1. Fill placed for any reason other than for public and transportation facilities, utilities, flood control improvements, or approved structures as permitted in section 3-18-3-2.

3-18-3-3 NONCONFORMING USES. Any building, structure, or use that does not conform to this chapter is a nonconforming use. This use

or structure may undergo substantial improvement on a one-time-only basis, whether cumulatively, or as a single act, provided it is not in the floodway, and that the new construction conforms to the flood proofing provisions and lowest floor elevations required by this article.

3-18-4

CHAPTER 4 - ADMINISTRATION

DUTIES OF THE ZONING ADMINISTRATOR. The Zoning Administrator shall ensure compliance with all provisions of this article. In doing so, the Zoning Administrator shall perform the following duties.

3-18-4-1

a. Obtain the "as built" elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved structures in the floodplain, including allowed fill and required excavation.

b. Obtain, for all structures that have been flood-proofed (whether or not such structures include a basement), the elevation (in relation to mean sea level) to which the structure was flood-proofed.

c. Maintain a record of all such information.

d. Ensure that all new development proposals requiring review under the terms of this article are reviewed by persons with the necessary technical expertise to correctly apply the requirements of this chapter.

e. Require any reports or technical data that are necessary to ensure compliance.

f. Place conditions on any Improvement Location Permit to ensure compliance with the intent, purpose, and regulations of this article, or any similar regulation set forth by a state or federal agency.

3-18-4-2 IMPROVEMENT LOCATION PERMIT. No construction or development which requires an Improvement Location Permit according to the terms of this ordinance shall commence within a floodplain without first obtaining an Improvement Location Permit. The Zoning Administrator shall not issue an Improvement

Location Permit if the proposed use, structure, or development does not meet the requirements of this article.

- Upon receipt of an Improvement Location Permit application, the Zoning Administrator shall determine if the site is located
- a. within an identified floodway, or floodplain, where the limits of the floodway have not yet been determined.

- If the site is within an identified floodway, the Zoning Administrator shall inform the applicant that the permit
1. cannot be issued pursuant to section 3-18-3-1. Any use in the floodway allowed by this article, but not requiring an Improvement Location Permit, must comply with the provisions of IC 13-2-22.

- If the site is located in an identified floodway fringe, the
2. Zoning Administrator may issue an Improvement Location Permit provided there is compliance with chapter 6 of this article.

- If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Zoning Administrator shall require the applicant to forward plans and specifications to the Indiana Department of Natural Resources, requesting a letter of recommendation. If this review indicates the site is in the floodway, the Zoning
3. Administrator shall not issue an

Improvement Location Permit. If it is in the floodway fringe, the Improvement Location Permit may be issued in accordance with chapter 6 of this article.

4. If the site falls within an area designated as Zone A on the Flood Insurance Rate Map and the upstream drainage area is less than one square mile, an engineering study of the site

shall be completed by the applicant and submitted to the Zoning Administrator. A determination shall then be made by the Zoning Administrator, with advice from the Allen County Surveyor's Office, as to whether the site is in the floodway or floodway fringe. No permit may be issued by the Zoning Administrator if the site is determined to be within the floodway. If the site is within the floodway fringe, the Improvement Location Permit may be issued in accordance with chapter 6 of this article.

- In addition to complying with the requirements of this ordinance, an application for an Improvement Location Permit
- b. proposing construction or improvements within a floodway fringe shall further include all the following:
1. a plan showing the location of existing and proposed structures, and existing and proposed land grades, on the site; the proposed elevation of the top of the lowest floor (including basement) of all proposed development. Elevation
 2. should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case, the conversion formula should be included; a plan showing the location of existing and proposed
 3. structures in relation to any stream, drain, ditch or waterway; and
 - any additional information which may be necessary to
 4. determine the disposition of a proposed development or structure with respect to the requirements of this chapter.

CERTIFICATE OF OCCUPANCY. No certificate of occupancy shall be issued by the Zoning Administrator unless it has been confirmed the structure has been built in compliance with the

3-18-4-3 terms of this article. The Zoning Administrator may require the applicant to submit any information which may be needed to ensure compliance.

3-18-5 CHAPTER 5 - STANDARD OF PROTECTION

3-18-5-1 REGULATORY FLOOD ELEVATION. This article'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 a 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.

- The regulatory flood elevation for the floodplain of all studied watercourses shall be as delineated on the flood profiles in the current Flood Insurance Study of Allen County and
- a. Incorporated Areas prepared by the Federal Emergency Management Agency dated 3 August 2009 and any future revisions thereto.

[Amended by [Ordinance No. 619-09](#), adopted 6/10/2009.]

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{ *view archive* }

- The regulatory flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth)
- b. delineated on the Flood Insurance Rate Map for Allen County and Incorporated Areas.

- The regulatory flood elevation for each floodplain delineated as an "A Zone" on the Flood Insurance Rate Map for Allen
- c. County and Incorporated Areas shall be determined according to the best data available as provided by the Department of Natural Resources.

- If the floodplain is delineated as "AH Zone" or "AO Zone," the elevation (or depth) will be delineated as "Zone A" on the Allen County and Incorporated Areas Flood Insurance Rate Map. If the floodplain is delineated as "Zone A" on the Flood Insurance
- d. Rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Indiana Department of Natural Resources.

PREVENTING INCREASED DAMAGES. No development shall be allowed in the floodplain which has a significant and irreversible effect, nor shall it create a damaging or potentially damaging increase in flood heights or velocity, or threat to public health and safety.

3-18-6-1 Within the floodway identified on the Flood Insurance Rate Map, the following standards shall apply:

1. no development shall be allowed which acting alone or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood; and for all projects involving channel modifications or fill (including levees) the community shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood data.

b. Within the floodway fringe identified on the Flood Insurance Rate Map, the following standards shall apply:

1. structures shall be constructed as far from the floodway as possible, assuring all applicable building setback and separation requirements are maintained, unless it is demonstrated that an alternative location would have less of an impact on the floodplain due to a decreased need for fill and/or excavation;
2. the total cumulative effect of the proposed development, when combined with all other existing development, shall not increase the regulatory flood elevation nor increase real or potential flood damages;
3. fill material taken from within the floodplain shall offset the fill needed for an approved building project so the water storage capacity of the floodplain is not diminished; excavation of the fill shall take place in the same immediate watershed in which the building site is located; an excavated area within the floodplain shall provide for true storage of flood water but shall not be subject to ponding when not inundated by flood water; the fill shall not obstruct a drainage way leading to the floodplain;

- fill material taken from outside of but adjacent to the floodplain shall be excavated so the finished elevation of the excavation site is below the elevation of the regulatory flood; the capacity of an area excavated in such a manner shall offset the fill needed for an approved building project so the
4. water storage capacity of the floodplain is not diminished; excavation of the fill shall take place in the same immediate watershed in which the building site is located; the fill shall not obstruct a drainageway leading to the floodplain; the excavated area shall not be refilled; fill shall be of a material deemed stable enough to remain firm and in place during periods of flooding; runoff and
 5. drainage protection shall be provided to adjacent property owners; and plans depicting the areas to be excavated and filled according to (3) and/or (4) above shall be submitted by the applicant prior to the

6. actual start of construction; once site work is complete, but prior to the actual start of construction, the applicant shall provide to the Zoning Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

- Within the floodplain as identified on the Flood Insurance Rate
- c. Maps, the following public health standards shall apply to protect the community from nuisances and hazards:
 1. no development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection grade, unless such materials are stored in a storage tank or flood-proofed building

constructed according to the requirements of section 3-18-6-3; and

2. new and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the flood protection grade are watertight.

3-18-6-2 STRUCTURES AFFECTED BY BUILDING PROTECTION STANDARDS. In addition to damage prevention requirements of chapter 6, all buildings to be located in the floodplain shall be protected from flood damage below the flood protection grade. These building protection standards apply to the following situations:

- Construction or placement of any new structure, except for floodway fringe development such as fences, open decks, open porches and accessory structures up to 144 square feet, in-
- a. ground swimming pools, and signs, provided the development is constructed and/or located to avoid major flood damage and minimize obstructions to the flow of floodwater, and firmly anchored to prevent flotation.

[Amended by [Ordinance No. 619-09](#), adopted 6/10/2009.]

+/-

{ *view archive* }

- b. structural alterations made to an existing building that constitute substantial improvement;
reconstruction or repairs made to a building that experienced substantial damage. Any structure receiving substantial damage
- c. immediately becomes subject to substantial improvement and must comply with all applicable requirements of this article, regardless of the level of repairs actually made to the structure.
- d. installing a manufactured home on a new site or a new manufactured home on an existing site. This 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,

- e. installing a travel trailer or recreational vehicle on a site for more than 180 days, where allowed by this ordinance.

BUILDING PROTECTION METHODS. Building protection may be accomplished by one of the following methods. The

3-18-6-3 Zoning Administrator shall maintain a record of compliance with these building protection standards as required in section 3-18-4-1.

- a. A structure may be constructed on a site within the floodway fringe which is specifically and permanently filled for the structure only, provided the fill was not placed in a floodway, in accordance with the following:

- 1. The fill shall be placed in layers no greater than one foot deep before compacting to 95 percent of the maximum density obtainable with the Standard Proctor or Modified Proctor test method;

[Amended by [Ordinance No. 619-09](#), adopted 6/10/2009.]

+/-

{ view archive }

- 2. the fill shall extend at least ten feet beyond the foundation of the building before sloping below the flood protection grade;
 - 3. the fill shall be protected against erosion and scour during flooding by vegetative cover, rip rap, bulkheading, or other acceptable method. If vegetative cover is used, the slopes shall be no steeper than 3 to 1 (horizontal to vertical);
 - 4. the fill shall not adversely affect the flow of surface drainage from or onto neighboring properties or receiving waterways; and
 - 5. the lowest floor shall be at or above the flood protection grade.
- b. A structure may be elevated in accordance with the following:

The building or improvements shall be elevated on posts,

1. piers, columns, extended walls, or other types of similar foundation provided:

walls of any enclosure below the elevated door shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood

A.

waters by providing a minimum of two openings (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one foot above the enclosed area's floor; and

any enclosure below the elevated floor is not used for

- B. additional occupied floor space by the permitted use, excluding building access.

2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known natural forces such as current, waves, ice, and floating debris.

3. All areas below the flood protection grade shall be constructed of materials resistant to flood damage. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection grade. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection grade.

- c. 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 anchoring requirements.

- The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the flood protection grade and securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all
1. manufactured homes to be placed on a site;

- A. outside a manufactured home park or subdivision;
- B. in a new manufactured home park or subdivision;
- C. in an expansion to an existing manufactured home park or subdivision; or
- in an existing manufactured home park or subdivision on
- D. which a manufactured home has incurred substantial damage as a result of a flood.

- The manufactured home shall be elevated so that the lowest floor of the home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely attached to an adequately
2. 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.

d. Recreational vehicles placed on a site shall either:

1. be on the site for less than 180 consecutive days;
be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site
2. only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
3. meet the requirements for manufactured homes in section 3-18-6-3(c).

A non-residential building may be flood-proofed to the flood protection grade (in lieu of elevating) if done in accordance with the following.

e.

1. A registered professional engineer shall certify that the portions of the structure and attendant utility facilities

located below the flood protection grade have been designed to be watertight and capable of resisting the effects of the regulatory flood. The Building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

Flood proofing measures shall be operable without human
2. intervention and without an outside source of electricity.

3-18-7 CHAPTER 7 - SUBDIVISION AND DEVELOPMENT PLAN REQUIREMENTS

3-18-7-1 DEVELOPING IN FLOODPLAIN AREAS. The Plan Commission shall review all proposed subdivisions and development plans to determine whether any or all of the proposed development lies in a floodplain. If the Plan Commission finds the subdivision or development plan, or portion thereof, to be located in an "A Zone" without regulatory flood elevations determined, the developer shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. If the site is shown to contain areas within the floodway, those portions within the floodway will be subject to the permitted use requirements of this article. The Plan Commission shall require appropriate changes and modifications to be made to the plat, development plan, and subsequent development, in order to assure that:

- a. no structures or fill are to be located in the floodway;
- b. development activities are consistent with the need to reduce flood damages;
all public utilities and facilities, such as sewer, gas, electrical,
- c. and water systems are located and constructed to minimize or eliminate flood damage; and
- d. adequate drainage is provided so as to reduce exposure to flood hazards.

3-18-7-2 FLOOD ELEVATIONS. Developers shall show the regulatory flood elevation on all development plans and subdivision plats containing lands identified as within a floodplain of a regulatory

flood prior to submitting the drawings for approval by the Plan Commission.

3-18-7-3 MANUFACTURED HOUSING DEVELOPMENTS. All owners of manufactured home parks or subdivisions located within a floodplain identified as "Zone A" on the Flood Insurance Rate Map must develop an evacuation plan for those lots which are located in "Zone A." The plan must be approved by, and filed with, the Allen County Office of Emergency Preparedness. A copy of the plan shall also be filed with the Plan Commission.

3-18-8 CHAPTER 8 - VARIANCES

3-18-8-1 BOARD OF ZONING APPEALS. The Board of Zoning Appeals may issue a variance from the technical provisions of this article (as opposed to the permitted use provisions) provided the applicant demonstrates that:

- a. there exists a good and sufficient cause for the requested variance;
- b. the strict application of the terms of this article will constitute an exceptional hardship to the applicant; and
- c. the granting of the requested variance will not create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

3-18-8-2 GRANT OF VARIANCE. The Board of Zoning Appeals may issue a variance from the technical provisions of this article subject to the following standards and conditions:

- a. All variance requests are subject to a public hearing upon complying with the notification requirements of IC 5-3-1.
- b. No variance shall be granted for a use or structure in the floodway which is not otherwise permitted.
- c. Variances from the Building Protection Standards of this article may be granted only when a new structure is to be located on a lot of 0.5 acres or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade. Lots larger than 0.5 acres in size may be

granted a variance providing the intent of section 3-18-1-1 and section 3-18-8-1 is met.

A variance may be granted for the reconstruction or restoration of any structure listed individually on the National Register of d. Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.

All variances shall give the minimum relief necessary and be e. such that the maximum practical flood protection will be given to the proposed construction.

Other than as provided in this section, variances will only be granted in accordance with section 3-14-1-2 of this ordinance. f. In the event of a conflict, the provisions of this section will control.

3-18-9

CHAPTER 9 - DISCLAIMER OF LIABILITY

DISCLAIMER OF LIABILITY. The degree of flood protection required by this article 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 article does not create any liability on the part of the community, the Indiana Department of Natural Resources, the State of Indiana, the Allen

3-18-9-1 County Surveyor's Office, the Allen County Plan Commission and Board of Zoning Appeals, the Allen County Zoning Hearing Officer, the Allen County Zoning Administrator, the Allen County Department of Planning Services, or the Allen County Board of Commissioners for any flood damage that results from reliance on this article or any administrative decision made lawfully thereunder.

3-18-10

CHAPTER 10 - VALIDITY AND EFFECTIVE DATE

3-18-10-1 VALIDITY. If any chapter, section, clause or portion of this article is judged to be invalid or unconstitutional, such judgement shall not effect the validity or constitutionality of the article or ordinance as a whole, or any other part thereof.

3-18-10- EFFECTIVE DATE. This article shall be in full force and effect
2 from and after 28 September 1990.

Passed this

14th day of

September , 1994, by the Town Council of the Town of

Grabill, State of Indiana, with full force and effect from this date forward.

TOWN COUNCIL OF THE

TOWN OF GRABILL, STATE OF INDIANA

M. Joanne Sauder

R. E. Miller

Jeffrey W. Gray

ATTEST:

Glenda A. Whittern
CLERK/TREASURER, GRABILL INDIANA

TOWN OF GRABILL ZONING ORDINANCE
GRABILL ORDINANCE NO.

COMES NOW, the Town Council of the Town of Grabill, Indiana, and pursuant to the authority vested in them by Indiana Code 36-7 et. seq., as amended, enact the following:

TOWN OF GRABILL ORDINANCE NO.

AMENDMENT NO. 619-09

BE IT ORDAINED by the Town Council of the Town of Grabill, Indiana, pursuant to the provisions of the IC 36-7-4, that the Floodplain Regulations contained in Chapter 17 of the Town of Grabill Zoning Ordinance, be amended by adding the following, to-wit:

[Section B](#), Definitions:

Special Flood Hazard Area (SFHA) – Those lands within the jurisdiction of Allen County that are subject to inundation by the regulatory flood. The Special Flood Hazard Areas of Allen County are generally identified as such on the current Flood Insurance Rate Maps of Allen County prepared by the Federal Emergency Management Agency dated August 3, 2009 and any future revisions thereto.

Violation – 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.

[Section E, 1-\(a\)](#), Standard of Protection be amended to read as follows, to wit:

The regulatory flood elevation for the floodplain of all studied watercourses shall be as delineated on the flood profiles in the current Flood Insurance Study of Allen County and Incorporated Areas prepared by the Federal Emergency Management Agency dated 3 August 2009 and any future revisions thereto.

Section F, 2-(a), Structures Affected by Building Protection Standards is amended to read as follows, to wit:

Construction or placement of any new structure, except for floodway fringe development such as fences, open decks, open porches and accessory structures up to 144 square feet, in-ground swimming pools, and signs, provided the development is constructed and/or located to avoid major flood damage and minimize obstructions to the flow of floodwater, and firmly anchored to prevent flotation.

Section F, 3-(a)-1 Building Protection Methods is amended to read as follows, to wit:

The fill shall be placed in layers no greater than one foot deep before compacting to 95 percent of the maximum density obtainable with the Standard Proctor or Modified Proctor test method;

All other Terms and Provisions of the Town of Grabill Zoning Ordinance shall remain unchanged.

Passed this 10 day of June , 2009, by the Town Council of the Town of Grabill, Indiana, the foregoing amendment shall be in full force and effect as of this date forward.

Town Council of the
Town of Grabill, IN

Wilmer Delagrange

Lynn Witt

Jeff Smead

ATTEST:

Cynthia Barhydt
Clerk-Treasurer

Attachments:

☐ +/- Explanatory Letter from Department of Planning Services (5/15/2009)
- Page 1

☐ +/- Explanatory Letter from Department of Planning Services (5/15/2009)
- Page 2

ORDINANCE NUMBER 103

An Ordinance Changing, Amending and Supplementing the Zoning Map Named, Identified and Referred to in Zoning Ordinance of the Town of Grabill, Indiana [Ordinance No. 99](#) by Changing Certain Symbols and Indications which Appear on said Map as to Real Estate Located on the South Side of the Leo-Grabill Road (State Street in said Town of Grabill, Indiana)

Be It Ordained by the Board of Trustees of the Town of Grabill, Indiana:

Section 1. That the symbols and indications of the Zoning Map identified and referred to in Section II B of the Zoning Ordinance of the Town of Grabill, Indiana, being [Ordinance No. 99](#) be and the same are hereby changed from those of an R-2 District

Part of the Southwest Quarter of Section 24, Township 32 North, Range 13 East, Allen County, Indiana, now situated within the corporation limits of Grabill, Indiana, being more particularly described as follows: Commencing at the Northeast corner of Lot Numbered 8, Westmead Place Addition to the Town of Grabill, Indiana, thence North on a line which is the East line of said Westmead Place Addition produced North, a distance of 59 feet for a point of beginning, thence North on said line which is the East line of said Westmead Place Addition produced North a distance of 161.5 feet, thence North-westerly and parallel to the Leo-Grabill Road a distance of 108 feet to a point on the East Line of Fairview Drive, as presently established, thence South along the East line of Fairview Drive a distance of 199.9 feet to a point 59 feet North of the Northwest corner of Lot Number 8 in said Westmead Place Addition; thence East along a line running parallel to the North Line of said Lot Number 8 a distance of 100 feet to the place of beginning.

Section 2. That all provisions, requirements, restrictions, and penalties of said Zoning Ordinance to the Town of Grabill, Indiana, shall be a part of this ordinance and this ordinance shall be a part of said Zoning Ordinance.

Section 3. That this ordinance shall be in full force and effect from and after its passage, approval and publication as approved by law.

Passed and Approved the 30 day of January , 1961.

Recorded the 30 day of January , 1961.

Presented to and Approved by me this the 30 day of January , 1961.

Russell Snyder
President of the
Board of Trustees of the Town of
Grabill, Indiana.

ATTEST:

Beverly R. Grabill
Beverly Grabill, Town Clerk-
Treasurer of the Town of
Grabill, Indiana

ORDINANCE NO. 122 FOR THE
TOWN OF GRABILL, INDIANA

Editor's Note: Section I of this ordinance should be Archived. See [Editor's Note Regarding Zoning](#). The ordinance has been converted because Section II deals with the rezoning of a specific property.

An ordinance amending the Zoning Ordinance by expressly permitting commercial warehousing and storage inside of buildings in I-1 district, changing the minimum yard dimensions for such usage, and changing the zoning map designation for certain real estate heretofore zoned R-2.

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana:

Section I. The Schedule referred to in Section VIII of the Zoning Ordinance is hereby changed as follows, to-wit:

A. In column 2 the permitted principle uses is amended to read:

"All uses permitted in B Districts, except residential uses; any manufacturing use not specifically prohibited herein; and warehousing and commercial storage inside of buildings shall be expressly permitted."

B. In column 6, 7, 3 and 9 the words "See Note I" shall be added.

C. In column 18 there shall be added the following "Note I":

"In I-1 District whenever the real estate shall be used for commercial warehousing and storage without any manufacturing activities on the premises the minimum yard dimensions for front, sides and rear shall each be 5 feet if all storage is inside.

Section II. The zoning map of the Town of Grabill, Allen County, Indiana, shall be changed so that the I-1 designation and zoning instead of R-2 zoning shall be used for the following described real estate in Allen County, Indiana, to-wit:

Beginning at a point on the West line of Henry Street in the Town of Grabill, and 12 feet North of the Northeast corner of Lot Numbered 21 in Klopfensteins Third Addition to the Town of Grabill, Allen County, Indiana, said point also being on the North line of a 12 foot alley; thence northwesterly along the North line of said 12 foot alley lying north of said Lot Numbered 21, and Lot Numbered 50 in Klopfensteins Fifth Addition to the Town of Grabill, Allen County, Indiana, a distance of 100 feet to a point 12 feet North of the Northwest corner of said lot Numbered 50; thence Northeasterly along the West line of said Lot Numbered 50 extended North, a distance of 50 feet to a point, thence Southeasterly and parallel with the aforesaid alley a distance of 100 feet to a point on the West line of Henry Street extended North; thence Southwesterly along the West line of Henry Street extended North a distance of 50 feet to the place of beginning.

Section III. This ordinance shall be effective from and after its passage, approval by the President of the Board of Trustees and publication as provided by law.

Passed and approved the 10th day of July , 1968.

Recorded the 10th day of July , 1968.

Presented to and approved by me this the 10th day of July , 1968.

Ray Miller
Ray Miller, President

ATTEST:

Alleen Kipfer
Alleen Kipfer, Town Clerk-Treasurer

ORDINANCE NO. 141 FOR THE
TOWN OF GRABILL, INDIANA

An ordinance amending the Zoning Ordinance by changing the zoning map designation for certain real estate heretofore zoned R-2 to R-4.

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana:

Section I. The zoning map of the Town of Grabill, Allen County, Indiana, shall be changed so that the R-4 designation and zoning, instead of R-2 zoning, shall be used for the following described real estate in Allen County, Indiana, to-wit:

Commencing at the Northeast corner of Lot Numbered 9 in Westmead Place Section "A", thence North 86 degrees 56 minutes West a distance of 155 feet to a point, thence North 2 degrees East a distance of 338.2 feet to a point, thence South 65 degrees 29 minutes East a distance of 166.5 feet to a point on the West right of way of Fairview Drive, thence South 2 degrees 39 minutes West along said West right of way line a distance of 277.8 feet to the point of beginning Excepting therefrom the following:

Real Estate in the Southwest 1/4 of Section 24, Township 32 North, Range 13 East, in Allen County, Indiana, within the corporate limits of Grabill, Indiana, specifically described as follows: Commencing at the Northeast corner of Lot Numbered 9 in Westmead Place Section "A"; thence North 86 degrees 56 minutes West along the North line of said Lot Numbered 9, a distance of 155 feet to a point; thence North 2 degrees East a distance of 338.2 feet to a point, said point being also the point of beginning of the real estate described herein; thence South 65 degrees 29 minutes East a distance of 166.5 feet to a point on the West right-of-way line of Fairview Drive; thence South 2 degrees 39 minutes West along said West right-of-way line a distance of 90 feet; thence North 86 degrees 56 minutes West along a line parallel to the North line of Lot Numbered 9 in Westmead Place, Section "A", a distance of 155

feet to a point; thence North 2 degrees East a distanc of 150.4 feet more or less to the point of beginning.

Section II. This ordinance shall be effective from and after its passage, approval by the President of the Board of Trustees and publication as provided by law.

Passed and approved the 19th day of November , 1971. Recorded the 19th day of November , 1971.

Presented to and approved by me this the 19th day of November , 1971.

Carlton Sauder
Carlton Sauder, President

ATTEST:

Alleen Kipfer
Alleen Kipfer, Town Clerk-Treasurer

ORDINANCE NO. 155
GRABILL, INDIANA

COMES NOW, The Town Board of Grabill, Indiana and pursuant to Section 25 of Chapter 174 of Acts of the Indiana General Assembly, 1947, as amended, enact the following:

Ordinance No. 155
Amendment No. 1

BE IT ORDAINED by the Town Board of Grabill, Indiana that: As there has been filed Petition No. 443 for Zoning Ordinance Amendment by Allen County Plan Commission and as the Allen County Plan Commission did hold a public hearing on said Petition on the 10th Day of April, 1974; and after due deliberation did recommend that the Petition be perfected to C-1A and that the perfected Petition DO PASS: We, the Town Board of Grabill, Indiana do concur with said recommendation and do approve said perfected Petition.

Signed this 8th day of May , 1974. BOARD OF TRUSTEES OF
GRABILL, INDIANA

BOARD OF TRUSTEES OF
GRABILL, INDIANA

Wilbur Secrist

Carlton Sauder

Ronald W. Shaw

Attachments:

☐ +/- Recommendation of Allen County Plan Commission (4/22/1974)

☐ +/- Petition for Re-zoning (Filed 3/20/1974)

ORDINANCE NO. 155

Editor's Note: This ordinance is Void. It was rewritten as [Ordinance No. 155](#), adopted 3/21/1983.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #155: Re-zoning - Grabill, Limited (3/9/1983)

ORDINANCE NO. 155

GRABILL, INDIANA

COMES NOW, the Board of Trustees of the Town of Grabill, Indiana, and pursuant to the authority vested in them by Indiana Code 18-7-5, as amended, enact the following:

Grabill Zoning Ordinance No. 155

Amendment No. 2 - Amended

BE IT ORDAINED by the Trustees of the Town of Grabill, Indiana, that: As there has been filed Petition No. 712, Grabill, Limited, petitioner; and as the Allen County Plan Commission did hold a public hearing on said petition on the 9th day of February, 1983; and after due deliberation and having adopted Findings of Fact for said Petition did recommend DO PASS as RSP-3 at 8.5 units per acre: We, the Trustees of the Town of Grabill, Indiana, do adopt said Findings of Fact for said Petition as the Findings of Fact for this Board and furthermore do concur with said recommendation; however, the Rezoning shall be RSP-3 at 8.6 units per acre.

Signed this 21st day of March , 1983, and in full force and effect from this date.

BOARD OF TRUSTEES OF THE TOWN
OF GRABILL, INDIANA

M. Joanne Sauder

Arthur L. Sivits

R. E. Miller

ATTEST:

Alleen Kipfer
Clerk-Treasurer

ORDINANCE NO. 301

TOWN OF GRABILL, INDIANA

COMES NOW, the Town Council of the Town of Grabill, Indiana, and pursuant to the authority vested in them by Indiana Code 367 et. seq., as amended, enacts the following ordinance:

Ordinance No. 301

Amendment No. _____

BE IT ORDAINED by the Town Council of the Town of Grabill, Indiana, that: As there has been filed Petition 1114/92, Mark Jones/Wieland Furniture, petitioner; and as the Allen County Plan Commission did hold a public hearing on said Petition on the 10th day of September, 1992; and after due deliberation and having adopted Findings of Fact for said Petition, resolved to recommend that the real estate in question be reclassified to I-2(P)/Planned General Industrial. We, the Town Council of the Town of Grabill, Indiana, adopt said Findings of Fact for said Petition as the Findings of Fact for this Board and furthermore do concur with said recommendation and do approve said Petition.

Signed this 18th day of November , 199 2 .

TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA

M. Joanne Sauder

R. E. Miller

Jeffrey W. Gray

ATTEST:

Glenda A. Whittern
Clerk Treasurer

Attachments:

☐ +/- Recommendation of Allen County Plan Commission (9/23/1992)

☐ +/- Petition for Re-zoning, Mark Jones/Wieland Furniture (Filed
7/30/1992)

ORDINANCE NO. 322

TOWN OF GRABILL, INDIANA

COMES NOW, the Town Council of the Town of Grabill, Indiana, and pursuant to the authority vested in them by Indiana Code 36-7 et. seq., as amended, enacts the following ordinance:

Ordinance No. 322

Amendment No. _____

BE IT ORDAINED by the Town Council of the Town of Grabill, Indiana, that: As there has been filed Petition 1151/94, Mendenhall-Roy Chevrolet, Incorporated, petitioner; and as the Allen County Plan Commission did hold a public hearing on said Petition on the 10th day of March, 1994; and after due deliberation and having adopted Findings of Fact for said Petition, resolved to recommend that the real estate in question be reclassified to C-3(P)/Planned General Commercial. We, the Town Council of the Town of Grabill, Indiana, adopt said Findings of Fact for said Petition as the Findings of Fact for this Board and furthermore do concur with said recommendation and do approve said Petition.

Signed this 13th day of April , 199 4 .

TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA

M. Joanne Sauder

R. E. Miller

Jeff Gray

ATTEST:

Glenda A. Whittern

Attachments:

- ☐ +/- Recommendation of Allen County Plan Commission (3/24/1994)
- ☐ +/- Petition for Re-zoning - Mendenhall-Roy Chevrolet (Filed 2/4/1994)

ORDINANCE NO. 332

TOWN OF GRABILL, INDIANA

COMES NOW, the Town Council of the Town of Grabill, Indiana, and pursuant to the authority vested in them by Indiana Code 36-7 et. seq., as amended, enacts the following ordinance:

Ordinance No. 332

Amendment No. _____

BE IT ORDAINED by the Town Council of the Town of Grabill, Indiana, that: As there has been filed Petition 1166/94, Brace Wieland, petitioner; and as the Allen County Plan Commission did hold a public hearing on said Petition on the 11th day of August, 1994; and after due deliberation and having adopted Findings of Fact for said Petition, resolved to recommend that the real estate in question be reclassified to C-1A(P)/Planned Professional and Personal Services. We, the Town Council of the Town of Grabill, Indiana, adopt said Findings of Fact for said Petition as the Findings of Fact for this Board and furthermore do concur with said recommendation and do approve said Petition.

Signed this 9th day of November , 199 4 .

TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA

M. Joanne Sauder

Jeff Gray

ATTEST:

Glenda A. Whittern

Attachments:

☐ +/- Recommendation of Allen County Plan Commission (8/25/1994)

☐ +/- Petition for Re-zoning - Brace Wieland (Filed 7/18/1994)

☐ +/- Resolution of Allen County Plan Commission (8/29/1994)

ORDINANCE NO. 339

TOWN OF GRABILL, INDIANA

COMES NOW, the Town Council of the Town of Grabill, Indiana, and pursuant to the authority vested in them by Indiana Code 36-7 et. seq., as amended, enacts the following ordinance:

Ordinance No. _____

Amendment No. _____

BE IT ORDAINED by the Town Council of the Town of Grabill, Indiana, that: As there has been filed Petition 1174/94, McClure's Management Corporation, petitioner; and as the Allen County Plan Commission did hold a public hearing on said Petition on the 16th day of December, 1994; and after due deliberation and having adopted Findings of Fact for said Petition, resolved to recommend that the real estate in question be reclassified to C-1(P)/Planned Limited Commercial. We, the Town Council of the Town of Grabill, Indiana, adopt said Findings of Fact for said Petition as the Findings of Fact for this Board and furthermore do concur with said recommendation and do approve said Petition.

Signed this 11 day of January , 199 5 .

TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA

M. Joanne Sauder

R. E. Miller

Jeff Gray

ATTEST:

Glenda A. Whittern

COMES NOW the Town Council of the Town of Grabill, Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

Ordinance No. 390
Amendment No. _____

BE IT ORDAINED by the Town Council of the Town of Grabill, Indiana, that:

Whereas petitioner, Romary Associates, Incorporated, filed Petition 1369/99 with the Allen County Department of Planning Services; and Whereas the Allen County Plan Commission held a public hearing on this Petition on the 12,1, day of August, 1999; and Whereas, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the real estate referenced in the Petition be reclassified C-1A(P)/Planned Professional and Personal Services; now, therefore We, the members of the Town Council of the Town of Grabill, Indiana, adopt those Findings of Fact for this Petition as the Findings of Fact for this Council and concur with the Plan Commission's recommendation and approve this Petition;

This 15th day of September , 1999.

**TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA**

M. Joanne Sauder

Wilmer Delagrange

Gregory Smitley

Attest:

Glenda A. Whittern

Attachments:

☐ +/- Recommendation of Allen County Plan Commission (8/19/1999) -
Page 1

☐ +/- Recommendation of Allen County Plan Commission (8/19/1999) -
Page 2

☐ +/- Petition for Re-zoning - Romary Associates (Filed 7/6/1999)

COMES NOW the Town Council of the Town of Grabill, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

Ordinance No. 397
Amendment No. 398

WHEREAS petitioner Resource Properties filed Petition 1390/00 with the Allen County Department of Planning Services; and, **WHEREAS** the Allen County Plan Commission held a public hearing on this Petition on the 10th day of February 2000; and,

WHEREAS, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the 11.0 acres of real estate referenced in the Petition be reclassified RSP-3/Planned Multiple Family at a density of 3.4 units per acre, 9.6 acres to C2A/Planned Neighborhood Shopping Center, and 1.7 acres to C-1(P)/Planned Limited Commercial; now, therefore, **BE IT ORDAINED** by the Town Council of the Town of Grabill, State of Indiana, that the Council concurs with the Plan Commission's recommendation and approves this Petition; **BE IT FURTHER ORDAINED** that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Council; **ENACTED THIS** 12th day of April , 2000.

**THE TOWN COUNCIL OF THE TOWN OF
GRABILL, STATE OF INDIANA**

M. Joanne Sauder

Gregory Smitley

Wilmer Delagrangue

Attest:

Glenda A. Whittern

Attachments:

- ☐ +/- Recommendation of Allen County Plan Commission (partial)
- ☐ +/- Petition for Re-zoning - Resource Properties (Filed 1/10/2000)
- ☐ +/- Petition for Re-zoning - Resource Properties (Revised)

COMES NOW the Town Council of the Town of Grabill, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

**Ordinance No. 439
Amendment No. 1**

WHEREAS petitioner Town of Grabill filed Petition 1505/04 with the Allen County Department of Planning Services; and, **WHEREAS** the Allen County Plan Commission held a public hearing on this Petition on the 22nd day of January, 2004; and, **WHEREAS**, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the 27.7 acres of real estate referenced in the Petition be reclassified I-2/General Industrial; now, therefore, **BE IT ORDAINED** by the Town Council of the Town of Grabill, State of Indiana, that the Council concurs with the Plan Commission's recommendation and approves this Petition; **BE IT FURTHER ORDAINED** that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Council; **ENACTED THIS** 10th day of March , 2004.

**THE TOWN COUNCIL OF THE TOWN OF
GRABILL, STATE OF INDIANA**

Wilmer Delagrange

Greg Liechty

Attest:

Glenda A. Whittern

COMES NOW the Town Council of the Town of Grabill, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts-the following ordinance.

Ordinance No. 440
Amendment No. _____

WHEREAS petitioner B & L Partnership filed Petition 1513/04 with the Allen County Department of Planning Services; and, **WHEREAS** the Allen County Plan Commission held a public hearing on this Petition on the 8th day of April 2004; and, **WHEREAS**, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the 8.319 acres of real estate referenced in the Petition be reclassified RSP-2/Planned Two-Family Residential at a density of 3.64 units per acre; now, therefore, **BE IT ORDAINED** by the Town Council of the Town of Grabill, State of Indiana, that the Council concurs with the Plan Commission's recommendation and approves this Petition; **BE IT FURTHER ORDAINED** that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Council; **ENACTED THIS** 28th day of April , 2004.

**THE TOWN COUNCIL OF THE TOWN OF
GRABILL, STATE OF INDIANA**

Wilmer Delagrange

Candace DeCamp

Greg Liechty

Attest:

Glenda A. Whittern

COMES NOW the Town Council of the To of Grabill, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

Ordinance No. 612-09
Amendment No. _____

WHEREAS petitioner Martin Schmucker filed Petition 1614/09 with the Allen County Department of Planning Services; and,

WHEREAS the Allen County Plan Commission held a public hearing on this Petition on the 12th day of March, 2009; and,

WHEREAS, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the .76 acres of real estate referenced in the Petition be reclassified C 1(P) Planned Limited Commercial; now, therefore, **BE IT ORDAINED** by the Town Council of the Town of Grabill, State of Indiana, that the Council concurs with the Plan Commission's recommendation and approves this Petition; **BE IT FURTHER ORDAINED** that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Council; **ENACTED THIS** 10 day of June , 2009.

**THE TOWN COUNCIL OF THE TOWN OF
GRABILL, STATE OF INDIANA**

Wilmer Delagrange

Jeffrey D. Smead

Lynn Witt

Attest:

Cynthia Barhydt
Clerk-Treasurer

Attachments:

☐ +/- Allen County Planning Commission - Findings of Fact (3/19/2009) -
Page 1

☐ +/- Allen County Planning Commission - Findings of Fact (3/19/2009) -
Page 2

☐ +/- Petition for Re-zoning - Martin Schmucker (2/4/2009)

☐ +/- Letter from Grabill Town Council in Favor of Re-zoning (5/13/2009)

☐ +/- "Attachment A" - Property Description

☐ +/- Map Outlining "Grabill Sales"

☐ +/- Letter from Department of Planning Services (5/8/2009)

☐ +/- Allen County Planning Commission Resolution (4/6/2009)

☐ +/- Allen County Plan Commission Business Session Minutes (3/19/2009)
- Page 1

☐ +/- Allen County Plan Commission Business Session Minutes (3/19/2009)
- Page 2

☐ +/- Allen County Plan Commission Business Session Minutes (3/19/2009)
- Page 3

☐ +/- Allen County Plan Commission Business Session Minutes (3/19/2009)
- Page 4

COMES NOW the Town Council of the Town of Grabill, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

Ordinance No. 656-2016

Amendment No. _____

WHEREAS petitioner Financial Partners Federal Credit Union filed Petition REZ 2016-0004 with the Allen County Department of Planning Services; and, **WHEREAS** the Allen County Plan Commission held a public hearing on this Petition on the 17th day of March, 2016; and, **WHEREAS**, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the .95 acres of real estate referenced in the Petition be reclassified C-1A(P)/Planned Professional Offices and Personal Services; now, therefore, **BE IT ORDAINED** by the Town Council of the Town of Grabill, State of Indiana, that the Council concurs with the Plan Commission's recommendation and approves this Petition; **BE IT FURTHER ORDAINED** that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Council; **ENACTED THIS** 13 day of April , 2016.

**THE TOWN COUNCIL OF THE TOWN OF
GRABILL, STATE OF INDIANA**

Wilmer Delagrange

Jeff Smead

Candace DeCamp

Attest:

Cynthia Barhydt

ALLEN COUNTY PLAN COMMISSION - FINDINGS OF FACT

Rezoning Petition REZ-2016-0004

APPLICANT:	Financial Partners Federal Credit Union
REQUEST:	To rezone property from Al/Agricultural to C-1A(P)/Planned Professional Offices and Personal Services; and approve a primary development plan for a new approximately 2,600 square foot facility for Financial Partners Federal Credit Union.
LOCATION:	The property is located at the southeast corner of the intersection of Witmer Road/2 nd Street and Country Shoal Lane (Section 25 of Cedar Creek Township).
LAND AREA:	Approximately .95 acres
PRESENT ZONING:	Al/Agricultural
PROPOSED ZONING:	C-1A(P)/Planned Professional Offices and Personal Services
PROPOSED SEWER:	Town of Grabill
PROPOSED WATER:	Town of Grabill

The proposed rezoning is compatible with surrounding land uses because:

properties to the north have been rezoned for commercial uses. The properties to the north are a dentist office and the credit union which wishes to relocate and expand. This property has been undeveloped but sits at the city limits line of the town. The professional office zoning should provide a compatible land use for adjacent properties.

Conditions have changed in the area since the original zoning was established because:

conditions have changed significantly in the area with the development of the dentist office and credit union to the north of this site. The area has seen commercial land uses as a gateway to Grabill along the Witmer Road corridor. Additionally the properties west have seen community uses in the past associated with the Grabill Country Fair.

Community facilities are available to support the proposed development because:

public roads, water and sewer services, and community facilities are available or will be made available to this property.

The proposed rezoning will establish a desirable precedent in the area because:

the precedent for commercial zoning has been established with the C-1A(P) zoning north of this development. The site is proposed as a credit union, which typically utilizes daytime hours. Review by the Plan Commission will create a development with aesthetically pleasing landscaping and lighting.

The proposed rezoning is consistent with the land use policies contained in the Comprehensive Plan because:

it does fulfill the following policies of the comprehensive plan:

- Encourage carefully planned growth by utilizing the conceptual LU1. development map as part of the community's land use decision-making process;
- Use land resources more efficiently by encouraging new LU2. development within the conceptual development map growth area which are adjacent to existing development;
- Use land resources efficiently by encouraging new Development, LU3. revitalization and redevelopment in areas already served by infrastructure;
- Encourage sustainable growth and quality development, LU5. revitalization and redevelopment by increasing and enhancing connectivity;
- Encourage carefully planned sustainable growth and coordinated LU6. development by encouraging mixed land uses;
- LU8. Use land resources efficiently by encouraging compact development alternatives in infill areas where utilities and other infrastructure

currently exist.

These findings approved by the Allen County Plan Commission on March 17, 2016.

Kimberly R. Bowman
Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

☐ +/- #656-2016: Rezoning (re: 13330 Witmer Road) (4/13/2016) -
Application

COMES NOW the Town Council of the Town of Grabill, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

Ordinance No. 670-2017
Amendment No. _____

WHEREAS petitioner Financial Partners Federal Credit Union filed Petition REZ 2017-0044 with the Allen County Department of Planning Services; and,

WHEREAS the Allen County Plan Commission held a public hearing on this Petition on the 12th day of October, 2017; and,

WHEREAS, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the 4.932 acres of real estate referenced in the Petition be reclassified I2/General Industrial; now, therefore,

BE IT ORDAINED by the Town Council of the Town of Grabill, State of Indiana, that the Council concurs with the Plan Commission's recommendation and approves this Petition;

BE IT FURTHER ORDAINED that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Council;

ENACTED THIS 19th day of October, 2016.

**THE TOWN COUNCIL OF THE TOWN OF
GRABILL, STATE OF INDIANA**

Wilmer Delagrang

Jeff Smead

Claude E. Schrock

Attest:

Cynthia Barhydt

REZONING FACT SHEET

Petition #REZ-2017-0044 Project Start: October 2017

APPLICANT:	Mark Sauder
REQUEST:	To rezone property from A-1/Agricultural to I-2/General Industrial to permit future industrial uses.
LOCATION:	The site is located on the north side of the 14000 to 14200 blocks of Grabill Road and on the west side of the 13500 block of Roth Road, but does not include the property at 14227 Grabill Road (Section 24 of Cedar Creek Township).
LAND AREA:	Approximately 5 acres
PRESENT ZONING:	A-1/Agricultural
PROPOSED ZONING:	I-2/General Industrial
PROPOSED WATER:	Town of Grabill
PROPOSED SEWER:	Town of Grabill

12 October 2017 Public Hearing

- ◇ No one spoke at the hearing in support or opposition.

19 October 2017 Business Meeting

Plan Commission Recommendation: Do Pass

- ◇ A motion was made by John Henry and seconded by Renee Fishing to return the ordinance to the Grabill Town Board for their final decision.

- ◇ **9-0 MOTION PASSED**

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
27 October 2017

Reviewed By:
Kim Bowman
Kimberly R. Bowman,
Executive Director

PROJECT SUMMARY

The applicant is proposing to rezone property to I-2/General Industrial to allow the site to be used for future expansion of the Sauder Feeds operations. The property is currently vacant and is farmed. The property has access to both Roth and Grabill Road for future access if it is needed. The applicant is not requesting approval of a development plan with this request. The primary reason for the rezoning is to make the property consistent in zoning with the existing operation.

Rezoning of the property would allow for expansion to the existing business without impacting existing residential developments west of Roth Road. This proposal is located within the incorporated limits of Grabill so the final zoning approval will be considered by the Town of Grabill.

PUBLIC HEARING SUMMARY:

Presenter:

Mark Sauder, property owner, presented the proposal to the Plan Commission as outlined above. Mr. Sauder owns Sauder Reality, a 4th generation business in Grabill.

Comments in Support:

None

Comments in Concern or Opposition:

None

ALLEN COUNTY PLAN COMMISSION - FINDINGS OF FACT

Rezoning Petition REZ-2017-0044

APPLICANT:

Mark Sauder

REQUEST: To rezone property from A-1/Agricultural to I-2/General Industrial to permit future industrial uses. The site is located on the north side of the 14000 to 14200 blocks of Grabill Road and on the west side of the 13500 block of Roth Road, but does not include the property at 14227 Grabill Road (Section 24 of Cedar Creek Township).

LOCATION:

LAND AREA: Approximately 5 acres

PRESENT ZONING: A-1/Agricultural

PROPOSED ZONING: I-2/General Industrial

PROPOSED WATER: Town of Grabill

PROPOSED SEWER: Town of Grabill

In preparing and considering proposals for rezoning, I.C. 36-7-4-603 states that the Plan Commission and legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

The Plan Commission recommends that Rezoning Petition REZ-2017-0044 be returned to Town of Grabill with a recommendation of “Do Pass” for the reasons stated below:

- Approval of the rezoning request will be in substantial compliance with the Allen County Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area has seen a mixture of land developments from industrial to agricultural/metes and bounds
1. residential land uses. Immediately adjacent to the north is the Sander Reality property. This proposal will provide adjacent development using existing street infrastructure, and extension of public utilities in close proximity to the site. The site is within the conceptual development boundary as described in the Comprehensive Plan.

Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. Plan review from the Plan Commission and staff will ensure a compatible development that complements the neighborhood.

2. Landscaping will be installed which meets the codes of the Ordinance. Testimony provided at the hearing stated that the applicant has no immediate interest in developing the lot but there are public infrastructure adjacent to the site with access to two public streets. Furthermore, future development plan proposal would be review in accordance with the Zoning Ordinance.

3. Approval is consistent with the preservation of property values in the area. This proposal provides for industrial zoning in concert with adjacent zonings. The proposed zoning is consistent with the adjacent industrial development.

4. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by County agencies and Town of Grapill Utilities will occur for future development of the site. Street infrastructure is available adjacent to the site.

These findings approved by the Allen County Plan Commission on October 19, 2017.

Kimberly R. Bowman
Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

☐ +/- #670-2017: Rezoning (re: Sauder Feeds) (10/19/2017) - Current Local Zoning

COMES NOW the Town Council of the Town of Grabill, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

Ordinance No. 675-2018
Amendment No. _____

WHEREAS Elmer Lengacher filed Petition REZ 2018-0017 with the Allen County Department of Planning Services; and,

WHEREAS the Allen County Plan Commission held a public hearing on this Petition on the 12th day of April 2018; and,

WHEREAS, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the .65 acres of real estate referenced in the Petition be reclassified C-3/General Commercial; now, therefore,

BE IT ORDAINED by the Town Council of the Town of Grabill, State of Indiana, that the Council concurs with the Plan Commission's recommendation and approves this Petition;

BE IT FURTHER ORDAINED that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Council;

ENACTED THIS 19th day of April, 2018.

**THE TOWN COUNCIL OF THE TOWN OF
GRABILL, STATE OF INDIANA**

Wilmer Delagrange

Claude E. Schrock

Attest:

Cynthia Barhydt

COMES NOW the Advisory Plan Commission of the County of Allen, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7-4 et.seq. and Allen County Code Title 3, both as amended, and adopts the following resolution.

**Resolution of the
Allen County Plan Commission
Regarding Zoning Map Amendment**

WHEREAS the Allen County Department of Planning Services received a proposed map amendment on March 5, 2018 which it designated subsequently as Rezoning Petition REZ 2018-0017; and,

WHEREAS the Allen County Department of Planning Services provided for publication of a public hearing notice on the proposed map amendment in *The Journal Gazette* according to law; and,

WHEREAS the Allen County Plan Commission conducted a public hearing on the proposed map amendment on April 12, 2018; and,

WHEREAS the Allen County Plan Commission considered the petition in light of comprehensive plan and the zoning ordinance requirements; now, therefore,

BE IT RESOLVED by the Allen County Plan Commission, meeting in open session, that a resolution and proposed ordinance be sent to the Town Council of the Town of Grabill, Indiana, recommending that the proposed map amendment DO PASS .65 acres to C-3/General Commercial;

BE IT FURTHER RESOLVED that the Allen County Plan Commission's Findings of Fact setting forth its reasons for this recommended action be included with the resolution and proposed ordinance resolving Rezoning Petition REZ 2018-0017; and,

BE IT FINALLY RESOLVED that the Executive Director of the Allen County Department of Planning Services be directed to execute this Resolution on behalf of the Allen County Plan Commission and to present a copy of it to the Town Council of the Town of Grabill, Indiana;

ADOPTED THIS 19th day of April, 2018.

Kim Bowman

Kimberly R. Bowman, AICP

Executive Director, ACDPS

Secretary to the Allen County Plan Commission

5-2-2018

Date of Signature

Tax Parcels: 02-03-24-377-006.000-043

WRITTEN COMMITMENT

THIS WRITTEN COMMITMENT (this “Commitment”) is made and executed this day of _____ April, 2018, by ELMER LENGACHER, (the “Declarant”).

WITNESSETH:

WHEREAS, Declarant is the fee simple owner of approximately 0.65 acres of real estate located in Grabill, Allen County, Indiana, the legal description of which is attached hereto as [Exhibit “A”](#) (herein, the “Real Estate”); and

WHEREAS, Declarant has submitted a Rezoning Application with the Allen County Plan Commission (“Plan Commission”), bearing number REZ-2018-0017 (the “Application”) with respect to the Real Estate; and

WHEREAS, pursuant to the Application, Declarant has requested the Real Estate be rezoned to C3/General Commercial pursuant to the Town of Grabill zoning ordinance (the “Ordinance”) which permits development upon the Real Estate of certain commercial uses; and

WHEREAS, Declarant, pursuant to Indiana Code 36-7-4-1015, has voluntarily submitted this Commitment.

WHEREAS, in conjunction with the Application, the Plan Commission has accepted the Declarant’s offer of this Commitment and the recordation of the same, with the Recorder of Allen County, Indiana.

NOW, THEREFORE, in consideration of the above and foregoing recitals, the Declarant hereby impresses upon the Real Estate certain restrictions and covenants which shall run with the land and be binding upon Declarant and all future owners of the Real Estate, and all lessees of all or any portion of the Real Estate.

- Permitted Uses. All specific permitted uses in a C3/General Commercial district as set forth in the Ordinance shall be permitted upon the Real

Estate, except the following:

- Auto Repair and Body Shop
- Auto Sales – New and Used
- Public Garage
- Trailer or Motor Home Sales
- Sheet Metal Shop, Welding Shop
- Bulk storage of petroleum products
- Firework Sales

- Screening. A solid board privacy fence, of no less than six feet (6') in height, shall be installed along the south property line no nearer to the right-of-way of Fairview Drive than twenty-five feet (25').

- Successors and Assigns. This Commitment and the restrictions set forth above shall inure to the benefit of all persons who own property comprising the Real Estate, their successors and assigns, and shall also inure to the benefit of the Zoning Administrator of the City of Fort Wayne and the Plan Commission. This Commitment and the restrictions and limitations set forth herein shall run with the Real Estate, and any conveyance thereof, shall be binding upon Declarant and its successors and assigns as owners of the Real Estate.

- Enforcement Rights. The Allen County Zoning Administrator (the “Zoning Administrator”) and the Plan Commission each shall have the option (but not the obligation) to enforce this Commitment, at law or in equity, in the event of a breach of an obligation in this Commitment; and in the event such an enforcement action is commenced, the Zoning Administrator or the Plan Commission (as applicable) shall have the remedies allowed by the Ordinance (or the ordinance governing the Real Estate at the time of the enforcement action) and I.C. §36-7-4-1015, which remedies shall be cumulative and not exclusive. A violation of this Commitment shall be deemed a violation of the Ordinance, or the ordinance governing the Real Estate at the time of the violation; provided, however, that nothing in this Commitment shall be construed as giving any person the right to compel enforcement of it by the Zoning Administrator or the Plan Commission, or any successor agency having zoning jurisdiction over the Real Estate.

Amendment or Termination. This Commitment may be amended or terminated upon application by an owner of the Real Estate and only with

- the prior written consent of all owners of the Real Estate and the Plan Commission, following a public hearing to consider said amendment or termination.

Remedies. In addition to any remedies that may be available at law, temporary, preliminary and permanent injunctive relief may be granted to enforce any provision of this Commitment, without the necessity of proof of actual damage, in the event of an actual breach or violation, or

- threatened breach or violation, of any restriction or covenant under this Commitment. Such remedies shall be cumulative and nonexclusive, and shall be afforded to any owner of property which comprises all or a portion of the Real Estate, the Zoning Administrator of Allen County and the Plan Commission.

Permits. No permits shall be issued, under the Ordinance by the Zoning Administrator until this Commitment is recorded with the Allen County Recorder. The Decalrant shall deliver to the Zoning Administrator and the Plan Commission an executed and recorded copy of this Commitment.

-

Severability. Each covenant or restriction contained in any viraymph of this Commitment shall be severable and separate, and if any court shall rule that any particular restriction or covenant is unenforceable, such

- ruling shall not affect the enforceability of any other restriction or covenant under this Commitment, and such other restriction or covenant shall be enforced.

Governing Law. This Commitment, including the restrictions and

- covenants hereunder, shall he governed by the laws of the State of Indiana.

Effective Date. This Commitment shall be effective upon its recording in the Office of the Recorder of Allen County, Indiana.

-

Statutory Authority. This Commitment is made pursuant to I.C. §36-7-4-1015(a)(1).

-

IN WITNESS WHEREOF, the Declarant hereby agrees to all of the restrictions and covenants of this Commitment as set forth above.

☐ +/- #675-2018: Rezoning (re: 13600 to 13700 Fairview Drive)
(4/19/2018) - Commitment Signature and Notorization, Page 1

☐ +/- #675-2018: Rezoning (re: 13600 to 13700 Fairview Drive)
(4/19/2018) - Commitment Signature and Notorization, Page 2

This instrument prepared by: Michelle Wood

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. *Michelle Wood*

Return to:

DPS Box

EXHIBIT A

ALLEN COUNTY PLAN COMMISSION - FINDINGS OF FACT

APPLICANT:	Rezoning Petition REZ-2018-0017 Elmer Lengacher
REQUEST:	To rezone property from C-1A/Professional and Personal Services to C-3/General Commercial to

allow for retail uses.

LOCATION: The site lies on the west side of the 13600 to 13700 blocks of Fairview Drive, just to the south of Sportsman's Cove (Section 24 of Cedar Creek Township).

LAND AREA: Approximately .7 acres

PRESENT ZONING: C-1A/Professional and Personal Services

PROPOSED ZONING: C-3/General Commercial

PROPOSED WATER: Town of Grabill

PROPOSED SEWER: Town of Grabill

In preparing and considering proposals for rezoning, I.C. 36-7-4-603 states that the Plan Commission and legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

The Plan Coinmission recommends that Rezoning Petition REZ-2018-0017 with an approved Written Commitment be returned to the Grabill Town Council with a recommendation of "Do Pass" for the reasons stated below:

- Approval of the rezoning request will be in substantial compliance with the Allen County Comprehensive Plan, and should not establish an undesirable precedent in the area. The general area has a mixture of land uses from commercial to single family residential land uses. Commercial
1. businesses in the same zoning district exist to the west, north, and east.. This proposal will provide reinvestment into an underutilized parcel, while limiting undesirable uses through a written commitment. No additional infrastructure is needed to serve the site.

Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. Plan review from the Plan Commission and staff will ensure a compatible development that complements the neighborhood.

Approval is consistent with the preservation of property values in the area. The proposed land use is consistent with the adjacent commercial development and portions of the property will be screened with fencing.

Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area. Review by County agencies finds that the necessary infrastructure is available to serve the site.

These findings approved by the Allen County Plan Commission on April 19, 2018.

Kimberly R. Bowman
Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

+/- #675-2018: Rezoning (re: 13600 to 13700 Fairview Drive)
(4/19/2018) - Legal Description

+/- #675-2018: Rezoning (re: 13600 to 13700 Fairview Drive)
(4/19/2018) - Map

+/- #675-2018: Rezoning (re: 13600 to 13700 Fairview Drive)
(4/19/2018) - Rezoning Petition Application

COMES NOW the Town Council of the Town of Grabill, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7 et. seq., as amended, and enacts the following ordinance.

Amended **Ordinance No.** 680-2019

Amendment No. 1

WHEREAS petitioner Henry Street Realty LLC filed Petition REZ 2018-0054 with the Allen County Department of Planning Services; and,

WHEREAS the Allen County Plan Commission held a public hearing on this Petition on the 6th day of December, 2018; and,

WHEREAS, after deliberating, the Plan Commission adopted Findings of Fact for this Petition and resolved to recommend the 0.5 acres of real estate referenced in the Petition be reclassified RS-3-Multiple Family Residential; now, therefore,

BE IT ORDAINED by the Town Council of the Town of Grabill, State of Indiana, that the Council concurs with the Plan Commission's recommendation and approves this Petition;

BE IT FURTHER ORDAINED that the Allen County Plan Commission's Findings of Fact for this Petition be adopted as the Findings of Fact for this Council;

ENACTED THIS 9 day of January , 2019.

**THE TOWN COUNCIL OF THE TOWN OF
GRABILL, STATE OF INDIANA**

Jeff Smead

Claude E. Schrock

Attest:

Cynthia Barhydt

REZONING FACT SHEET

Petition #REZ-2018-0054 Project Start: November 2018

APPLICANT:	Henry Street Realty, LLC
REQUEST:	Rezone property from C-1A(P)/Planned Professional and Personal Services to RS-3/Multiple Family to permit the existing structure to be utilized as multiple family residential.
LOCATION:	The site is located on the east side of the 13600 to 13700 blocks of Henry Street, in Grabill. (Section 24 of Cedar Creek Township).
LAND AREA:	Approximately 0.5 acres
PRESENT ZONING:	C-1A(P)/Planned Professional and Personal Services
PROPOSED ZONING:	RS-3/Multiple Family
PROPOSED WATER:	Town of Grabill
PROPOSED SEWER:	Town of Grabill
ASSOCIATED PROJECT:	None

6 December 2018 Public Hearing

- ◇ No one spoke at the hearing.
- ◇ John Henry was absent.

6 December 2018 Business Meeting

Plan Commission Recommendation: Do Pass

- ◇ A motion was made by Tom Harris and seconded by Jeff Sorg to return the ordinance to the Board of Commissioners, for their final decision. **8-0**
- MOTION PASSED**
- ◇ John Henry was absent.

Fact Sheet Prepared by:
Michelle B. Wood, Senior Land Use Planner
7 December 2018

Reviewed By:
Kim Bowman
Kimberly R. Bowman,
Executive Director

Secretary to the
Commission

PROJECT SUMMARY

The applicant is proposing to rezone approximately 0.46 acres to RS-3/Multiple Family from C-1A(P)/Planned Professional and Personal Services to allow the building to be used for apartments. The property is currently zoned for office uses and personal services. The existing building is an approximately 8,700 square foot office building. The building has existing paved parking along the properties Henry Street frontage. Access is currently available along the entire frontage of Henry Street.

The surrounding land uses include an industrial facility to the north, duplexes to the south, commercial uses to the east and a church to the west.

Staff has little concern with the change of use of the building from offices to apartments. The proposed use should not have an adverse impact on the surrounding land-uses. The apartments will provide an additional residential living option while providing for a mix of land-uses in the area.

PUBLIC HEARING SUMMARY:

Presenter:

Brace Weiland, property owner, presented the proposal as outlined above. Mr. Weiland explained that the building was used as an office when the Weiland furniture company owned the adjacent factory. The current owners of the factory did not purchase the building and it is no longer needed as an office. It was built with the potential for eight apartment units.

The Town of Grabill sent a letter of support for this rezoning.

COMES NOW the Advisory Plan Commission of the County of Allen, State of Indiana, pursuant to authority vested in it by Indiana Code § 36-7-4 et.seq. and

Allen County Code Title 3, both as amended, and adopts the following resolution.

**Resolution of the
Allen County Plan Commission
Regarding Zoning Map Amendment**

WHEREAS the Allen County Department of Planning Services received a proposed map amendment on 6 November 2018 which it designated subsequently as Rezoning Petition REZ 2018-0054; and,

WHEREAS the Allen County Department of Planning Services provided for publication of a public hearing notice on the proposed map amendment in *The Journal Gazette* according to law; and,

WHEREAS the Allen County Plan Commission conducted a public hearing on the proposed map amendment on December 6, 2018; and,

WHEREAS the Allen County Plan Commission considered the petition in light of comprehensive plan and the zoning ordinance requirements; now, therefore,

BE IT RESOLVED by the Allen County Plan Commission, meeting in open session. that a resolution and proposed ordinance be sent to the Town Council of the Town of Grabill. Indiana, recommending that the proposed map amendment DO PASS 0.50 acres to RS-3/Multiple Family Residential;

BE IT FURTHER RESOLVED that the Allen County Plan Commission's Findings of Fact setting forth its reasons for this recommended action be included with the resolution and proposed ordinance resolving Rezoning Petition REZ-2018-0054; and,

BE IT FINALLY RESOLVED that the Executive Director of the Allen County Department of Planning Services be directed to execute this Resolution on behalf of the Allen County Plan Commission and to present a copy of it to the Town Council of the Town of Grabill, Indiana;

ADOPTED THIS 6th day of December, 2018.

Kimberly R. Bowman
Kimberly R. Bowman, AICP

12-6-2018
Date of Signature

Executive Director, ACDPS
Secretary to the Allen County Plan Commission

ALLEN COUNTY PLAN COMMISSION - FINDINGS OF FACT

APPLICANT:	Rezoning Petition REZ-2018-0054 Henry Street Realty, LLC
REQUEST:	Rezone property from C-1A(P)/Planned Professional and Personal Services to RS-3/Multiple Family to permit the existing structure to be utilized as multiple family residential.
LOCATION:	The site is located on the east side of the 13600 to 13700 blocks of Henry Street, in Grabill. (Section 24 of Cedar Creek Township).
LAND AREA:	Approximately 0.5 acres
PRESENT ZONING:	C-1A(P)/Planned Professional and Personal Services
PROPOSED ZONING:	RS-3/Multiple Family
PROPOSED WATER:	Town of Grabill
PROPOSED SEWER:	Town of Grabill

In preparing and considering proposals for rezoning, I.C. 36-7-4-603 states that the Plan Commission and legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction;
- (5) and responsible development and growth.

The Plan Commission recommends that Rezoning Petition REZ-2018-0054 be returned to the Grabill Town Council with a recommendation of “Do Pass” for the reasons stated below:

1. Approval of the rezoning request will be in substantial compliance with the Allen County Comprehensive Plan, and should not establish an undesirable precedent in the area. The proposed rezoning is compatible with zoning districts in the general area and also with the residential character of the area. Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area. The existing structure is being converted from offices to apartments. The intensity of the land use on this property will likely decrease while providing additional living opportunities in Grabill.
2. Approval is consistent with the preservation of property values in the area. The proposed change in land use is consistent with the adjacent development, and this rezoning will allow for the use to be permitted by the Zoning Ordinance
3. Approval is consistent with responsible development and growth principles based on existing uses and infrastructure in the area.
- 4.

These findings approved by the Allen County Plan Commission on December 6, 2018.

Kimberly R. Bowman
Kimberly R. Bowman, AICP
Executive Director
Secretary to the Commission

☐ +/- #680-2019: Rezoning (re: Henry Street Realty Inc.) (1/9/2019) - Petition Application

☐ +/- #680-2019: Rezoning (re: Henry Street Realty Inc.) (1/9/2019) - Site Plan

☐ +/- #680-2019: Rezoning (re: Henry Street Realty Inc.) (1/9/2019) - Legal Description

☐ +/- #680-2019: Rezoning (re: Henry Street Realty Inc.) (1/9/2019) - Department of Planning Services, Page 1

☐ +/- #680-2019: Rezoning (re: Henry Street Realty Inc.) (1/9/2019) - Department of Planning Services, Page 2

☐ +/- #680-2019: Rezoning (re: Henry Street Realty Inc.) (1/9/2019) - Current Building Photo

☐ +/- #680-2019: Rezoning (re: Henry Street Realty Inc.) (1/9/2019) - Aerial Photo

☐ +/- #680-2019: Rezoning (re: Henry Street Realty Inc.) (1/9/2019) - Local Zoning

Ordinance No. 14

Ordinance ratifying and approving of Klopfensteins Fifth Addition to the Town of Grabill, Ind.

Be it ordained by the Board of Trustees of the Town of Grabill, Ind. that whereas David N. Klopfenstein the owner of land in the Corporate limits of the Town of Grabill, Indiana, it being a past subdivision of part of the West one half of the South-East quarter, Section Twenty four (24) Township Thirty two (32) North, Range Thirteen (13) East Allen County Indiana. The lots are numbered from thirty eight (38) to fifty (50) inclusive, also lot 13, and number sixty two (62) thirty (30) and thirty one (31), the dimensions are marked in feet and decimal points of a foot on the plat. Surveyed on the 24th day of February 1915 and certified to by Ralph Gunther Surveyor of Allen County Indiana.

Whereas said platted addition being considered a benefit to the Town.

Now therefore the plot heretofore filed with the Clerk of this Town on the 5th day of April 1915 and presented by David N. Klopfenstein to this Board of Trustees be and the same is hereby approved by the Board of Trustees of the Town of Grabill, Indiana, and consent is given that may be duly recorded and the same shall be known as Klopensteins Fifth Addition to the Town of Grabill, Indiana.

Done in the Town of Grabill this 5th day of April, 1915.

J. S. Klopfenstein

David Witmer

C. O. Benjamin

} Board of
Trustees

Attest-
W.P. Smith Clerk.

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included:

☐ +/- #14: Subdivision (Klopfenstein) (4/5/1915) - Page 1

☐ +/- #14: Subdivision (Klopfenstein) (4/5/1915) - Page 2

THE TOWN OF GRABILL, INDIANA SUBDIVISION CONTROL
ORDINANCE

ORDINANCE NO.

154

An ordinance providing for the control of the subdivision of land and the approval of plats and replats of land, within the jurisdiction of the Allen County Plan Commission as the same pertains to the Town of Grabill, Allen County, Indiana.

Be it ordained by the Board of Trustees of the Town of Grabill, of Allen County, Indiana, under. Authority of Chapter 174, Acts of 1947, General Assembly of the State of Indiana, and all acts amendatory thereto.

ARTICLE I - TABLE OF CONTENTS

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ARTICLE II - APPLICATION OF ORDINANCE

SECTION 1: AREA AFFECTED

Except as otherwise provided in this ordinance, no parcel of land which is located within the territorial jurisdictional area of the Allen County Plan Commission shall be subdivided, unless the subdividing be in conformity with the provisions of this ordinance.

ARTICLE III - GENERAL PROVISIONS

SECTION 2: RULES OF CONSTRUCTION

In this ordinance words used in the present tense include the future, the singular includes the plural and the singular. Unless otherwise specified, all distances shall be measured horizontally, in any direction.

SECTION 3: DEFINITIONS

As used in this ordinance, the following terms shall have the meanings, given below unless the context clearly indicates otherwise.

- (1) Alley: A right of way other than a street, road, crosswalk, or easement, designed for the special accommodation of the property it reaches.
- (2) Block: Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right of way or waterway or the end of a dead-end street.
- (3) Board: The Board of Trustees of the Town of Grabill
- (4) Building Line: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.
- (5) Commission: The Allen County Indiana Plan Commission as designated as the Plan Commission of the Town of Grabill.
- (6) Dead-End Street: A street having one of its termini closed.

- (7) Developer: Any person who lays out and subdivides land.
Limited Volume Street: A dead-end street located within a
- (8) Commission approved subdivision which provides frontage to not more than eight (8) lots, including corner lots.
Lot: A parcel of land of specific form and dimension, situated with a
- (9) legally recorded plat, and designated by number or letter, for convenience and accuracy, in legal conveyancy of the title thereto.
Lot, Corner: A lot abutting two (2) or more streets at their
- (10) intersection, where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°).
- (11) Lot, interior: Any lot other than a corner lot, including a through lot.
- (12) Lot, through: An interior lot, fronting on two (2) streets.
Lot, Front of: The side or sides of an interior or through lot which
- (13) abuts a street; in a corner lot, the front of the lot shall be determined by the owner or developer of the lot.
Marginal Access Street: A street designed to connect not more than
- (14) two(2) streets and on which no lots front, and which are specifically so designated and approved as such. on the plat of the subdivision.
Master Plan: The complete plan or any of its parts for the development of the Town . as prepared by the Commission and
- (15) adopted in accordance with Chapter 174, Acts of 1947 General Assembly of Indiana, and acts amendatory thereto, as is now or may hereafter be in effect.
Parcel of Land: Any continuous, contiguous quantity of land, not within a legally recorded plat, owned by the same titleholder(s). For purposes of determining whether a parcel of land has been
- (15a) "subdivided" in conformity with the provisions of this Ordinance, a parcel of land shall retain its initial character, as it existed immediately before any applicable conveyance, for a period of twelve (12) successive months, after each said applicable conveyance.
- (16) Person: A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.
- (17) Proposed Plat: The map or drawing on which the subdivider's plan of subdivision is present and which he submits for approval and

intends, in final form, to record.

(18) Structure: Anything Constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels, and pools.

(19) Street: A public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law.

Subdivision (Including the word "Subdivide"): The division (or the act thereof) of a parcel of land into lots or other parcels thereof by the conveyance of more than two (2) lots or other parcels therefrom, within any successive twelve (12) month period of time; provided, (20) however, that division of land for agricultural purposes in parcels of more than ten(10) acres and the division of land for any purpose, in parcels of more than twenty (20) acres, in each case not involving any new street or easement access, shall be exempted from conforming to the provisions of this ordinance.

(21) Territorial. Jurisdiction: That portion of Allen County, Indiana lying within the corporate limits of the Town of Grabill.

(22) Through lot: A lot having frontage on two (2) parallel or approximately parallel streets.

Construction Access Road: A temporary, non-dedicated, unplatted right-of-way, other than a street, alley or easement, designed to provide sole ingress and egress for all development and construction equipment, as well as all laborers and materialmen, in connection with the improvement of a platted subdivision of land including but not limited to the construction of dwellings, buildings and other (23) improvements, which right-of-way is constructed and maintained, by the developer and owner at either's sole expense or their cumulative expense and continuously in the absolute ownership and/or exclusive control of the developer and owner until such time as ninety percent (90%) of the record lots have dwellings completed for occupancy or other buildings located thereon, and/or unless by prior release by the Allen County Plan Commission.

ARTICLE IV - PROCEDURE AND CONTENTS OF PLAT

SECTION 4: PRELIMINARY CONSIDERATIONS

In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner or subdivider shall consult with the Commission and other public officials prior to the preparation of the tentative plan of the subdivision. The Master Plan' should be reviewed to determine how the proposed plan will fit into the Master Plan. Requirements of the highway plan; school and recreational sites;

shopping centers; community facilities; sanitation; water supply and drainage; and relationship to other developments, existing and proposed in the vicinity, should be determined in advance of the subdivision plan. A thorough estimate of the situation will result in sound decisions with respect to the form, character and extent of the proposed subdivision. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage.

SECTION 5: APPLICATION FOR A PRELIMINARY PLAT

The application shall contain a statement specifying the intentions of the owner respecting the proposed land use of the development, deed restrictions, drainage, sewage disposal, water facilities, and the intended date of the development. The preliminary plat must be submitted with a fifty dollar (\$50) filing fee no later than twenty-eight (20) days before the proposed hearing thereon. In addition to the aforesaid filing fee and following a determination of the Commission's mailing and publication notice costs, the applicant shall pay and/or reimburse

said costs to the Commission, in full, prior to said public hearing.

SECTION 6: PRELIMINARY PLAT

- A. The tracing and five (5) copies of the preliminary plat and two (2) copies of the application form shall be submitted at the time of filing a subdivision. Every plat subdividing any land lying within the territorial jurisdiction of the commission shall be submitted to the Commission together with the written application of the owner or owners thereof for the approval of the same by the Commission.

The Commission shall set a date at which the proposed plat will be publicly examined and shall notify, in writing, the applicant and all persons having a probable interest in the proposed plat, of the date, place and time of said public examination. Said written notification, with the Commission's return address thereon, shall be made by ordinary mail, postage prepaid, deposited in the United States Mail and addressed to said applicant and persons having a probable interest, not less than twenty (20) days before the time and day of said public examination as set forth in said letter notice. Said names and addresses of persons of probable interest shall be determined from the Real Estate Plat Books and/or Tax Rolls as contained in the affected County Auditor's Office.

The Commission shall send a copy of the preliminary plat and written notice of the date, place and time of the public examination thereof including a request for written comments, for the Commission's consideration, to all public agencies and governmental units having a probable interest in the proposed subdivision and preliminary plat; said written comments, if any, shall be submitted, to the Commission at least

five (5) days prior to the time of said public examination. Notice of the time, date and place of said public examination shall also be given by publication in a newspaper of general circulation in each affected County to all persons and public agencies and governmental units having a probable interest in the proposed plat, no less than ten (10) days prior to the time and day of said public examination of the preliminary plat.

B. The preliminary plat, the scale of which shall be one hundred feet one (1) inch, shall be drawn on one sheet of paper when possible, using standard engineering symbols with a legend or explanation of the meaning of each of the various symbols on all drawings submitted and shall be prepared in accordance with the standards of designs herein specified and shall show:

- (1) Proposed name of subdivision;
- (2) Location by township, section, town and range or by other legal description;
- (3) Names and address of the developer and surveyor who made the plat;
- (4) Date, Scale and north point;
- (5) Location, widths, and names of all existing or prior platted streets or other public ways, railroad and utility right of ways, parks, and other public open spaces, existing buildings and structures, and section and corporation lines, within and adjacent to the tract; Adjoining boundary lines of all adjacent subdivisions (if any)
- (6) showing the name of the developer or some other means of identification.
- (7) Layout of proposed streets, their names and widths, and locations of alleys, crosswalkways, and easements; and the location of any construction access roads as required by the Allen County Plan Commission or as deemed necessary by the developer.
- (8) Layout of proposed lots, their numbers and dimensions;

- (9) Parcels of land intended to be dedicated for public use or set aside for use of property owners in the subdivision;
- (10) Building lines, showing all dimensions;
Contours at vertical intervals of not more than five (5) feet where the slope is greater than ten (10) percent and not more than two (2)
- (11) feet where the slope is less than ten (10) percent. Elevations shall be marked on such contours based on a datum plane approved by the County Surveyor, or on Sea Level Datum;
- (12) Location and type of easements and any limitations on such easements;
Information as to any agreements which have been entered into with the owners of other property within the neighborhood in
- (13) which the proposed subdivision is located, as to general plans for the entire neighborhood. Reference shall be made to the Master Plan for suggestions as to the general street pattern and design of the neighborhood;
Such other data as the Plan Commission may by rule require. Any
- (14) such rule shall be adopted by Commission Resolution only after a public hearing.

After the public examination of the preliminary plat, the Commission shall notify the applicant of its approval or disapproval, in writing and if the latter, the reasons therefore. Approval of a preliminary plat by the

C. Commission shall be valid for one (1) year from the date of approval, and if during the year the developer does not submit a final Plat, of all or part of the area included in the preliminary plat, then the approval given the preliminary plat shall lapse and be considered null and void.

SECTION 7: FINAL PLAT

A. Application - After public examination of and Commission approval of the preliminary plat, the owner shall submit the final plat and an application for approval thereof following a public hearing thereon; the application for approval of the final plat shall be submitted in duplicate on forms provided by the Commission. The application and final plat must be submitted with a fifty (50) dollar filing fee no later than twenty-eight (28) days before the proposed hearing thereon. In addition to the aforesaid filing fee and following a determination of the Commission's mailing and publication notice costs relative to said hearing as

hereinafter set forth, the final plat applicant shall pay and/or reimburse said costs to the Commission, in full, prior to said public hearing.

Final Plat Form and Contents - The final plat shall be submitted to the Commission the form of an original tracing on tracing cloth or tracing B. paper, in ink, and shall be a complete and accurate layout drawn to the same scale as the preliminary plat and shall contain all additions, corrections and deletions required by the Commission and shall show:

- The boundary lines of the tract subdivided together with accurate
- (1) distances and angles and the exact location of all existing and recorded streets intersecting the boundary of the tract;
Angles or true bearings and distances to the nearest established
- (2) street line or existing official monuments, which shall be accurately described on the plat;
- (3) An accurate metes and bounds description of the tract and its title as shown by the records in the office of the County Recorder;
- (4) Street names;
- (5) The length of all arcs and radii, central angles, internal angles, points of curvature and tangency, and the length of all tangents;
- (6) All easements for public services and utilities;
Lot numbers and dimensions and individual house numbers for
- (7) each lot. House numbers will be in accordance with the uniform county numbering system as administered by the Commission;
- Street lines with accurate dimensions and the location of streets,
- (8) alleys, and lot lines; together with the location of any construction access roads;
- The accurate outline of all property which is offered for dedication for public use with the purpose thereof indicated and all property
- (9) that may be reserved by deed covenant or restriction for the common use of property owners of the subdivision;
- (11) Building line location and dimension;

- (12) Restrictions of all types which run with the land;
- (13) Name of the Subdivision;
- (14) Name and address of the subdivider;
- (15) Northpoint, scale, and date;
- (16) Section or reserve lines or other legal lines of location superimposed on the final plat;
- (17) Certification by a land surveyor registered in the State of Indiana;
- (18) Dedication of public streets and lands;
- (19) Certificates for approval by the Commission, the Board and the Allen County Health Department;

Such other data as the Plan Commission may by rule require. Any
(20) such rule shall be adopted by Commission Resolution only after a public hearing.

C. Final Plat Public Hearing - Following the submission of the final plat, application for approval thereof and the payment of said filing fee, the Commission shall set a date at which the final plat will be publicly examined and shall notify, in writing, the applicant and all persons having a probably interest in the final plat, of the date, place and time of said public examination. Said written notification with the Commission's return address thereon, shall be made by ordinary mail, postage prepaid, deposited in the United States Mail, and addressed to said applicant and persons having a probable interest, not less than sixteen (16) days before the time and day of said public examination as set forth in said letter notice. Said names and address of persons of probable interest shall be determined from the REal Estate Plat Books and/or Tax Rolls as contained in the affected County Auditor's Office, and from the Commission's record at the hearing on the preliminary plat which remonstrators have filed in writing their names and mailing addresses with the Commission, no later than the day of the hearing on the preliminary plat. The Commission shall send a copy of the final plat and written notice of the date, place and time of the public examination thereof, including a request for written comments for the Commission's consideration, to all public agencies and governmental units having probable interest in the subdivision and final plat; said written comments; if any, shall be submitted to the Commission at least five (5)

days prior to the time of said public examination. Notice of the time, date and place of said public examination shall also be given by publication in a newspaper of general circulation in each affected County to all persons and public agencies and governmental units having a probable interest in the final plat, no less than ten (10) days prior to the time and day of said public examination of the final plat.

Final Plat Approval or Disapproval - Within a reasonable time after the public examination of the final plat, the Commission shall approve or disapprove it. If the Commission disapproves the final plat, it shall set forth its reasons in its own records and provide the applicant with a copy thereof. If it approves the final plat, it shall forthwith affix the date of the approval and the Commission's seal upon the plat, together with the Certifying signatures of its President and Secretary or its Vice-President and Secretary. If the Commission approves the final plat, it shall notify in writing the applicant and the remonstrators of record at

- D. the hearing on the final plat, which remonstrators have filed in writing their names and mailing addresses with the Commission no later than the date of the hearing on the final plat; said written notification shall be made by ordinary mail, postage prepaid, deposited in the United States Mail in a sealed envelope with the Commission's return address thereon, and addressed to said applicant and record remonstrators, all not later than five (5) days after the approval of said final plat; said notice shall contain the specific date of approval of final plat by the Commission. The owner applicant shall pay and/or reimburse said mailing costs to the Commission, in full, prior to the recording of said final plat.

Certificate Forms - Certificate forms indicating approval by the Commission, and Board and County Surveyor (when required) and

- E. Allen County Health Department (when required) shall be shown upon the plat. The style and wording of such forms shall be as prescribed by the Commission.
- F. Recording Procedure - Within three hundred sixty (360)

days of the Commission's approval of a final plat, the applicant-subdivider shall furnish the original of said final plat, in its total form and contents, together with any restrictive covenants, all as approved by the Commission (and all hereafter being referred to as "Final Plat"), together with a money order, cashier's or certified check, or cash equal

to the total cost of recording said final plat in the office of the Recorder of Allen County, Indiana; upon receipt of said final plat, the Commission shall satisfy itself that the final plat submitted for recordation complies strictly in its form and contents with the final plat as approved by the Commission, and shall forthwith thereafter cause said final plat to be recorded with an additional legend on the face of the plat, which shall state as follows: "Confirmed by the Allen County Planning Commission", over the signature of the then current Zoning Administrator of Allen County, Indiana. In the event a final plat which has been approved by the Commission has not been submitted for confirmation and recordation as aforesaid within the

aforesaid period of time, or in the event any recorded plat fails to contain on its face the aforesaid legend and required signature below same, the approval of the Commission shall be deemed to be automatically withdrawn.

ARTICLE V - PRINCIPLES AND STANDARDS

SECTION 8: GENERAL

Every subdivision hereafter designated shall comply with the following principles and standards set forth in this Article V and the plat thereof shall be prepared to show the same. The subdivision shall be in harmony with the Master Plan and all applicable sections of the zoning ordinance for Grabill; Allen County, Indiana, as now or hereafter *[illegible]*.

SECTION 9: STREET SYSTEM

(1) Right of Way:

Limited Volume Street - 50 feet

Marginal Access Street - 50 feet

Residential and Industrial Street - 50 feet

Primary and Secondary Streets as shown in the Master Plan - 80 feet

Major Highways - 120 feet or more

In case of a limited volume, marginal access, residential or industrial street to be constructed without curbs and gutters, the minimum right

of way shall be sixty (60) feet or more as required by the County Highway Engineer.

- (2) The centerlines of intersecting streets should intersect as nearly at right angles as possible;
- (3) The simultaneous intersection of streets resulting in traffic from more than four (4) directions is prohibited;

- At street intersections the property or right of way lines of corner lots shall be rounded at the street intersection corner with an arc which
- (4) shall have a minimum radius of at least ten (10) feet drawn tangent to each of the intersecting property lines;

- When one (1) or more of the streets involved in an intersection is a limited access street, highway, thoroughfare, boulevard, or parkway,
- (5) the foregoing minimum standards may be increased by the Commission;

Alleys with a minimum width of right of way of twenty (20).feet may be required in all business, commercial,

(6)

and industrial districts. Except where justified by unusual conditions, alleys will not be permitted in residential districts;

- (7) No dead-end street shall be permitted where the same is in conflict with the Master Plan. No permitted dead-end street shall provide principle frontage to more than 20 lots. Every permitted dead-end street shall terminate in a circular right of way with a minimum diameter of one hundred (100) feet. The said street shall terminate with a paved turn-around with a minimum outside curb diameter of seventy-five (75) feet, unless the Commission approves an equally safe and convenient form of paved space instead of the required turning circle. Temporary dead-end streets will be permitted where the approved preliminary plat shows that the street will be extended to conform to the provisions of this ordinance. A circular right of way in

excess of the required street right of way at the termination of a temporary dead-end street shall not be required.

The minimum radius of horizontal curvature measured on the centerline of street shall be:

Expressways - as shown in the Master Plan;

(8) Primary - five hundred (500) feet;

Secondary - three hundred (300) feet;

Residential - one hundred fifty (150) feet.

Between reversed horizontal curves there shall be a tangent of at least
(9) twenty-five (25) feet, or more if the Commission deems it appropriate because of the sharpness of the curves.

Wherever there exists a dedicated or platted portion of a street or alley or easement adjacent to the proposed subdivision unless the
(10) Commission finds it unnecessary, the continuation of the street, alley, or easement right of way to the prescribed width shall be platted within the proposed subdivision.

In no case shall the name of any street, road, drive, or avenue already in use or established by plat anywhere in Allen County be used except
(11) in the case of a direct extension, and in no instance shall any street name include the word North, South, East, or West, unless it denotes a geographical location.

In the case of a limited volume street, the Commission may waive or
(12) modify any of the above provisions of this section (except paragraph 1, 10, and 11) provided that said modification or waiver will not create a safety hazard.

SECTION 10: BLOCKS

- (1) Blocks shall not exceed thirteen hundred and twenty (1320) feet in length unless unusual circumstances justify a greater length.
- (2) Whenever possible, blocks shall be of sufficient dimension to allow two (2) tiers of lots of appropriate depth.

SECTION 11: LOTS

- (1) All lots shall abut on a street which is accessible to an established public street already in use.
- (2) Side lines generally shall be at right angles to straight street lines and radial to curved street lines.

- Lot dimensions and areas shall not be less than the minimum specified
- (3) by the Grabill, Allen County, Indiana Zoning Ordinance, as now or hereafter amended, for the district in which the lot is located.

- Provisions shall be made in the subdivision design and-restrictions for
- (4) off-street parking as required by the Grabill, Allen County, Indiana, Zoning Ordinance as now or hereafter amended.

- Whenever lots which front on two (2) or more streets are platted along
- (5) Primary Streets, Secondary Streets or Limited Access Highways as shown in the Master Plan, the design shall be such that access to these lots shall be only from an interior street.

SECTION 12: EASEMENTS

- (1) Where alleys are not provided, easements shall be provided for utilities, sewers., and storm drains. Such easements shall generally be located along rear or side lot lines in which case a minimum width of fourteen

feet, seven feet on each side of the lot line, shall be provided or if such easement is within a lot the total minimum width of fourteen (14) feet shall be provided. Easements shall be so laid out that a proper continuity may be had for utilities from block to block.

In order to protect stream banks, and to allow for the maintenance or reconstruction of any Legal Open Drain or of any open drain intended primarily for the conveyance of natural drainage or storm drainage, and in order to meet the needs of the Allen County

(2)

Drainage Board under authority of Chapter 305, Acts of 1965, General Assembly of the State of Indiana and all acts amendatory thereto, Open Drainage Easements shall be provided as follows:

- Not less than thirty (30) feet in width beyond the top of one bank of any Legal Open Drain and not less than five (5) feet in width beyond the top of the second bank and with the measurement
- (a) between the tops of bank being approved by the Allen County Surveyor, and with the whole being arranged and approved by the Allen County Surveyor so as to permit the Reconstruction of the Drain in a practicable manner;
- (b) No Open Drainage Easement shall be less than fifty (50) feet in width or shall be other than offset as indicated immediately above; No trees or permanent structures above grade, including such structures for the use of any private or franchised public utility, shall be permitted in any Open Drainage Easement, and the
- (c) protective covenants running with the land shall so state; structures below grade and for the use of a franchised public utility may be permitted within the wider side of an Open Drainage Easement when adjacent to the outer edge of said wider side;
- (d) At the risk of the land owner as indicated by Section 601 of the above Chapter 305, Acts of 1965, temporary structures, fences, or shrubs or bushes for decorative purposes, are permitted within an Open Drainage Easement only if not within the drain or its side

slopes, or if not within five (5) feet of the top of bank, and the protective covenants running with the land shall so state.

- (3) In order to protect river banks, allow for widening or relocation an easement of thirty (30) feet (or more as may be required by the County Surveyor), measured from the low water line, along each bank of any river shall be provided.

- (4) A guy line easement of five (5) feet in width and twenty (20) feet in length, bisecting the obtuse angle of any deflection in the center line of utility easements, shall be provided. Said easement length shall be measured from the apex of the deflection angle.

Every plat shall contain a statement to the effect that all

- (5) utility easements as dedicated on the face of the plat shall be kept free of all permanent structures and the removal of any obstructions by a utility company shall in no way obligate the utility company in damages or to restore the obstruction to its original form.

SECTION 13: BUILDING LINES

Building lines shall be not less than those required by Grabill, Allen County, Indiana Zoning Ordinance as now or hereafter amended.

SECTION 14: MARKERS

- (1) The intersections of all boundary lines at the exterior boundaries of a plat shall be marked by a galvanized or wrought iron pipe, or iron or steel bar at least two (2) feet in length and not less than one (1) inch in diameter. Such markers shall be set so that the center of the marker will coincide exactly with the intersection of the lot or property lines at that point and shall be set so that the top of the marker is level with the surface of the surrounding ground.

ARTICLE VI - IMPROVEMENT PROVISIONS

SECTION 15: STREETS

Streets shall be completed to grades shown on plans; profiles, and cross sections as approved by the Board.

(1)

Streets according to the typw designated in the Thoroughfare Plan, shall be improved to the minimum widths follows:

Limited Volume Streets - 27 feet including curbs,
24 feet width of paving if curbs not used;

Marginal Access Streets - 25 feet including curbs
21 feet width of paving if curbs not used;

(2) Secondary Streets - 33 feet including curbs;

Primary Streets - 37 feet including curbs;

Boulevard Streets - Dual lane, each 24 feet, including curbs.

Residential, Commercial and Industrial Streets - 27 ft. including curbs;
24 ft. width of paving if curbs are not used.

The street, according to its type, shall be graded, surfaced and improved
(3) to the dimensions required by the cross sections and the work shall be performed in the manner prescribed by the Board.

(4) The Commission may waive or modify the above requirements of this section for limited volume streets for which the curb and gutter requirement has been waived as provided for in Section 16 of this Ordinance provided that a condition is placed upon said waiver

that a restrictive covenant be included in the final plat containing said street; which names the street and lot numbers having access to the street and contains the following statement:

MAINTENANCE PROVISIONS NOTICE BY BOARD OF COMMISSIONERS

Until such time as the above named street is constructed to meet the required specifications and provisions established as street maintenance criteria by the Board of Commissioners; said street or road will not be included in the Allen County Highway Maintenance Program.

SECTION 16: CURBS AND GUTTERS

The Commission shall require curb and gutter to be installed on each side of any street surface, except as hereinafter set forth in this section, constructed on plain Portland cement, concrete, or molded asphaltic concrete, or other materials acceptable to the Board. They may be either the vertical curb, the roll curb, integral curb and gutter, or separate curb and gutter type.

The Commission may permit the omission of curbs and gutters in any subdivision: When the final topography, street longitudinal profile, and drainage system design are acceptable to the Commission; and when adequate provisions are made in the protective covenants running with the land to permit access to and freedom from obstruction of the drainage system; and when the street is properly acceptable to the Commission as a Limited Volume Street, Marginal Access Street or a Residential Street; and provided that every lot fronting thereon shall have a minimum lot area of

forty-thousand (40,000) square feet, and provided further that the minimum lot width of all lots fronting thereon is 150 feet.

The provisions of this section shall apply to any existing recorded subdivision plat approved by the Commission, providing the owners of record of more than 50% of the said platted subdivision real estate file application for omission of curbs and gutters under this section, and there being legal notice thereof (in the same manner as the legal notice required by law for the approval of a preliminary plat) establishing a time and place of public hearing concerning said application, and upon a public hearing thereafter being held thereon, and upon the recommendation by the Plan Commission, the street and/or curb and gutter requirement be omitted as set forth above.

SECTION 17: SIDEWALKS

Grading of the entire right of way shall be provided for the location of sidewalks one foot from front lot lines and a proper grade shall be provided by the Developer according to standards shown on plans, profiles, and cross sections approved by the Board.

Sidewalks shall be provided by the developer on each side of all streets within the subdivision, provided however, the Commission may waive or amend the above requirement only in those subdivisions with less than two (2) lots per gross acre and only upon showing by the developer that the sidewalks will serve no specific or future need.

SECTION 18: SANITARY SEWAGE DISPOSAL

The developer shall install or cause to be installed a system for the disposal of sanitary sewage in the subdivision by one of the following means:

Public System

A complete sanitary sewer system which shall convey the sewage into an established municipal or other public agency sanitary sewage disposal and treatment system, at a point and in a manner approved in

- (1) writing by the municipal or other public agency involved. The plans for the complete installation of the sewage system showing all locations, material size, profiles and any connections thereto, shall be prepared by a registered engineer at the expense of the subdivider or developer and shall be approved by and meet the requirements of the affected municipal or other public agency.

(2) Private or Quasi Public System

- (a) A complete sanitary sewage system to convey the sewage to a treatment plant provided by the developers or others in accordance with the requirements of the County and State Board of Health.

A complete sanitary sewer system which shall connect into the sanitary sewage disposal system of a sewage disposal company which shall hold a certificate of territorial authority issued by the Public Service Commission of Indiana authorizing such sewage disposal service for the area in which the subdivision is located. The plans

(b)

for the complete installation of the sewer system within the subdivision showing all locations, size, material, profiles, and capacities, shall be submitted to and be approved by the County and State Board of Health.

(3) Septic Tank

If the developer submits proper evidence to the County Health Department that neither of the above forms of sewage disposal and treatment is possible or economically feasible, then the Board shall permit the developer to use a private sanitary sewage disposal system on each individual lot consisting of a septic tank and absorption field, or other approved treatment system, when laid out in accordance with the standards and approval of the Allen County Health Department.

SECTION 19: WATER SUPPLY

The developer shall install or cause to be installed a water system for the subdivision by one of the following methods:

Public System

- (1) A complete water main system which shall be connected to a public or other community water supply which is approved by the Allen County Health Department. The plans for the complete installation showing size, location, depth, material and all connections thereto including fire hydrants, shall meet the requirements and receive the approval of the Allen County Health Department; or a

(2) Private System

- (a) A community water supply system including well, pump, and all appurtenances thereto, necessary to supply a minimum pressure of forty (40) pounds per square inch. The plans showing location, depth, size, and material of mains, valves, and connections thereto

shall meet the requirements of and be approved by the Allen County Health Department and the State Board of Public Health; or
A complete water main system which shall connect into the water main system of a

- (b) utility company which shall be authorized to operate within the area in which the subdivision is located and which shall be subject to the control of the Public Service Commission of Indiana. The plans for the complete installation of the water main system within the subdivision showing size, location, depth, material, and all connections, thereto, including fire hydrants, shall be approved by and meet the requirements of the County and State Board of Health.

Individual Supply

- (3) If the developer submits proper evidence to the County Health Department that neither of the above forms of water supply is possible or economically feasible, then the Board shall permit an individual water supply on each lot in the subdivision subject to compliance with all requirements and approval of the Allen County Health Department or State Board of Health.

SECTION 20: STORM SEWERS

An adequate storm water drain system with surface inlets shall be installed by the subdivider. The plans for the drainage of the subdivision showing topography, direction of flow, size, location, material, profiles, and all connections thereto, shall meet the requirements of and be approved by the County Surveyor.

SECTION 21: STREET SIGNS

Standard County street signs shall be provided and installed by the subdivider or developer at all street intersections, at the direction of the Commission.

ARTICLE VII - FINAL PLAT APPROVAL

SECTION 22: CONDITIONS

- A. The Commission will consider approval of a final plat for recording only after the developer has:
1. Filed with the Commission a complete set of plans and specifications for the development of all streets, sewers, water supply and other utilities and facilities in the subdivision in accordance with the requirements of this Ordinance; and
 2. Included in said plat protective covenants running with the land and enforceable by any aggrieved lot owner in the subdivision, or by the Allen County Plan Commission, for and on behalf of the Town of Grabill, Indiana, which covenants shall:
 - a. Prohibit the further subdivision of any lot or combination of lots within the subdivision unless and until the Commission has reviewed and approved such change; and
 - b. Require, that before any lot or tract located within the subdivision may be used and occupied, such user or occupier shall first obtain from the Zoning Administrator the Improvement Location Permit required under [Grabill Zoning Ordinance No. 155](#), as the same may be amended from time to time.
- B. In addition to the foregoing requirements, the Commission will consider approval of a final plat for recording only if the developer has either:
1. Installed all of the improvements required by this Ordinance, in accordance therewith and in accordance with the said plans and specifications on file, and delivered to or filed with the Commission all necessary approvals and acceptances from all applicable agencies and authorities; or
 2. In the event all of such improvements have not been so installed:

- a. Filed with the Commission, for those improvements already installed, if any, all necessary approvals and acceptances from all applicable agencies and authorities;
 - b. Executed and posted with the Commission a performance bond, in accordance with the regulations adopted by the Commission, to insure installation, acceptance and approval of the improvements as shown by said plans and specifications for the subdivision filed with the Commission, which bond shall:
 - (1) Be in an amount determined by the Commission to be sufficient to complete the improvements and installation in accordance with this Ordinance;
 - (2) Provide surety satisfactory to the Commission;
 - (3) Run to the Town of Grabill, Indiana, and
 - (4) Specify the time for completion of the improvements and installations; and
 - c. Included in said final plat a protective covenant running with the land enforceable by any aggrieved lot owner in the subdivision, or by the Allen County Plan Commission, for and on behalf of the Town of Grabill, Indiana, which covenant provides that before any house or building on any lot in the subdivision shall be used and occupied as a dwelling or as otherwise provided in the subdivision restrictions, the developer or any subsequent developing owner of said platted tract shall install all improvements serving said lot as provided in said plans and specifications filed with the Commission.
- C. If a performance bond required under this Ordinance is posted with the Commission by a developer:

1. Any funds received from such performance bond shall be used by the Board only for completion of the improvements for which the bond was provided and for which there was no

prior appropriation. The Board may make, or cause to be made, such improvements and installations; and

(2) Upon the submission by the developer of the documents required under the regulations adopted by the Commission, demonstrating that all improvements have been installed in accordance with this Ordinance, the Commission, or its duly authorized representative, shall release such performance bond and discharge the developer and surety, if any, from any further liability or responsibility thereunder.

D. Notwithstanding the requirements of this Ordinance for submission to the Commission of certain approvals for improvements installed, the Commission may, upon written application by the developer, supported by evidence that all submissions have been timely filed, permit the approval of a final plat for recording although one or more of such applications have not been delivered to or received by the Commission. The Commission may permit such recordation only when it is accompanied by a written statement made under oath by the developer, approved by the Commission or staff of the Commission and recorded as a supplement to the protective covenants, stating that the developer will cause to be provided at cost to the developer all things necessary to attain or accomplish the delivery of the named Article VI approval or approvals which shall not then have been delivered to or received by the Commission. If the developer does not deliver the required approval or approvals to the Commission in a timely fashion, the Commission is hereby empowered to refuse to issue either Improvement Location Permits or Certificate of Occupancy Permits. Once the developer has secured and delivered to the Commission all required approvals, the Commission or the staff of the Commission shall execute a recordable

document, which shall be recorded by the developer, rescinding the aforesaid supplement to the protective covenants mentioned.

[Replaced by [Ordinance No. 154-1](#), adopted 1/9/1980.]

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Previous Contents of Section 22 - Page 1 (bottom portion only)

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Previous Contents of Section 22 - Page 2

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Previous Contents of Section 22 - Page 3 (top portion only)

SECTION 23: CERTIFICATION BY A REGISTERED LAND SURVEYOR

Each final plat submitted to the Commission for approval will carry a certificate signed by a Land Surveyor registered in the State of Indiana, in substantially the following form:

"I, _____, hereby certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on (date); that all the markers shown thereon actually exist; and that their location, size, type and material are accurately shown."

(SEAL) _____
(Signature)

SECTION 24: SPECIAL PLAT PROVISIONS

Each final plat submitted to the Commission for approval shall contain a statement in substantially the following form:

- "We, _____ the undersigned, owners by virtue of a certain deed shown in Deed Record _____ Page _____ in the office of the Recorder of Allen County, Indiana, of the real estate
- A. shown and described herein, do hereby lay off, plat and subdivide, said real estate in accordance with the information shown on the final plat. This subdivision shall be known and designated as _____ (an) addition to _____.
- B. Each final plat submitted to the Commission for approval shall contain restrictive covenants which shall provide for the following items:
- (1) Front and side yard building lines
 - (2) Utility easements and use thereof
 - Such other provisions as may be compatible with the use and
 - (3) development of the subdivision, including provisions for enforcement of the restrictions and/or amendment thereof.
- The provision of the plat pertaining to the establishment of easements for public and municipal utilities and sewers shall contain a specification that any structure, shrubbery, trees, or other installation
- C. thereon whether temporary or permanent shall be subject to the paramount right of the utility or sewage treatment works to install, repair, maintain or replace its utility and sewer installation.
- The Commission may prepare texts of restrictive covenants for
- D. guidance of the developer to effectuate the use of this Section and may prescribe the form of execution and acknowledgement of a plat.

SECTION 25: FINAL ACTION

Deleted by Ordinance Amendment No. 19, May 13, 1971. *[not found]*

SECTION 26: CERTIFICATE FORMS

Deleted by Ordinance Amendment No. 19, May 13, 1971. *[not found]*

ARTICLE VIII - ENFORCEMENT AND PENALTIES

SECTION 27: ENFORCEMENT

- It shall be the duty of the Commission to enforce the provisions of this ordinance in the manner and form and with the powers provided by this
- A. ordinance as now or hereafter amended and as provided in the laws of the State of Indiana.

- All departments, officials and employees of the Town of Grabill County of Allen, Indiana, which are vested with the duty of authority to issue
- B. permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this ordinance.

SECTION 28: PENALTIES

- The erection, construction, enlargement, conversion, moving or maintenance of any structure and the use of any land or structure which is continued, operated or maintained contrary to any provision of this ordinance is hereby declared to be a nuisance and in violation of this ordinance and unlawful. The Commission may institute a suit for
- (1) injunction in the Circuit Court or any Superior Court of Allen County to restrain any person or governmental unit from violating any provision of this ordinance and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this ordinance.

The remedies provided for in this section shall be cumulative and not (2) exclusive and shall be in addition to any other remedial provided by law.

ARTICLE IX - SEVERABILITY AND SAVING CLAUSE

SECTION 29: SEVERABILITY

If any part, parts, section, sections, provision, clause or portion of this ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this ordinance as a whole or of any other part, section, clause, provision or portion of this ordinance.

SECTION 30: SAVINGS CLAUSE

The enactment of this ordinance shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or part of provision of any ordinance of Allen County, Indiana, prior to the taking effect of this ordinance.

SECTION 31: REPEALING CLAUSE

All ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

SECTION 32: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage.

Passed by the Board of Trustees of the Town of Grabill, Indiana, on the

6th day of

March , 1974.

Carlton Sauder

Ronald W. Shaw

Wilbur Secrist

BOARD OF TRUSTEES OF THE TOWN OF
GRABILL, ALLEN COUNTY, INDIANA

Attest:

Alleen Kipfer
CLERK-TREASURER

ORDINANCE NO. 154
GRABILL, INDIANA

COMES NOW, the Board of Trustees of the Town of Grabill, Indiana, and pursuant to the authority vested in them by Indiana Code 18-7-4 as amended, enact the following:

Grabill Ordinance No. 154
Amendment No. 1

BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana, that: Article VII, Section 22 be amended to read as follows, to-wit: Section 22: Conditions

- A. The Commission will consider approval of a final plat for recording only after the developer has:
- Filed with the Commission a complete set of plans and specifications for the development of all streets, sewers, water supply and other utilities and facilities in the subdivision in accordance with the requirements of this Ordinance; and
 - Included in said plat protective covenants running with the land and enforceable by any aggrieved lot owner in the subdivision, or by the Allen County Plan Commission, for and on behalf of the Town of Grabill, Indiana, which covenants shall:
 - Prohibit the further subdivision of any lot or combination of lots
 - a. within the subdivision unless and until the Commission has reviewed and approved such change; and
 - Require, that before any lot or tract located within the subdivision may be used and occupied, such user or occupier shall first obtain
 - b. from the Zoning Administrator the Improvement Location Permit required under [Grabill Zoning Ordinance No. 155](#), as the same may be amended from time to time.
- B. In addition to the foregoing requirements, the Commission will consider approval of a final plat for recording only if the developer has either:
- 1. Installed all of the improvements required by this Ordinance, in accordance therewith and in accordance with the said plans and

specifications on file, and delivered to or filed with the Commission all necessary approvals and acceptances from all applicable agencies and authorities; or

2. In the event all of such improvements have not been so installed:

a. Filed with the Commission, for those improvements already installed, if any, all necessary approvals and acceptances from all applicable agencies and authorities;

b. Executed and posted with the Commission a performance bond, in accordance with the regulations adopted by the Commission, to insure installation, acceptance and approval of the improvements as shown by said plans and specifications for the subdivision filed with the Commission, which bond shall:

(1) Be in an amount determined by the Commission to be sufficient to complete the improvements and installation in accordance with this Ordinance;

(2) Provide surety satisfactory to the Commission;

(3) Run to the Town of Grabill, Indiana, and

(4) Specify the time for completion of the improvements and installations; and

c. Included in said final plat a protective covenant running with the land enforceable by any aggrieved lot owner in the subdivision, or by the Allen County Plan Commission, for and on behalf of the Town of Grabill, Indiana, which covenant provides that before any house or building on any lot in the subdivision shall be used and occupied as a dwelling or as otherwise provided in the subdivision restrictions, the developer or any subsequent developing owner of said platted tract shall install all improvements serving said lot as provided in said plans and specifications filed with the Commission.

C. If a performance bond required under this Ordinance is posted with the Commission by a developer:

1. Any funds received from such performance bond shall be used by the Board only for completion of the for, which the bond was provided and for which there was no prior appropriation. The Board may make, or cause to be made, such improvements and installations; and

(2) Upon the submission by the developer of the documents required under the regulations adopted by the Commission, demonstrating that all improvements have been installed in accordance with this Ordinance, the Commission, or its duly authorized representative, shall release such performance bond and discharge the developer and surety, if any, from any further liability or responsibility thereunder.

Notwithstanding the requirements of this Ordinance for submission to the Commission of certain approvals for improvements installed, the Commission may, upon written application by the developer, supported by evidence that all submissions have been timely filed, permit the approval of a final plat for recording although one or more of such applications have not been delivered to or received by the Commission. The Commission may permit such recordation only when it is accompanied by a written statement made under oath by the developer, approved by the Commission or staff of the Commission and recorded as a supplement to the protective covenants, stating that the developer

D. will cause to be provided at cost to the developer all things necessary to attain or accomplish the delivery of the named Article VI approval or approvals which shall not then have been delivered to or received by the Commission. If the developer does not deliver the required approval or approvals to the Commission in a timely fashion, the Commission is hereby empowered to refuse to issue either Improvement Location Permits or Certificate of Occupancy Permits. Once the developer has secured and delivered to the Commission all required approvals, the Commission or the staff of the Commission shall execute a recordable document, which shall be recorded by the developer, rescinding the aforesaid supplement to the protective covenants mentioned.

PASSED this 9th day of January , 1980 , and in full force an effect from this date.

BOARD OF TRUSTEES OF THE
TOWN OF GRABILL, INDIANA

Ronald W. Shaw

Wilbur Secrist

M. Joanne Sauder

ATTEST:

Alleen Kipfer
Clerk-Treasurer

Attachments:

☐ +/- Recommendation for Passage - Allen County Plan Commission
(1/2/1980)

☐ +/- Additional Note from Allen County Plan Commission

ORDINANCE NUMBER 216

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #216 Approving Site Plan for Woodland Glen
Development (11/2/1983)

Ordinance No. 297

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #297 Approving Platting, etc. of Countryside Crossing Development (5/12/1992)

PETITION

TO THE HONORABLE BOARD OF TRUSTEES OF THE TOWN OF
GRABILL, ALLEN COUNTY, INDIANA:

The undersigned, being two-thirds or more of the owners of a tier of lots adjoining the aforementioned town of Grabill, Indiana, which tier of lots is more fully described in Exhibit A, which is attached hereto and made a part hereof the same as if expressly set forth herein, do hereby petition the said Board of Trustees that the corporate limits of said town be extended so as to include said outlots. And your petitioners would further show said Honorable Body that the adding of such territory to the town of Grabill will be to the town's interest and will cause no manifest injuries to the persons owning property in the town or in the territory sought to be annexed, and that the Prosperity of such town and territory will be materially retarded and the safety of the inhabitants and property thereto endangered unless the said corporate limits are extended in the manner heretofore set forth.

WHEREFORE, your petitioners pray that the tier of outlots described in Exhibit A be made a part of the town of Grabill by the extending of the present corporate limits of said town, and said rietitioners have hereinbelow set their signatures opposite the description of that part of the tier of outlots which each of the undersigned owns.

Witness our hands and seal this 10 day of November , 1953.

<u>Name</u>	<u>Legal Description of Property</u> <u>owned within tier of outlots</u> <u>described in Exhibit A</u>
Albert Neuenschwander	
Emma Neuenschwander	

Attachments:

EXHIBIT A

A part of the petition to the Honorable Board of The Town of Grabill, Allen County, Indiana.

Description of tier of outlots.

All of the land and lots lying within the following described tract, to-wit:

Lots 1, 2, 3, 4, 5, 6 and 7 of Westmead Place Addition, Section "A" to the Town of Grabill, Indiana, according to the plat thereof as recorded in Plat Record _____, Page _____ in the office of the Recorder of Allen County, Indiana, and that part of Fairview Drive lying wholly within the aforementioned plat and running from the intersection of said Fairview Drive with Second Street, thence North six hundred sixty-nine (669) feet, and also that part of First Street lying wholly within the aforementioned plat and running from the East line of said addition West for a distance of one hundred fifty (150) feet.

+/-

Notary Certification of Signatures

ORDINANCE NO. 151

AN ORDINANCE annexing and making a part of the Town of Grabill, Allen County, Indiana, certain described territory contiguous to the corporate limits of the Town of Grabill and embracing said territory in Board District or Ward "A" of said Town.

WHEREAS, the Board of Trustees of the Town of Grabill deems it advisable and in the best interests of the Town and of the territory hereinafter described to annex the real estate hereinafter described to the Town of Grabill, Allen County, Indiana.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRABILL, ALLEN COUNTY, INDIANA:

Section 1. That the following described compact territory contiguous to and abutting the Town of Grabill, be and the same is hereby annexed to and made a part of the Town of Grabill, Allen County, Indiana, and is embraced within the town limits of the Town of Grabill, Allen County, Indiana, and shall be and become a part of said Town, to-wit:

All that part except Main Street of the Northeast Quarter lying West of the Wabash railroad right-of-way of the Southeast Quarter of Section 24, Township 32 North, Range 13 East, Allen County, Indiana, containing 9.0± acres of land.

Section 2. That said annexed territory shall be and become a part of Board District or Ward No. "A", of the Town of Grabill, Allen County, Indiana, and the Ordinance defining and delineating the Board Districts and Wards of the Town of Grabill, Allen County, Indiana, be and the same is hereby amended accordingly.

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

Carlton Sauder

Ronald W. Shaw

Wilbur Secrist

BOARD OF TRUSTEES OF THE TOWN OF
GRABILL, ALLEN COUNTY, INDIANA

ATTEST:

Alleen Kipfer
Clerk-Treasurer

February 6, 1974

ORDINANCE NO. 152

AN ORDINANCE annexing and making a part of the Town of Grabill, Allen County, Indiana, certain described territory contiguous to the corporate limits of the Town of Grabill and embracing said territory in Board District or Ward "A" of said Town.

WHEREAS, the Board of Trustees of the Town of Grabill deems it advisable and in the best interests of the Town and of the territory hereinafter described to annex the real estate hereinafter described to the Town of Grabill, Allen County, Indiana.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRABILL, ALLEN COUNTY, INDIANA:

Section 1. That the following described compact territory contiguous to and abutting the Town of Grabill, be and the same is hereby annexed to and made a part of the Town of Grabill, Allen County, Indiana, and is embraced within the town limits of the Town of Grabill, Allen County, Indiana, and shall be and become a part of said Town, to wit:

All that part of the West 1/2 of the Southeast 1/4 of Section 24 Township 31 North Range 13 East lying north of the corporate limits of the Town of Grabill, Allen County, Indiana

Section 2. That said annexed territory shall be and become a part of Board District or Ward No. "A", of the Town of Grabill, Allen County, Indiana, and the Ordinance defining and delineating the Board Districts and Wards of the Town of Grabill, Allen County, Indiana, be and the same is hereby amended accordingly. Section 3. That this Ordinance shall be in full force and effect from and after its passage and legal publication as required by law.

Carlton Sauder

Ronald W. Shaw

Wilbur Secrist

BOARD OF TRUSTEES OF THE TOWN OF
GRABILL, ALLEN COUNTY, INDIANA

ATTEST:

Alleen Kipfer
Clerk-Treasurer

February 6, 1974

ORDINANCE NUMBER 201

Editor's Note: This ordinance is Void. It was repealed by [Ordinance No. 203](#), adopted 9/24/1982.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #201 : Annexation (7/14/1982) - Page 1

☐ +/- (VOID) #201 : Annexation (7/14/1982) - Page 2

ORDINANCE NUMBER 203

An Ordinance repealing [Ordinance No. 201](#), an ordinance annexing contiguous territory adopted July 14, 1982.

BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana, as follows: 1. [Ordinance Number 201](#) annexing real estate contiguous to the Town of Grabill, lying east of the corporation line and extending to the west right-of-way line of Roth Road, adopted July 14, 1982, is hereby expressly repealed.

2. This Ordinance shall be in full force and effect immediately upon its passage.

Passed and approved this the 24th day of September , 1982.

M. Joanne Sauder
M. Joanne Sauder

Raymond E. Miller
Raymond E. Miller

Arthur L. Sivits
Arthur L. Sivits

ATTEST:

Alleen Kipfer
Alleen Kipfer
Town Clerk-Treasurer

ORDINANCE NUMBER 210

An Ordinance annexing real estate contiguous to the Town of Grabill, lying East of the present corporation line and West of the Roth Road BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana, as follows: 1. The following described territory be and the same is hereby annexed to and declared to be a part of said Town, to-wit: The following described real estate in Allen County, Indiana, to-wit:

Part of the East Half of the Northeast Quarter of the Southeast Quarter of Section 24, Township 32 North, Range 13 East, together with part of the East Half of the Southeast Quarter of the Southeast Quarter of Section 24, Township 32 North, Range 13 East, Allen County, Indiana, more particularly described as follows: Commencing at the Northeast corner of the Southeast Quarter of said Section 24; thence Southerly along the East line of said Section 24, also being the Centerline of Roth Road, 500 feet; thence Westerly a distance of 20 feet parallel to the North line of the Southeast Quarter of said Section 24, to the West right-of-way line of Roth Road, being the Point of Beginning; thence Southerly along said West right-of-way line to a point 1,378 feet Northerly of the South line of the Southeast Quarter of said Section 24, said point being the Northeast corner of a 10-acre tract of land conveyed to Sauder's Farm, Inc., recorded in Deed Book 631, Page 184, in the Office of the Allen County Recorder; thence Westerly along the Northerly line of said 10-acre tract of land, to the existing corporation line of the Town of Grabill; thence Northerly along said corporation line to the South line of an 8.55-acre tract of land conveyed to Eagle-Picher Company recorded in Deed Book 629, Page 281-2 in the Office of the Allen County Recorder; thence Easterly parallel with the North line of the Southeast Quarter of said Section 24, along the South line of said 8.55-acre tract of land to the Point of Beginning.

2. This ordinance shall be in full force and effect sixty (60) days after its final publication as provided in I.C. 36-4-3-7 and the posting provided in I.C. 5-3-1-4.

Passed and approved April 13 , 1983.

Recorded April 13 , 1983.

Presented to and approved by me this 13th day of April , 1983.

M. Joanne Sauder
M. Joanne Sauder
President of Board of Trustees

ATTEST:

Alleen Kipfer
Alleen Kipfer
Clerk-Treasurer

ORDINANCE NUMBER 268

An Ordinance annexing real estate contiguous to the Town of Grabill, and which is the South Half of David Drive.

BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana, as follows:

The following described territory be and the same is hereby annexed to and declared to be a part of said Town, to-wit:

The Following described real estate in Allen County, Indiana, to-wit:

- Part of the East Half of the Southeast Quarter of Section 24, Township 32 North, Range 13 East, Allen County, Indiana, described as follows: Commencing at the northeast corner of the Southeast Quarter of said Section 24; thence South 00 deg 00 min 00 sec West (assumed bearing) along the east line of said Section 24, being the centerline of Roth Road,
1. 1265.96 feet to the point of beginning, situated 1378.00 feet North of the southeast corner of said Section 24; thence continuing South 00 deg 00 min 00 sec West along said east line 25.00 feet; thence South 89 deg 18 min 55 sec West 811.00 feet to the east right of way line of David Road as recorded in the plat of Grabill East Industrial Park in Plat Book 46, pages 37 thru 39 in the Office of the Allen County Recorder; thence North 00 deg 00 min 00 sec East on said right of way line 25.00 feet to the north line of a 10 acre tract of land recorded in Deed Record 631, page 184; thence North 89 deg 18 min 55 sec East on said north line 811.00 feet to the point of beginning, containing 0.46 acres more or less and subject to easements and rights of way of record.
 2. This Ordinance shall be in full force and effect sixty (60) days after its final publication as provided in I.C. 36-4-3-7.

Passed and approved October 11 , 1988.

Recorded October 11 , 1988.

Presented to and approved by me this the 11th day of October , 1988.

M. Joanne Sauder
M. JOANNE SAUDER, President
Board of Trustees

ATTEST:

Mary Ann Carnahan
MARY ANN CARNAHAN
Clerk-Treasurer

ORDINANCE NUMBER 314

An Ordinance annexing real estate contiguous to the Town of Grabill and lying North of the present corporation line.

BE IT ORDAINED by The Town Council of the Town of Grabill, Indiana, as follows:

1. The following described territory, which is contiguous to the Town of Grabill and lies north of the present corporation line, be and the same is hereby annexed to and declared to be a part of said Town, to-wit:

The following described real estate in Allen County, Indiana, to-wit:

A part of the Northeast Quarter of Section 24, Township 32 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the Southwest corner of said Quarter Section; thence South 88 degrees 50 minutes 00 seconds East 342.00 feet along the South line of said Quarter Section to the centerline of Witmer Drain; thence along said centerline, as approximated by the following six courses, North 45 degrees 25 minutes 16 seconds West 93.24 feet; thence North 32 degrees 35 minutes 42 seconds West 59.36 feet; thence North 11 degrees 17 minutes 21 seconds West 362.78 feet; thence North 60 degrees 03 minutes 05 seconds West 54.80 feet; thence North 51 degrees 17 minutes 52 seconds West 74.01 feet; thence South 82 degrees 14 minutes 19 seconds West 66.19 feet to the West line of said Quarter Section; thence South 00 degrees 11 minutes 05 seconds West 528.95 feet along said West line to the point of beginning, containing 2.61 acres of land, more or less, subject to all easements of record.

2. This ordinance shall be in full force and effect sixty (60) days after its publication as provided in I.C. 36-4-3-7.

Passed and approved June 9, 1993.

Recorded June 9, 1993.

Presented to and approved by me this the 9th day of June, 1993.

M. JOANNE SAUDER, President

ATTEST:

GLEND A WHITTERN

Town Clerk-Treasurer

You are further notified that in the absence of remonstrance and appeal under the applicable statutes, the ordinance will take effect sixty days after its publication.

Glenda Whittern, Clerk-Treasurer
Town of Grabill

CERTIFICATION

I hereby certify that the foregoing is a true and exact copy of Ordinance 314 as passed by the Town Council of the Town of Grabill on June 9, 1993. Pursuant to statute, publication of same was made in the Fort Wayne Journal-Gazette and Fort Wayne News-Sentinel on June 21st and posting was made at or near the Town Hall and at the Post Office in the Town of Grabill.

Dated this the 20 day of September, 1993.

Glenda A. Whittern
GLEND A WHITTERN, Clerk-Treasurer
Town of Grabill
(SEAL)

ORDINANCE NUMBER 348

An Ordinance annexing real estate contiguous to the Town of Grabill.

BE IT ORDAINED by The Town Council of the Town of Grabill, Indiana, as follows:

1. The following described territory, which is contiguous to the Town of Grabill:

The following described real estate in Allen County, Indiana, to-wit:

A part of the Northeast Quarter of Section 24, Township 32 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of said Section 24, thence North (assumed) along the West line of said Northeast Quarter, 528.95 feet to the point of beginning; thence continuing North 444.86 feet; thence North 89 degrees 35 minutes 35 seconds East, 36.20 feet; thence South 76 degrees 07 minutes 59 seconds East, 95.85 feet; thence North 27 degrees 28 minutes 05 seconds East, 119.51 feet; thence South 51 degrees 45 minutes 18 seconds East, 92.60 feet; thence South 82 degrees 32 minutes 12 seconds East, 77.00 feet; thence South 901.32 feet; thence South 51 degrees 06 minutes 12 seconds East, 153.29 feet; thence North 89 degrees 23 minutes 01 seconds West, 110.02 feet; thence North 45 degrees 36 minutes 21 seconds West, 93.87 feet; thence North 32 degrees 46 minutes 47 seconds West, 59.38 feet; thence North 11 degrees 28 minutes 26 seconds West, 362.78 feet; thence North 60 degrees 14 minutes 10 seconds West, 54.80 feet; thence North 51 degrees 28 minutes 57 seconds West, 74.01 feet; thence South 82 degrees 03 minutes 14 seconds West, 66.18 feet to the point of beginning, containing 5.13 acres of land, more or less.

2. This ordinance shall be in full force and effect sixty (60) days after its publication as provided in I.C. 36-4-3-7. And after the filing required by I.C. 4-3-22(a).

Passed and approved January 10, 1996.

Recorded January 10, 1996.

Presented to and approved by me this the 10th day of January, 1996.

M. Joanne Sauder

M. JOANNE SAUDER, President

ATTEST:

Glenda A. Whittern

GLEND A WHITTERN

Town Clerk-Treasurer

CERTIFICATION

I hereby certify that the foregoing is a true and exact copy of Ordinance 348 as passed by the Town Council of the Town of Grabill on January 10, 1996. Pursuant to statute, publication of same was made in the Fort Wayne Journal-Gazette and Fort Wayne News-Sentinel on January 17, 1996 and posting was made at or near the Town Hall and at the Post Office in the Town of Grabill commencing on the 17th day of January, 1996.

Dated this the 24th day of January, 1996.

Glenda A. Whittern
GLEND A WHITTERN, Clerk-Treasurer
Town of Grabill
(SEAL)

This instrument was prepared by: Sam Fogel, Attorney at Law, Supreme Court ID Number 8044-02, 1100 Commerce Building, Fort Wayne, Indiana 46802. Telephone: (219) 422-7482.1

ORDINANCE NUMBER 349

An Ordinance annexing real estate contiguous to the Town of Grabill.

BE IT ORDAINED by The Town Council of the Town of Grabill, Indiana, as follows:

1. The following described territory, which is contiguous to the Town of Grabill:

The following described real estate in Allen County, Indiana, to-wit:

All of that part of the Southwest Quarter of the Northeast Quarter lying East of the right-of-way of the Fort Wayne-Detroit Railroad Company in Section Twenty-five, Township Thirty-two North, Range Thirteen East, Allen County, Indiana, containing 23.35 acres, more or less.

Also:

The South 60 feet of the following described Real Estate:

The Southeast quarter of the Northeast quarter of Section 25, Township 32 North, Range 13 East of the Second Principal Meridian, Allen County, Indiana, containing 40.15 acres, more or less. EXCEPTING THEREFROM the following described parcel.

COMMENCING at the Southeast corner of said Northeast quarter marked by a railroad spike found; thence North 00 degrees 00 minutes seconds East (assumed bearing and basis for bearings in this description), along the East line of said Northeast quarter, a distance of 681.97 feet to the point of beginning, marked by a railroad spike set; thence South 89 degrees 48 minutes 35 seconds West, along an existing fence line and its easterly extension thereof, 1325.51 feet to a standard corner marker (5/8" x 2' long rebar with identification cap stamped "J.D. Burlange IN RLS 870013") set on the West line of the Southeast quarter of said Northeast quarter; thence North 00 degrees 01 minutes 28 seconds East, along said West line, 661.36 feet to a standard corner marker set at the Northwest corner of said

Southeast 1/4; thence South 89 degrees 11 minutes 47 seconds East, along the North line of said Southeast quarter, a distance of 1325.35 feet to a railroad spike set at the Northeast corner of said Southeast quarter; thence South 00 degrees 00 minutes 00 seconds East, along the East line of the Northeast quarter, a distance of 638.38 feet to the point of beginning, containing 19.77 acres, more or less. SUBJECT to Roth Road right-of-way.

Also:

The Southwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 25, Township 32 North, Range 13 East, Allen County, Indiana, containing 10.03 acres, more or less and subject to easements and rights-of-way of record.

Also:

Part of the Northwest Quarter of the Northeast Quarter of Section 25, Township 32 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

The North 142.22 feet of the following described real estate: Beginning at the Southeast corner of the Northwest Quarter of the Northeast Quarter of said Section 25; thence North 00 degrees 00 minutes West, one and along the East Line of the Northwest Quarter of said Northeast Quarter, a distance of 527.5 feet; thence North 89 degrees 01 minutes West, a distance of 379.71 feet to a survey pin found on the Easterly right-of-way line of the N & W Railroad; thence South 18 degrees 32 minutes West, on and along said Easterly right-of-way line, being situated 150.0 feet (measured at right angles), Southeasterly of and parallel to the centerline of the main track, a distance of 556.12 feet to a survey pin found at the point of intersection of said Easterly right-of-way line with the South line of the Northwest Quarter of the Northeast Quarter of said Section 25; thence South 89 degrees 18 minutes 30 seconds East, on and along said South line, a distance of 556.6 feet to the point of beginning, containing 1.3 acres of land more or less, subject to all easements of record.

2. This ordinance shall be in full force and effect sixty (60) days after its publication as provided in I.C. 36-4-3-7. And after the filing required by

I.C. 4-3-22(a).

Passed and approved January 10, 1996.

Recorded January 10, 1996.

Presented to and approved by me this the 10th day of January, 1996.

M. Joanne Sauder

M. JOANNE SAUDER, President

ATTEST:

Glenda A. Whittern

GLEND A WHITTERN

Town Clerk-Treasurer

You are further notified that in the absence of remonstrance and appeal under the applicable statutes, the ordinance will take effect sixty days after its publication.

Glenda Whittern, Clerk-Treasurer

Town of Grabill

CERTIFICATION

I hereby certify that the foregoing is a true and exact copy of Ordinance 349 as passed by the Town Council of the Town of Grabill on January 10, 1996. Pursuant to statute, publication of same was made in the Fort Wayne Journal-Gazette and Fort Wayne News-Sentinel on January 22, 1996 and posting was made at or near the Town Hall and at the Post Office in the Town of Grabill commencing on the 22nd day of January, 1996.

Dated this the 22nd day of January, 1996.

Glenda Whittern
GLEND A WHITTERN, Clerk-Treasurer
Town of Grabill
(SEAL)

ORDINANCE NUMBER 352

An Ordinance annexing real estate contiguous to the Town of Grabill.

BE IT ORDAINED by The Town Council of the Town of Grabill, Indiana, as follows: 1. The present western corporate boundary of the Town of Grabill is as follows, to-wit: The westerly corporate limit line of Grabill, Indiana lying in the Northwest Quarter of Section 25, Township 32 North, Range 13 East, Allen County, Indiana, more particularly described as follows: Commencing at the northeast corner of the Northwest Quarter of Section 25, Township 32 North, Range 13 East, Allen County, Indiana, thence westerly along the north line of said NW 1/4, a distance of 626.30 Feet to the true point of beginning, said point being the northwest corner of School Site Amended Addition, as recorded in Plat Book B, Page 127, in the Office of the Recorder of Allen County, thence southerly with a deflection angle to the left of 90 degrees 54' 30" along the west line of said School Site Amended Addition and the West Corporation Line of the Town of Grabill, and parallel with the east line of said NW 1/4, a distance of 1,317.77 feet to a point on the south line of the north half of said NW 1/4, said point being the southeast corner of the Lynn & Christine Klopfenstein property (Doc. No. 88-07958); thence westerly with a deflection angle to the right of 90 degrees 52' 00" along the south line of the N1/2 of said NW1/4 and the south line of said Klopfenstein property, a distance of 44.33 feet to the northeast corner of Countryside Crossing, Section IV (Plat Cabinet "C", page 81); thence southerly with a deflection to the left of 91 degrees 05' 20" along the east line of said Countryside Crossing, Section IV, the west line of Countryside Crossing, Section 1 (Plat Cabinet "B", page 123), and the west line of Countryside Crossing, Section II (Plat Cabinet "B", page 118), a distance of 1,321.80 feet to the southeast corner of said countryside Crossing, Section IV and the southwest corner of said Countryside Crossing, Section 11, being a point on the south line of the NW1/4 of Section 25-32-13.

2. The following described territory be and the same is hereby annexed to and declared to be a part of said Town, to-wit: Part of the Northwest

Quarter of Section 25, Township 32 North, Range 13, East, Allen County, Indiana, more particularly described as follows: Commencing at the Northeast corner of the Northwest Quarter of Section 25, Township 32 North, Range 13 East, Allen County, Indiana; thence Westerly along the North line of said NW 1/4, a distance of 626.30 feet to the true point of beginning, said point being the Northwest corner of School Site Amended Addition, as recorded in Plat Book 7B, page 127, in the Office of the Allen County Recorder; thence Southerly with a deflection angle to the left of 90 degrees 54 minutes 30 seconds along the West line of said School Site Addition and the West Corporation Line of the Town of Grabill, and parallel with the East line of said NWS1/4, a distance of 1317.77 feet to a point on the South line of the North half of said NW1/4, said point being the Southeast corner of the Lynn and Christine Klopfenstein property (Doc. #88-07958); thence Westerly with a deflection angle to the right of 90 degrees 52 minutes 00 seconds along the South line of the N 1/2 of said NW1/4 and the South line of said Klopfenstein property, a distance of 44.33 feet to the Northeast corner of Countryside Crossing, Section IV (Plat Cabinet "C", page 81); thence Southerly with a deflection angle to the left of 91 degrees 05 minutes 20 seconds along the East line of said Countryside Crossing, Section IV, and the West line of Countryside Crossing Section I (Plat Cabinet "B", Page 123), and the West line of Countryside Crossing, Section II (Plat Cabinet "B", page 118), a distance of 1321.80 feet to the Southeast corner of said Countryside Crossing, Section IV and the Southwest corner of Countryside Crossing, Section II, being a point on the South line of the NW1/4 of Sec. 25-32-13; thence Westerly with a deflection angle to the right of 91 degrees 09 minutes 36 seconds along the South line of said Countryside Crossing, Section IV, a distance of 659.44 feet to the Southwest corner thereof; thence Northerly with a deflection angle to the right of 88 degrees 50 minutes 24 seconds along the West line of Countryside Crossing, Section IV, a distance of 1320.99 feet to the Northwest corner thereof; thence Easterly with a deflection angle to the right of 91 degrees 05 minutes 20 seconds along the North line of said Countryside Crossing, Section IV, a distance of 479.39 feet to a point on the West line of a 50-foot wide ingress and egress easement; thence Northerly with a deflection angle to the left of 91 degrees 05 minutes 20 seconds along the West line of said easement, a distance of 629.45 feet to a point of curvature; thence Northwestly along a curve to the left having a

radius of 300.0 feet and a central angle 0132 degrees 38 minutes 27 seconds an arc distance of 170.91 feet to a point of tangency; thence Northwesterly tangent to the said curve, and along the West line of said easement, a distance of 168.73 feet to a point of curvature; thence Northerly along a curve to the right having a radius of 400.0 feet and a central angle of 33 degrees 00 minutes, an arc distance of 230.38 feet to a point of tangency; thence Northerly, tangent to said curve, and along the West line of said easement, a distance of 170.34 feet to a point on the North line of the NW1/4 of Sec. 25-32-13; thence Easterly with a deflection angle to the right of 90 degrees 46 minutes 15 seconds along said North line, a distance of 430.0 feet to the point of beginning, containing 18.913 acres, subject to road rights-of-way and easements.

3. This ordinance shall be in full force and effect sixty (60) days after its publication as provided in 1.C. 36-4-3-7. And alter the filing required by I.C. 4-3-22(a).

Passed and approved August 14th , 1996.

Recorded August 14th , 1996.

Presented to and approved by me this the 14th day of August , 1996.

M. Joanne Sauder
M. JOANNE SAUDER, PRESIDENT

ATTEST:

Glenda A. Whittern
GLEND A WHITTERN
TOWN CLERK-TREASURER

GRABILL TOWN COUNCIL
RESOLUTION NO. 1244-2009

**RESOLUTION OF THE GRABILL TOWN COUNCIL
ACKNOWLEDGING AND ACCEPTING
PETITION FOR VOLUNTARY ANNEXATIONS INTO TOWN OF
GRABILL**

WHEREAS, the Town Council of the Town of Grabill (the "Town Council") is the governing body of the Town of Grabill, Allen County, State of Indiana (the "Town"); and WHEREAS, Sauder Feeds, Inc., Sauder Realty, Inc., Meredith M. and Carole M. Sauder, Tena M. Redden and Mark L. Sauder, General Contractor, Inc. are owners of land generally situated west of Roth Road, north of Grabill Road and east of David Drive, in Cedar Creek Township, Allen County, Indiana (the "Land"); and they have petitioned the Town Council (hereinafter referred to as the "Petition") to adopt an ordinance annexing their Land pursuant to Indiana Code 36-4-3, as amended (the Act"); WHEREAS, the Land and contiguous areas the Town is required by the Act to annex in connection with the annexation of the Land, including public highway rights-of-way, are referred to collectively as the "Territory"; and WHEREAS, the Town Council desires to acknowledge and accept the Petition and begin the process of annexing the Territory into the Town; and WHEREAS, the Town Council desires to designate, and from time to time refer to, the Territory as the "David Drive — Roth Road Annexation Area," which David Drive — Roth Road Annexation Area is more fully described on [Exhibit A](#) to this Resolution; NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, ALLEN COUNTY, STATE OF INDIANA, THAT:

Section 1. The Town Council acknowledges and accepts the Petition.

Section 2. The foregoing recitals or ("whereas clauses") are finding by the Town Council and are incorporated into this Resolution by this reference.

Section 3. The Town Council hereby authorizes a public hearing to be held by this Town Council pursuant to Indiana Code 36-4-3-5.1 regarding the

adoption of an ordinance providing the annexation of the Territory. The hearing shall be held at a meeting of the Town Council on Wednesday, November, 25 23, 2009 at 7:00 p.m. (local time), at the Grabill Town Hall, 12717 First Street, Grabill, Indiana 46741 (or such other time and place as the Town Council shall hereafter agree, such time and place to be set for in the notice referenced below).

Section 4. The Town Council hereby authorizes the publication of a notice of the public hearing, described in Section 3 hereof, to be published as required by law.

Section 5. The sections, paragraphs, sentences, clauses and phrases of this Resolution are separable, and if any section, paragraph, sentence, clause or phrase of this Resolutions shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Resolution.

Section 6. This Resolution shall be in full force and effect from and after its passage by the Town Council.

* * * * *

Passed by the Town Council of the Town of Grabill, Allen County, State of Indiana, this 28th day of October, 2009.

**TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, STATE OF INDIANA**

Wilmer Delagrang
Wilmer Delagrang, President

Lynn Witt
Lynn Witt

Jeff Smead
Jeff Smead

Constituting a majority of the members of
the
Town Council

ATTESTED BY:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Allen County,
State of Indiana

Attachments:

- ☐ +/- Map of Annexation Territory
- ☐ +/- EXHIBIT A: Legal Description of Annexation Territory
- ☐ +/- Petition for Annexation into the Town of Grabill (cover)
- ☐ +/- Petition Signature - Sauder Feeds, Inc.
- ☐ +/- Petition Signature - Sauder Realty, Inc.
- ☐ +/- Petition Signature - 14227 Grabill Road (Meredith M. Sauder)
- ☐ +/- Petition Signature - 14227 Grabill Road (Tena M. Redden)
- ☐ +/- Petition Signature - Mark L. Sauder, General Contractor, Inc.

+/- Exhibit A: Map of Petitioners' Parcels

+/- Exhibit B: Legal Description of Petitioners' Parcels

+/- Letter from Attorneys (re: Annexation Petition)

Fiscal Plan - Cover Page

GRABILL ANNEXATIONS
ADMINISTRATIVE AND POLICY DIRECTION

TOWN COUNCIL
WILMER DELAGRANGE, PRESIDENT
LYNN WITT, MEMBER
JEFF SMEAD, MEMBER

CYNTHIA BARHYDT, CLERK TREASURER

RESEARCH AND PREPARATION
CYNTHIA BARHYDT, CLERK TREASURER
ANDREW DODZIK, TOWN ENGINEER

INTRODUCTION

Since its incorporation in 1912, the Town of Grabill has grown through the annexation process. During the early years of the Town's existence there were very little changes to the Town's corporation limits.

Growth in the Town has occurred in most of the decades since 1950, with a majority of it taking place within the last twenty five (25) years.

The Town has plans to now expand again and is proposing a new area for inclusion. A map of the annexation area is presented on the following page.

A fiscal plan is required by the State Annexation Law to demonstrate how the annexation meets the legal requirement for annexation. The plan includes data covering the annexation area, service provision commitments and fiscal impacts of the annexation upon the Town.

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[Table 9:](#) Taxing District Rate Fort Wayne/St. Joseph
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List of Figures

[Figure 1:](#) Annexation Area
[Figure 2:](#) Contiguity Annexation Area
[Figure 3:](#) Sanitary Sewer and Water Main Extensions

SECTION ONE: BASIC DATA

Locations

The area proposed for annexation is located on the northeast side of the Town of Grabill.

A.

The area is bounded on the east by Roth Road, on the south by Grabill Road, on the west and north by the existing Town corporate limits.

The annexation area is shown in [Figure No. 1.](#)

Size

B.

The annexation area contains approximately 21.13±

Population

C.

The current population for the annexation area is estimated at 15.

D. Buildings

TABLE 1

Type and Number of Buildings

Type of Buildings	Number
Single Family	4
Commercial Industrial	6
Agricultural	1
Total	11

E. Land Use

TABLE 2

Land Use Acreages and Percentages

Annexation Area

Land Use	Acres	Percent
Vacant	2±	9.5±
Agricultural	10±	47.6±
Single Family	1.5±	7.1±
Commercial/Industrial	5.13±	24.4±

Right-of-Way	2.5±	11.4±
Totals	21.13±	100%

Zoning

The annexation area contains two (2) zoning classifications, agricultural (A-1) and industrial (I-2). A map showing the various zonings is located in the Town offices.

F.

The Town presently looks to the Allen County Department of Planning Services to assist with planning and zoning issues.

The following zoning categories are currently in place within the Town of Grabill.

TABLE 3
Applicable Town and County Zoning Classifications

A-1: Agricultural	C-1: Limited Commercial
RS-1: Suburban Residential	C-3: General Commercial
RS-3: Multiple Family	I-1: Light Industrial
RSP-3: Planned Multiple Family	I-2: General Industrial
RS-P: Planned Residential	MH: Manufactured Housing
C-1A: Professional	

Topography

- G. From the Allen County I-Map Service the annexation area is considered as gently sloping with the elevations varying from approximately 830 to 818 and sloping from the center north and south, then towards the Witmer Drain.

Assessment

H.

The present total assessed value for the annexation area is:

Net Tax Rates (2009, Payable 2010)

- I. Table 4 shows the changes in tax rates for the taxing jurisdiction containing the annexation areas. The 2009 payable 2010 tax rates, before and after annexation are as reported by the Allen County Auditor's Office.

TABLE 4
Net Tax Rate Conversions

Taxing District	Existing Net Rate	Rate After Annexation	Change in Rate	Percent Change
Cedar Creek	1.5717	2.2761	0.7044	44.8177

+/-

Figure 1: Annexation Area

J. Council District

The annexation area will be assigned to Town Council's at large area.
There are no separate Council District's in Grabill.

Contiguity

- K. The annexation area is over twenty five percent (25%) contiguous to the Town of Grabill (See [Figure 2](#)).



Figure 2: Contiguity Annexation Area

SECTION TWO: THE COMPREHENSIVE ANNEXATION PROGRAM

The annexation of this area is consistent with the Town's annexation program. The Town's program calls for all urban land contiguous to the Town limits should become part of the Town" as should all non-urban land required to compliment the annexation of urban land and/or to provide the ability to control and manage growth. This area to be annexed clearly meets this criteria.

SECTION THREE: STATE LAW REQUIREMENTS

Introduction

When pursuing an annexation, a municipality must be sure that the proposed annexation is in accordance with the State Law. The existing statute (IC-36-4-3) provided Town's with the following options for annexing areas. An annexing Town must meet one of these guidelines.

- A. The requirements are met if the evidence establishes one of the following:

Option 1: That the territory sought to be annexed is at least one eighth (1/8) contiguous to the municipality and have one of the following:

- A. The resident population density of the territory sought to be annexed is at least three (3) persons per acre.
B. Sixty percent (60%) of the territory is subdivided.
C. The territory is zoned for commercial, business, or industrial uses.

Option 2: The requirements are met if the evidence established the following:

- A. That the territory sought to be annexed is contiguous to the municipality and that at least one fourth (1/4) of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality.
B. That the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.

Under either of the above options, the municipality must also prepare a written fiscal plan. The fiscal plan must establish a definite policy by resolution of the legislative body and provide cost estimates of services to be furnished to the annexed territory, together with the methods of financing such services.

All of the annexation areas meet one of the options which have been established to determine the validity of annexations. The remainder of this section will be devoted to discussing how the annexation area meets one of these requirements.

Contiguity

- B. [Figure 2](#) illustrates the length of the external boundaries of the annexation boundaries along with the length that is contiguous and the contiguous percentage.

Conclusion

- C. The Town of Grabill should annex the designated area because it meets the annexation test as established by State Statute, and the area is needed and can be used to control growth and development.

SECTION FOUR: MUNICIPAL SERVICES

This section of the fiscal plan projects costs and methods of financing municipal services for the annexation area. How and when the Town plans to extend non-capital services, as well as capital improvements is outlined in the following pages. The following section demonstrates how the Town will satisfy the requirements of Indiana State Law in the provisions of services and financing of same in an equitable manner.

The municipal services described in this section are presented according to the need of the annexation area, the costs of providing services and funding sources. Costs are rounded to the nearest \$1.00 and are calculated at today's dollar value.

As required by State Law the annexation area will receive planned services of non-capital nature in a manner equivalent in standard and scope to those non-capital services provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density. In addition, the annexation area will receive services of a capital improvement nature in the same manner as those services provided to areas within the

corporate boundaries that have similar topography, patterns of land use, and population density.

All services, both of a non-capital improvement nature and of a capital improvement nature are described in subsequent subsections of this section. Each service will be provided to the areas in a manner equivalent in standard and scope to those capital and non-capital services provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density.

Police

These services are provided to the Town through the Allen County Sheriffs Department and will be extended to the annexation area in the same manner as currently being provided to the Town.

Funding for these services will come from the Civil Town Budget, which is derived from property taxes through the general fund.

A.

Capital Cost: \$0

Total Estimate Annual Operating Cost: \$41,500 (provided by contract with County Sheriff Department)

There will be no increase in cost to the Town as a direct result of the annexation.

Fire Protection and Emergency Medical Services (EMS)

The Grabill Volunteer Fire Department will be responsible for providing fire protection services to the annexation area. The services provided include fire protection, emergency rescuer, fire prevention, fire inspection, and hazardous materials response. EMS support

would include first responder or life hazards. The County's Sheriff B. Department will assist in fire investigation.

Capital Cost: \$0

Estimate Annual Operating Cost: \$42,566.00 (services provided by contract with Fire Department)

There will be no increase in cost to the Town as a direct result of this annexation.

TABLE 7
EMS FEES

SERVICES	FEE — INCLUDED ABOVE
Basic response with transport	N/A included in Contract
Response with no transport	N/A included in Contract
Paramedic response with no transport	N/A included in Contract

This method of financing permits service to be extended to the annexation area. No additional manpower or equipment will be needed to service the annexation area.

Capital Cost: N/A

Estimate Annual Operating Cost: N/A

Solid Waste Disposal

- The solid waste service is provided by contract through National Serv-all. There solid waste service will be provided to residential single family households and duplexes. The services are paid through a monthly service fee. The current rates are \$13.50/month with use of a rental container, additional bags are \$1.00 each.
- C.

Solid waste disposal services will be provided to the annexation area immediately upon annexation. In the same manner as the rest of the Town.

Traffic Control

- The present methods of traffic control will be extended to the annexation area in the same manner as is currently provided to the Town.
- D.

These services would include signage and pavement markings as deemed necessary. No additional expense is anticipated at this time, as a direct result of this annexation.

E. Streets and Roads

The annexation area will add approximately 0.50 miles of street to the Town's system. All of which would be considered as arterial streets. The arterial streets are considered to be in fair to good condition.

The Town of Grabill has recently completed a project that extended David Drive from its current terminus east to Roth Road. This will loop this area from Roth to Grabill Road through the industrial area.

Upon annexation the Town will be responsible for the general maintenance of all the dedicated public street right-of-ways in the annexation areas immediately after annexation. General maintenance services include: snow removal, leaf pick up, street sweeping, street maintenance and repair, street resurfacing as needed and miscellaneous maintenance activities as required.

The provision of service to the annexation area will require no additional manpower or equipment.

The Town anticipates there will be no increase in costs to the Town as a direct result of this annexation.

F. Parks and Recreation

Residents of the proposed annexation area will have access to Town park facilities such as softball diamonds, basketball, picnic facilities, trails and nature areas, and South Park pavilion.

There are no plans at this time to require additional open space in the annexation area.

Other recreational activities include, athletic leagues, youth sports, senior citizen activities, special events, cultural arts, and instructional programs are available to all Town residents. Most services are offered on a fee basis for the specific services. There is a \$100/use rental fee to use the community pavilion at the South Park.

The Town anticipates there will be no increase in costs to the Town as a direct result of this annexation.

Water

The Town of Grabill, owns, operates, and maintains its own water utility. A majority of the proposed annexation is already services by the water utility.

- G. A 550± lineal foot water main extension is required along Roth Road to finish looping the annexed area (See Exhibit A). Extension of water service to specific properties in the annexation area will be considered once property owner(s) petition for such services. The method of financing installation costs will be determined at the time a petition is received. Rates for water usage are available from the Town.

Capital Costs: \$30,000.00

Estimated Annual Operating Costs: \$500.00

Fire Hydrants

Each water customer as part of their monthly water bill currently pay \$52.80 annually for each hydrant located within the Town.

- H. The annexation area currently contains three (3) fire hydrants. Therefore, they will pay the water utility \$158.40 per year after the area is annexed.

There are no other anticipated increases in cost to the Town as a direct result of this annexation.

Sanitary Sewers

The Town of Grabill owns, operates, and maintains its own sewerage collection system. Treatment of collected sewerage is handled by the City of Fort Wayne. A majority of the proposed annexation area is already serviced by sanitary sewers.

- A sanitary sewer extension is necessary to service the properties along the
- I. south end of the annexed area. Property owners will need to request sanitary sewer service before the Town would agree to provide such service. Financing of the installation costs will be determined at the time the request is made. Rates for sewer usage are available from the Town. See Exhibit A for proposed sanitary sewer extension.

Capital Costs: \$35,000

Estimated Annual Operating Costs: \$750.00

Storm Drainage

- The Town of Grabill owns and maintains its own storm water collection system. The Allen County Drainage Board handles the Witmer Ditch which is a legal drain that bisects through Grabill on the east side of
- J. Town.

There are no known deficiencies in the Annexation area, therefore it is anticipated that this will require no additional costs on behalf of the Town.

K. Street Lighting

There are currently no plans or requirements of the Town to provide street lights to the annexation area.

No additional personnel or equipment is needed for street lighting as a result of this annexation.

Administrative Services

All administrative functions for the Town of Grabill will be available to the annexation area immediately upon the effective date of annexation. These services include, but are not limited to, Town Council, Town Clerk, Employee Staff, etc. General administration includes all of the regularly
L. program function of the town.

The cost of these services cannot be directly related to the size and population of an area. Therefore, this plan does not include any costs associated with administrative functions.



Figure 3: Sanitary Sewer and Water Main Extensions

SECTION FIVE: FINANCIAL SUMMARY AND RECOMMENDATIONS

The purpose of this section is to project the revenues and expenditures from the proposed annexation area. This section provides a five year summary of the expenditures compared with the revenues for the years 2003 through 2008.

Revenues

Property taxes are the main source of revenue to be received from the A. annexation areas. Property taxes are computed from the gross amount of assessed valuation in the area, and this can be obtained from the office of the Cedar Creek Township Assessor. The formula for computing tax revenue is provided in the following table.

TABLE 8
Tax Revenue Formula

$$\frac{V - E(T)}{100} = TR$$

where:

V = Assessed Valuation

E = Home Mortgage and Homestead Exemptions (\$3,000)

T = Town Tax Rate

TR = Tax Return

The total assessed valuation of the Town is:

Area: \$35,975,296.00

The total assessed valuation of the annexation area is:

Area: \$2,109,800.00

To calculate the revenue which will be generated from the annexation area, the first step is to deduct any home mortgage and homestead exemption from the total assessed value in that area. The exemptions for this area are:

Area: \$335,175.00

The tax rate for the Town of Grabill is shown on the following table:

TABLE 9
Town of Grabill Tax Rates

Tax Item	Rate
0101 — General	0.4264
0708 — MVH	0.2616
1191 — Cumulative Fine Special	0.0168
1302 — Park Board	0.0398
TOTAL	0.7446

These annexations will also enable the Town to receive additional revenue from the Motor Vehicle Highway (MVH) and from local roads and streets (LR&S) fund. These funds are allocated based on the Town's total population and road mileage. The total road miles in Grabill are approximately 7.5; this annexation will add approximately 0.4 miles for a 5.3% increase.

In addition to property taxes and highway funds, the Town receives revenues from the County Economics Development Income Tax (CEDIT) and the Alcoholic Beverage Tax. Some of these funds are based in part upon the Town's population. Since population is only one element of a very complex distribution formula, the direct contribution of the annexed areas cannot be calculated. However, it is safe to presume that most of these funds will increase as the Town's population increases.

Expenditures

Expenditures for municipal services to the annexed area is summarized in Table 10. Capital costs are one time expenditures, while annual operating costs are continuing expenses. Since the needs of the annexation areas B. must be treated equally with the needs of other similar areas in Grabill, capital improvement projects, such as streets, curbs, and sidewalks, must follow routine Town procedures which often require request for improvements. Table 10 indicates the costs in 2009 dollars that will be incurred for each department subsequent to this annexation area. The figures are rounded to the nearest \$100.

TABLE 10
Expenditures

Department	Capital Cost	Annual Cost
Police	0	0
Fire and EMS	0	0
Solid Waste Disposal	0	0
Traffic Control	0	0
Streets and Roads	0	\$1,000.00
Parks and Recreation	0	0
Water	\$30,000.00	\$500.00
Fire Hydrants	0	\$158.40
Sanitary Sewers	\$35,000.00	\$750.00
Storm Drainage	0	0

Street Lighting	0	0
Administrative Services	0	0
Totals	\$65,000.00	\$2,408.40

Five Year Summary

The five year summary shows the projected expenditures compared with tax revenues expected in the annexation area for the first five years after they are incorporated into the Town of Grabill. The summary reflects a two (2%) increase factor for Town revenues for each of the five years.

- C. Property tax revenue from the annexation area will not be collected until 2011. Assuming the areas effective date of annexation of January 1, 2010, assessment will occur in 2010. Since revenues will not be collected for one year after the effective date of annexation the Town will experience a loss of \$65,000.00 in 2010.

Table 11 details the revenues minus the expenses for the annexation area for a five (5) year period.

TABLE 11
Revenues Minus Expenses

Year	Expenditures	Property Tax Projected Revenue*	MVH & LR&S	Balance
2010	\$65,000.00	\$0.00	\$0.00	(\$65,000.00)
2011	\$2,408.40	\$13,478.13	\$0.00	\$11,069.73
2012	\$2,408.40	\$13,747.69	\$0.00	\$11,339.29
2013	\$2,408.40	\$14,022.64	\$0.00	\$11,614.24
2014	\$2,408.40	\$14,303.10	\$0.00	\$11,894.70
Total	\$74,633.60	\$55,551.56	\$0.00	(\$19,082.04)

* The Property Tax Revenue is a projection only. It is important to note that 2009 is the first year of implementation of the recently passed circuit breaker legislation which limits the total amount of property taxes a taxpayer is liable for from all taxing units within Allen County.

Beginning in 2009, to be completely phased in by 2010 collection year, property taxes will be limited to 1% of the gross assessed value for homestead property, 2% for other residential and agricultural land, and 3% for all other property. Taxing units are prohibited from adjusting their levy or issuing short term borrowing to make up any shortfalls which result from application of the cap. As such, it is possible that the Town of Grabill will not realize the full amounts provided in the "Property Tax Projected Revenue" column. The estimated circuit breaker loss for the Town of Grabill in 2009 is \$0.00 and is estimated to be approximately \$6,000.00 for 2010 and 2011.

Recommendation

This fiscal plan which meets the State Law requirements that such a plan D. be prepared shows that the annexation is in accordance with the applicable state statutes. Therefore, it is recommended that after passage of the annexation ordinance and its approval by the Town Council, the Council should annex this area on or before January 2, 2010.

APPENDIX

ANNEXATION AREAS LEGAL DESCRIPTION

EXHIBIT 'B'

+/-

EXHIBIT 'B': Legal Description

Attachments:



Letter from Attorneys (11/20/2009)

GRABILL TOWN COUNCIL
RESOLUTION NO. 1244-2009

**RESOLUTION OF THE
TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA
ADOPTING A WRITTEN FISCAL PLAN ESTABLISHING A
POLICY
FOR THE PROVISION OF SERVICES TO A PROPOSED
ANNEXATION AREA**

WHEREAS, Sauder Feeds, Inc., Sauder Realty, Inc., Meredith M. and Carole M. Sauder, Tena M. Redden and Mark L. Sauder, General Contractor, Inc. are owners of land generally situated west of Roth Road, north of Grabill Road and east of David Drive, in Cedar Creek Township, Allen County, Indiana (the "Land"); and they have petitioned the Town Council (hereinafter referred to as the "Petition") to adopt an ordinance annexing their Land pursuant to Indiana Code 36-4-3, as amended (the Act"); and

WHEREAS, pursuant to such Petition, the Town of Grabill, Indiana ("Town") desires to annex certain real estate known as the David Drive — Roth Road Annexation Area in the County of Allen, State of Indiana, and more specifically described in proposed [Ordinance No. 623-2009](#); and

WHEREAS, responsible planning and state law require adoption of a Written Fiscal Plan and Definite Policy for the Provision of Services to Annexed Areas; and

WHEREAS, such a plan and policy have been developed and presented to the Town Council entitled "Fiscal Plan";

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL
OF THE TOWN OF GRABILL, ALLEN COUNTY, STATE OF
INDIANA, THAT:**

Section 1. The Town Council of the Town of Grabill, Indiana, hereby approves and adopts the Fiscal Plan, which Fiscal Plan is attached hereto

and made part hereof, and approves and adopts the specific policies for implementation of the Fiscal Plan as set out therein.

Section 2. Any monies necessary for the provision of services described and itemized in the attached Fiscal Plan shall be budgeted and appropriated from the applicable funds pursuant to state law, and the Town's budget procedure.

Section 3. The services of a non-capital nature described in the Fiscal Plan are equivalent and standard in scope to such non-capital services provided to areas within the corporate boundaries of the Town of Grabill that have similar topographies, patterns of land use, and population density. Services of a capital improvement nature that are described in the Fiscal Plan will be provided to the Annexed Territory within three (3) years after the effective date of this Annexation in the same manner as those services are provided to areas within the corporate boundaries of the Town of Grabill that have similar topographies, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

Section 4. This Resolution shall become effective as of the date of passage of Proposed [Ordinance No. 623-2009](#) entitled "An Ordinance Annexing Certain Territory Contiguous to the Town of Grabill, Indiana, Placing the Same within the Corporate Boundaries of the Town, Making the Same as Part of the Town and Redefining the Corporate Boundaries of the Town."

* * * * *

Passed by the Town Council of the Town of Grabill, Allen County, State of Indiana, this 23rd day of November, 2009.

**TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, STATE OF INDIANA**

Wilmer Delagrang
Wilmer Delagrang, President

Lynn Witt
Lynn Witt

Jeff Smead
Jeff Smead

Constituting all of the members of the
Town Council, Town of Grabill, Indiana

ATTESTED BY:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Allen County,
State of Indiana

Attachments:

☐ +/- Email from Attorneys (re: Voluntary Annexation - Timeline)

GRABILL TOWN COUNCIL
ORDINANCE NO. 623-2009

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
CONTIGUOUS TO THE TOWN OF GRABILL, INDIANA,
PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES
OF THE TOWN, MAKING THE SAME AS PART OF THE TOWN
AND REDEFINING THE CORPORATE BOUNDARIES OF THE
TOWN**

WHEREAS, well-defined long-term planning and orderly development benefit the Town of Grabill, Allen County, State of Indiana (the "Town") and the greater Grabill community; and WHEREAS, Sauder Feeds, Inc., Sauder Realty, Inc., Meredith M. and Carole M. Sauder, Tena M. Redden and Mark L. Sauder, General Contractor, Inc. are owners of land located generally situated west of Roth Road, north of Grabill Road and east of David Drive, in Cedar Creek Township, Allen County, Indiana (the "Land") and they have petitioned the Town Council via their filing of Petition for Annexation into the Town of Grabill to adopt an Ordinance annexing their land pursuant to Indiana Code § 36-4-3, as amended (the "Act");

WHEREAS, the Land and contiguous areas the Town is required by the Act to annex in connection with the annexation of the Land, including public highway rights-of-way, are referred to collectively as the "Territory"; and

WHEREAS, the Territory is contiguous to the Town, that is, at least one-eighth (1/8) of the aggregate external boundaries of the Territory coincides with the present boundaries of the Town as provided in (and required by) the Act; and WHEREAS, maps describing the boundaries of the Territory, including public highway and rights-of-way, are attached to and incorporated into this Ordinance as [Exhibit A](#); and WHEREAS, a legal description of the Territory is attached to and incorporated into this Ordinance as [Exhibit B](#); and the approximate number of acres in the Territory to be annexed is 20.126; and WHEREAS, none of the Territory (i) is within the corporate boundaries of any other municipality or (ii) lies within a fire protection district under Indiana Code § 36-8-11; and

WHEREAS, prior to the adoption of this Ordinance, the Town Council conducted a public hearing on November 23, 2009 pursuant to notice

published in accordance with the applicable provisions of the Act; and WHEREAS, responsible planning, orderly development and the Act require adoption of a Written Fiscal Plan and a Definite Policy for the provision of certain services to the territory; and on November 23, 2009, prior to the adoption of this Ordinance, the Town Council, by Resolution, adopted a Written Fiscal Plan and Definite Policy for the provision of services of a non-capital nature and a capital nature to the Territory as required by the Act; and

WHEREAS, the Written Fiscal Plan and Definite Policy adopted by Resolution included the provision of services on a non-capital nature within one (1) year after the effective date of the Annexation under this Ordinance in a manner equivalent in standard and scope to those non-capital services provided to areas within the present corporate boundaries of the Town, regardless of similar topography, patterns of land use and population density; and WHEREAS, the Written Fiscal Plan and Definite Policy adopted by Resolution included the provision of services of a capital nature to the Territory within three (3) years after the effective date of the Annexation under this Ordinance in the same manner as those services are provided to areas within the present corporate boundaries of the Town, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and, on November 23, 2009, prior to the adoption of this Ordinance, the Town Council conducted a public hearing pursuant to notice published in accordance with the applicable provision of the Act; and WHEREAS, the Town Council finds that the annexation of the Territory pursuant to the terms and conditions of this Ordinance is in the best interests of all of owners of the land in the Territory, is fair and equitable, and should be accomplished; NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, ALLEN COUNTY, STATE OF INDIANA, THAT:

Section 1. In accordance with the Act, the Territory is hereby annexed to the Town and included within the Town's corporate boundaries pursuant to the terms and conditions of this Ordinance.

Section 2. The Territory annexed by this Ordinance is assigned to the Town Council At-Large District.

Section 3. The foregoing recitals or ("whereas clauses") are finding by the Town Council and are incorporated into this Ordinance by this reference.

Section 4. The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are separable, and if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining sections, subsections, paragraphs, sentences, clause and phrases of this Ordinance.

Section 5. This Ordinance shall become effective as provided in the Act, which effective date is not less than thirty (30) days after the adoption of this Ordinance and upon the filing and recording of this Ordinance under Section 22 of this Act.

* * * * *

This Ordinance is hereby Passed and Adopted by the Town Council of the Town of Grabill, Allen County, State of Indiana, this 16th day of December, 2009.

**TOWN COUNCIL, TOWN OF GRABILL,
ALLEN COUNTY, STATE OF INDIANA**

Wilmer Delagrang
Wilmer Delagrang, President

Lynn Witt
Lynn Witt

Jeff Smead
Jeff Smead

Constituting all of the members of the
Grabill Town Council

ATTESTED BY:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Allen County,
State of Indiana

Attachments:

- ☐ +/- EXHIBIT A: Drawing of Annexation Territory
- ☐ +/- EXHIBIT B: Legal Description of Annexation Territory
- ☐ +/- Letter from Attorneys (re: Proposed Annexation) (12/15/2009)
- ☐ +/- Copy of Letter from Attorneys to Indiana Legislative Services Agency (1/19/2010)
- ☐ +/- Copy of Letter from Attorneys to Allen County Clerk of Courts (1/19/2010)
- ☐ +/- Copy of Letter from Attorneys to Allen County Election Board (1/19/2010)
- ☐ +/- Copy of Letter from Attorneys to Indiana Secretary of State (1/19/2010)
- ☐ +/- Copy of Letter from Attorneys to Allen County Voter Registration (1/19/2010)

+/- Copy of Letter from Attorneys to Allen County Auditor (1/19/2010) -
Page 1

+/- Copy of Letter from Attorneys to Allen County Auditor (1/19/2010) -
Page 2

+/- Copy of Letter from Attorneys to Allen County GIS Technician
(2/2/2010)

+/- Letter from Allen County GIS Technician (2/1/2010)

+/- Corporate Deed - Sauder Feeds, Inc.

+/- Legal Description (back of Corporate Deed) - Sauder Feeds, Inc.

+/- Drawing of Proposed Annexatation Territory

+/- Drawing of Proposed Annexatation Territory

+/- Copy of Letter from Attorneys to Allen County GIS Technician
(3/15/2010) - Page 1

+/- Copy of Letter from Attorneys to Allen County GIS Technician
(3/15/2010) - Page 2

GRABILL TOWN COUNCIL

RESOLUTION NO. 1267-2013

RESOLUTION OF THE GRABILL TOWN COUNCIL ACKNOWLEDGING AND ACCEPTING PETITION FOR VOLUNTARY ANNEXATIONS INTO TOWN OF GRABILL

WHEREAS, the Town Council of the Town of Grabill (the “Town Council”) is the governing body of the Town of Grabill, Allen County, State of Indiana (the “Town”); and

WHEREAS, Cement Finishers, Inc. is owner of land generally situated west of Roth Road, north of Antwerp road and east of Indiana Drive, in Cedar Creek Township, Allen County, Indiana (the “Land”); and they have petitioned the Town Council (hereinafter referred to as the “Petition”) to adopt an ordinance annexing their Land pursuant to Indiana Code 36-4-3, as amended (the Act”);

WHEREAS, the Land and contiguous areas the Town is required by the Act to annex in connection with the annexation of the Land, including public highway rights-of-way, are referred to collectively as the “Territory”; and

WHEREAS, the Town Council desires to acknowledge and accept the Petition and begin the process of annexing the Territory into the Town; and

WHEREAS, the Town Council desires to designate, and from time to time refer to, the Territory as the “Industrial Park Annexation Area-Phase I,” which Industrial Park Annexation Area-Phase I is more fully described on [Exhibit A](#) to this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, ALLEN COUNTY, STATE OF

INDIANA, THAT:

Section 1. The Town Council acknowledges and accepts the Petition.

Section 2. The foregoing recitals or (“whereas clauses”) are finding by the Town Council and are incorporated into this Resolution by this reference.

Section 3. The Town Council hereby authorizes a public hearing to be held by this Town Council pursuant to Indiana Code 36-4-3-5.1 regarding the adoption of an ordinance providing the annexation of the Territory. The hearing shall be held at a meeting of the Town Council on Wednesday, June 5, 2013 at 7:00 p.m. (local time), at the Grabill Town Hall, 13717 First Street, Grabill, Indiana 46741 (or such other time and place as the Town Council shall hereafter agree, such time and place to be set for in the notice referenced below).

Section 4. The Town Council hereby authorizes the publication of a notice of the public hearing, described in Section 3 hereof, to be published as required by law.

Section 5. The sections, paragraphs, sentences, clauses and phrases of this Resolution are separable, and if any section, paragraph, sentence, clause or phrase of this Resolutions shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Resolution.

Section 6. This Resolution shall be in full force and effect from and after its passage by the Town Council.

* * * * *

Passed by the Town Council of the Town of Grabill, Allen County,
State of Indiana, this 1st day of May, 2013.

**TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, STATE OF INDIANA**

Wilmer Delagrange

Wilmer Delagrange, President

Candy DeCamp

Candy Decamp

Jeff Smead

Constituting a majority of the members of
the Town Council

ATTESTED BY:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Allen County,
State of Indiana

Exhibit “A”

Legal description for Industrial Park Annexation-Phase I attached

+/- #1267-2013: Accepting Voluntary Annexation Petition (1/1/2013) -
Legal Description

+/- #1267-2013: Accepting Voluntary Annexation Petition (1/1/2013) -
Primary Plat

+/- #1267-2013: Accepting Voluntary Annexation Petition (1/1/2013) -
Petition Signature with Notarization

**PETITION FOR ANNEXATION INTO THE TOWN OF GRABILL
PETITIONERS STATE:**

PETITIONERS STATE:

1. That Cement Finishers, Inc., the undersigned, is the 100% owner of the following described property lying in Allen County, Indiana, adjacent to the Town of Grabill as shown on the map attached hereto as [Exhibit "A"](#) and legally described on the attached [Exhibit "B"](#). The number of petitioners required by IC 36-4-3-5.1 to commence this proceeding is 100% of land owners; and, Cement Finishers, Inc. represent 100% of the land owners.
2. That said property is located outside of but is contiguous to the Town of Grabill, and is not included within any other municipality.
3. That the reason for the requested annexation is so that we may become a part of the Town of Grabill and receive such benefits as are being provided municipal services from the Town of Grabill **effective July 31, 2013.**
4. The premises to be annexed are 5.0 Acres owned by Cement Finishers, Inc., more commonly described as: 12919 Roth Road, Grabill, Indiana

46741, which lies wholly within the property described in [Exhibit “B”](#) attached hereto

PETITIONERS REQUEST:

That pursuant to IC 36-4-3-5.1, an ordinance annexing said property described in this Petition be adopted by the Town of Grabill.

Exhibit A

Map of Proposed Annexation

+/- #1267-2013: Accepting Voluntary Annexation Petition (1/1/2013) -
Plat of Original Survey

Exhibit B

Legal Description of Proposed Annexation

+/- #1267-2013: Accepting Voluntary Annexation Petition (1/1/2013) -
Legal Description

GRABILL TOWN COUNCIL

ORDINANCE NO. 636-2013

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
CONTIGUOUS TO THE TOWN OF GRABILL, INDIANA,
PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES
OF THE TOWN, MAKING THE SAME AS PART OF THE TOWN
AND REDEFINING THE CORPORATE BOUNDARIES OF THE
TOWN**

WHEREAS, well-defined long-term planning and orderly development benefit the Town of Grabill, Allen County, State of Indiana (the “Town”) and the greater Grabill community; and

WHEREAS, Cement Finishers, Inc. is the owner of land generally situated west of Roth Road, north of Antwerp Road and east of Indiana Drive, in Cedar Creek Township, Allen County, Indiana (the “Land”); and it has petitioned the Town Council (hereinafter referred to as the “Petition”) to adopt an ordinance annexing their Land pursuant to Indiana Code 36-4-3. as amended (the “Act”);

WHEREAS, the Land and contiguous areas the Town is required by the Act to annex in connection with the annexation of the Land, including public highway rights-of-way, are referred to collectively as the “Territory”; and

WHEREAS, the Territory is contiguous to the Town, that is, at least one-eighth (1/8) of the aggregate external boundaries of the Territory coincides with the present boundaries of the Town as provided in (and required by) the Act; and

WHEREAS, maps describing the boundaries of the Territory, including public highway and rights-of-way, are attached to and incorporated into this Ordinance as Exhibit A; and

WHEREAS, a legal description of the Territory is attached to and incorporated into this Ordinance as Exhibit B; and the approximate number

of acres in the Territory to be annexed is 5.0; and

WHEREAS, none of the Territory (i) is within the corporate boundaries of any other municipality or (ii) lies within a fire protection district under Indiana Code § 36-8-11; and

WHEREAS, prior to the adoption of this Ordinance, the Town Council conducted a public hearing on June 5, 2013, pursuant to notice published in accordance with the applicable provisions of the Act; and

WHEREAS, responsible planning, orderly development and the Act require adoption of a Written Fiscal Plan and a Definite Policy for the provision of certain services to the territory; and on June 19, 2013, prior to the adoption of this Ordinance, the Town Council, by Resolution, adopted a Written Fiscal Plan and Definite Policy for the provision of services of a non-capital nature and a capital nature to the Territory as required by the Act; and

WHEREAS, the Written Fiscal Plan and Definite Policy adopted by Resolution included the provision of services on a non-capital nature within one (1) year after the effective date of the Annexation under this Ordinance in a manner equivalent in standard and scope to those non- capital services provided to areas within the present corporate boundaries of the Town, regardless of similar topography, patterns of land use and population density; and

WHEREAS, the Written Fiscal Plan and Definite Policy adopted by Resolution included the provision of services of a capital nature to the Territory within three (3) years after the effective date of the Annexation under this Ordinance in the same manner as those services are provided to areas within the present corporate boundaries of the Town, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and, on June 5, 2013, prior to the adoption of this Ordinance, the Town Council conducted a public hearing pursuant to notice published in accordance with the applicable provision of the Act; and

WHEREAS, the Town Council finds that the annexation of the Territory pursuant to the terms and conditions of this Ordinance is in the best

interests of all of owners of the land in the Territory, is fair and equitable, and should be accomplished;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, ALLEN COUNTY, STATE OF INDIANA, THAT:

Section 1. accordance with the Act, the Territory is hereby annexed to the Town and included within the Town's corporate boundaries pursuant to the terms and conditions of this Ordinance.

Section 2. Territory annexed by this Ordinance is assigned to the Town Council At-Large District.

Section 3. The foregoing recitals or ("whereas clauses") are finding by the Town Council and are incorporated into this Ordinance by this reference.

Section 4. The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are separable, and if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining sections, subsections, paragraphs, sentences, clause and phrases of this Ordinance.

Section 5. This Ordinance shall become effective as provided in the Act, which effective date is not less than thirty (30) days after the adoption of this Ordinance and upon the filing and recording of this Ordinance under Section 22 of this Act.

* * * * *

This Ordinance is hereby Passed and Adopted by the Town Council of the Town of Grabill, Allen County, State of Indiana, this 17 day of July, 2013.

**TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, STATE OF INDIANA**

Wilmer Delagrang
Wilmer Delagrang, President

Candace DeCamp
Candace DeCamp, Councilwoman

Jeff Smead
Jeff Smead, Vice President

Constituting all the members of the
Grabill Town Council

ATTESTED BY:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Allen County,
State of Indiana

**RESOLUTION NO. 1290-2017
OF THE TOWN OF GRABILL, INDIANA**

**RESOLUTION OF THE GRABILL TOWN COUNCIL
ACKNOWLEDGING AND ACCEPTING PETITION FOR
VOLUNTARY ANNEXATION INTO TOWN OF GRABILL,
INDIANA**

WHEREAS, the Town of Grabill, Indiana (the “Town”) is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Town Council (the “Town Council”); WHEREAS, Thomas P. Blake, the owner of approximately 9.19 acres of land contiguous to the Town and located in Cedar Creek Township, Allen County, Indiana, has petitioned the Town Council (the “Petition”) to adopt an ordinance annexing territory containing such land (the “Territory”) into the Town; WHEREAS, the Town Council desires to acknowledge and accept the Petition and begin the process of annexing the Territory into the Town;

WHEREAS, the Town Council desires to designate, and from time to time refer to, the Territory as the “Blake Annexation Area”, which Blake Annexation Area is more fully described on Exhibit A of the Petition.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, THAT:

Section 1. Acceptance of Petition. The Town Council hereby acknowledges and accepts the Petition.

Section 2. Public Hearing. A public hearing shall be scheduled for, and conducted on, Wednesday, October 4, 2017 at 7:00 p.m. on the proposed annexation (the “Public Hearing”) in accordance with the provisions of Indiana Code Sections 36-4-3 *et. seq.* at which the Town Council will receive and hear comments, remonstrances and objections from interested parties concerning the annexation. Notice of the Public Hearing shall be published in the *Journal Gazette* on or before September 24, 2017.

Section 3. Incorporation by Reference. The foregoing recitals (or “Whereas clauses”) are findings by the Town Council and are incorporated into this Resolution by this reference.

Section 4. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

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

DULY PASSED AND ADOPTED this 20th day of September, 2017, by the Town Council of the Town of Grabill, Allen County, Indiana.

TOWN OF GRABILL, INDIANA
BY ITS TOWN COUNCIL

Wilmer Delagrang
Wilmer Delagrang

Jeff Smead
Jeff Smead

Claude E. Schrock
Claude E. Schrock

ATTESTED BY:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Indiana

**RESOLUTION NO. 1310-2018 OF THE TOWN OF GRABILL,
INDIANA**

**RESOLUTION OF THE GRABILL TOWN COUNCIL
ACKNOWLEDGING AND ACCEPTING PETITION FOR
VOLUNTARY ANNEXATION INTO TOWN OF GRABILL,
INDIANA**

WHEREAS, the Town of Grabill, Indiana (the “Town”) is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Town Council (the “Town Council”);

WHEREAS, Pine Creek, LP, an Indiana limited partnership, the owner of approximately 4.55 acres of land contiguous to the Town and located in Cedar Creek Township, Allen County, Indiana, has petitioned the Town Council (the “Petition”) to adopt an ordinance annexing territory containing such land (the “Territory”) into the Town;

WHEREAS, the Town Council desires to acknowledge and accept the Petition and begin the process of annexing the Territory into the Town;

WHEREAS, the Town Council desires to designate, and from time to time refer to, the Territory as the “Pine Creek Annexation Area”, which Pine Creek Annexation Area is more fully described on [Exhibit A](#) of the Petition.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL
OF THE TOWN OF GRABILL, INDIANA, THAT:**

Section 1. Acceptance of Petition. The Town Council hereby acknowledges and accepts the Petition.

Section 2. Public Hearing. A public hearing shall be scheduled for, and conducted on, Wednesday, April 4, 2018 at 7:00 p.m. on the proposed annexation (the “Public Hearing”) in accordance with the provisions of Indiana Code Sections 36-4-3 *et. seq.* at which the Town Council will receive and hear comments, remonstrances and objections from interested

parties concerning the annexation. Notice of the Public Hearing shall be published in the *Journal Gazette* on Thursday, March 15, 2018.

Section 3. Incorporation by Reference. The foregoing recitals (or “Whereas clauses”) are findings by the Town Council and are incorporated into this Resolution by this reference.

Section 4. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

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

DULY PASSED AND ADOPTED this 14th day of March, 2018, by the Town Council of the Town of Grabill, Allen County, Indiana.

TOWN OF GRABILL, INDIANA
BY ITS TOWN COUNCIL

Wilmer Delagrange

Jeff Smead
Jeff Smead

Claude E. Schrock
Claude E. Schrock

ATTESTED BY:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Indiana

PETITION FOR VOLUNTARY ANNEXATION
INTO THE TOWN OF GRABILL, INDIANA

Pine Creek LP (“Pine Creek”), an Indiana limited partnership, owner of real property more particularly described below, hereby submit this Petition for Voluntary Annexation into the Town of Grabill, Indiana (“Town”), and in support, represents and warrants to the Town as follows:

1. Pine Creek is the record owner of real property commonly known as 12811 Roth Road, Grabill, Indiana 46741, and more particularly described in [Exhibit A](#), which is attached and incorporated herein (“Sawmill Property”).
2. Pine Creek is the true, rightful and 100% owner of the Sawmill Property identified in [Exhibit A](#).
3. In the event the Town accepts and acts upon the Petition for Voluntary Annexation, and in exchange for the benefits bestowed upon the Sawmill Property by the Town, Pine Creek hereby releases and waives all rights to remonstrance against and, in any way, to oppose either directly or indirectly the annexation of the Sawmill Property into the Town whether it be via formal or informal means.
4. Further, Pine Creek verifies that it has authority to execute this Petition for Voluntary Annexation.
5. Pine Creek has verified that more than one-eighth (1/8) of the aggregate external boundaries of the Sawmill Property coincides with the corporate boundaries of the Town.
6. Pine Creek executes this Petition for Voluntary Annexation into the Town of Grabill, Indiana and consents to its filing with the Town Council of the Town of Grabill.

WHEREFORE, Pine Creek LP requests that the Town Council of the Town of Grabill, Indiana adopt an ordinance annexing the property described in [Exhibit A](#) hereto into the Town of Grabill, Indiana.

DATED this 04 day of January , 2018.

SIGNATURE PAGE TO PETITION FOR VOLUNTARY
ANNEXATION
INTO THE TOWN OF GRABILL, INDIANA

☐ +/- Signature Page with Notarization

EXHIBIT A

Address: 12811 Roth Road, Grabill, Indiana

Parcel No: 02-03-25-276-002.001-042

☐ +/- #1310-2018: Voluntary Annexation Petition (re: Pine Creek)
(3/14/2018) - Legal Description

☐ +/- #1310-2018: Voluntary Annexation Petition (re: Pine Creek)
(3/14/2018) - Parcel Sketch

**RESOLUTION NO. 1311-2018 OF THE TOWN OF GRABILL,
INDIANA**

**RESOLUTION OF THE GRABILL TOWN COUNCIL
ACKNOWLEDGING AND ACCEPTING PETITION FOR
VOLUNTARY ANNEXATION INTO TOWN OF GRABILL,
INDIANA**

WHEREAS, the Town of Grabill, Indiana (the “Town”) is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Town Council (the “Town Council”):

WHEREAS, Thomas P. Blake, the owner of approximately 9.19 acres of land contiguous to the Town and located in Cedar Creek Township, Allen County, Indiana, has petitioned the Town Council (the “Petition”) to adopt an ordinance annexing territory containing such land (the “Territory”) into the Town;

WHEREAS, the Town Council desires to acknowledge and accept the Petition and begin the process of annexing the Territory into the Town;

WHEREAS, the Town Council desires to designate, and from time to time refer to, the Territory as the “Blake Annexation Area”, which Blake Annexation Area is more fully described on [Exhibit A](#) of the Petition.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL
OF THE TOWN OF GRABILL, INDIANA, THAT:**

Section 1. Acceptance of Petition. The Town Council hereby acknowledges and accepts the Petition.

Section 2. Public Hearing. A public hearing shall be scheduled for, and conducted on, Wednesday, April 4, 2018 at 7:00 p.m. on the proposed annexation (the “Public Hearing”) in accordance with the provisions of Indiana Code Sections 36-4-3 *et. seq.* at which the Town Council will receive and hear comments, remonstrances and objections from interested

parties concerning the annexation. Notice of the Public Hearing shall be published in the *Journal Gazette* on or before March 15, 2018.

Section 3. Incorporation by Reference. The foregoing recitals (or “Whereas clauses”) are findings by the Town Council and are incorporated into this Resolution by this reference.

Section 4. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

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

DULY PASSED AND ADOPTED this 14th day of March, 2018, by the Town Council of the Town of Grabill, Allen County, Indiana.

TOWN OF GRABILL, INDIANA
BY ITS TOWN COUNCIL

Wilmer Delagrange

Jeff Smead
Jeff Smead

Claude E. Schrock
Claude E. Schrock

ATTESTED BY:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Indiana

PETITION FOR VOLUNTARY ANNEXATION
INTO THE TOWN OF GRABILL, INDIANA

Thomas P. Blake (“Mr. Blake”), owner of real property more particularly described below, hereby submits this Petition for Voluntary Annexation into the Town of Grabill, Indiana (“Town”), and in support, represents and warrants to the Town as follows:

1. Mr. Blake is the record owner of real property commonly known as Antwerp Rd, Grabill, Indiana 46741, and more particularly described in [Exhibit A](#), which is attached and incorporated herein (“Antwerp Property”).
2. Mr. Blake is the true, rightful and 100% owner of the Antwerp Property identified in [Exhibit A](#).
3. In the event the Town accepts and acts upon the Petition for Voluntary Annexation, and in exchange for the benefits bestowed upon the Antwerp Property by the Town, Mr. Blake hereby releases and waives all rights to remonstrance against and, in any way, to oppose either directly or indirectly the annexation of the Antwerp Property into the Town whether it be via formal or informal means.
4. Mr. Blake has verified that more than one-eighth (1/8) of the aggregate external boundaries of the Antwerp Property coincides with the corporate boundaries of the Town.
5. Mr. Blake executes this Petition for Voluntary Annexation into the Town of Grabill, Indiana and consents to its filing with the Town Council of the Town of Grabill.

WHEREFORE, Thomas P. Blake requests that the Town Council of the Town of Grabill, Indiana adopt an ordinance annexing the property described in [Exhibit A](#) hereto into the Town of Grabill, Indiana.

DATED this 12 day of September, 2017.

SIGNATURE PAGE TO PETITION FOR VOLUNTARY
ANNEXATION
INTO THE TOWN OF GRABILL, INDIANA

☐ +/- Signature Page with Notarization

EXHIBIT A

Address: Antwerp Road, Grabill, Indiana

Parcel No: 02-03-25-400-002.001-042

☐ +/- #1311-2018: Voluntary Annexation Petition (re: Blake Annexation Area) (3/14/2018) - Parcel Sketch

☐ +/- #1311-2018: Voluntary Annexation Petition (re: Blake Annexation Area) (3/14/2018) - County Assessor's Information

ORDINANCE NO. 672-2018

**AN ORDINANCE ANNEXING REAL ESTATE INTO THE TOWN
OF GRABILL, ALLEN COUNTY, INDIANA PURSUANT TO A
PETITION FOR VOLUNTARY ANNEXATION**

WHEREAS, Thomas P. Blake is the owner of certain real property located in Allen County, Indiana, as more particularly described in [Exhibit “A”](#) attached hereto and incorporated herein by reference (the “Property”) and has filed a Petition for Voluntary Annexation to annex the Property into the Town of Grabill pursuant to I.C. 36-4-3-5.1;

WHEREAS, the Town Council is in receipt of the Petition for Voluntary Annexation into the Town of Grabill which has been executed by 100% of the owners of the Property and is attached hereto and incorporated herein as [Exhibit “B”](#);

WHEREAS, following the public hearing and before the final adoption of this Ordinance, the Town Council considered by Resolution adopting and approving a fiscal plan for the provision of municipal services for the Property as required by law;

WHEREAS, the Petition for Voluntary Annexation was considered by the Town Council and the Town Council received public comment via public hearing duly advertised and held on April 4, 2018;

WHEREAS, the Property is situated outside the corporate boundaries of the Town of Grabill, Allen County, Indiana; and

WHEREAS, at least one eighth (1/8) of the aggregate external boundaries of the Property sought for annexation coincide with the present boundaries of the Town of Brownsburg, Indiana.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

1. The above recitals are incorporated herein by reference as though set forth fully herein below.

In accordance with I.C. 36-4-3-2.5 and -4, the Property, and all roadways and rightsof-way of the roads that are part thereof, or which lie adjacent to the Property are hereby annexed into the Town of Grabill, and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.

3. The Property is assigned to the Grabill precinct.

4. The Property shall be zoned as I-2 (General Industrial).

The Clerk-Treasurer of Grabill, Indiana, shall cause a copy of this Ordinance to be published in the *Journal Gazette* within thirty (30) days from the date of adoption with proof of publication being returned to the Clerk-Treasurer.

The Clerk-Treasurer of Grabill, Indiana shall cause a copy of this Ordinance to be recorded in the Office of the Recorder of Allen County, Indiana, as well as filed with all other entities as required by law.

7. The Ordinance shall take effect as soon as allowed by law.

SAID ORDINANCE OF ANNEXATION is hereby passed and adopted this 2nd day of May, 2018.

TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, INDIANA

Wilmer Delagrang
Wilmer Delagrang

ABSTAIN

Claude E. Schrock
Claude Schrock

Attested by:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer of
The Town of Grabill, Indiana

Exhibit A

Property description attached.

☐ +/- #672-2018: Annexation (re: 100 Antwerp Road) (5/2/2018) - Plat of Original Survey

☐ +/- #672-2018: Annexation (re: 100 Antwerp Road) (5/2/2018) - Parcel Assesment Record

Exhibit B

Voluntary Petition for Annexation attached.

PETITION FOR VOLUNTARY ANNEXATION
INTO THE TOWN OF GRABILL, INDIANA

Thomas P Blake (“Mr. Blake”), owner of real property more partieularly described below, hereby submits this Petition for Voluntary Annexation into

the Town of Grabill, Indiana (“Town”), and in support. represents and warrants to the Town as follows:

1. Mr. Blake is the record owner of real property commonly known as Antwerp Rd, Grabill, Indiana 46741, and more particularly described in [Exhibit A](#), which is attached and incorporated herein (“Antwerp Property”).
2. Mr. Blake is the true, rightful and 100% owner of the Antwerp Property identified in [Exhibit A](#).
3. In the event the Town accepts and acts upon the Petition for Voluntary Annexation, and in exchange for the benefits bestowed upon the Antwerp Property by the Town, Mr. Blake hereby releases and waives all rights to remonstrance against and, in any way, to oppose either directly or indirectly the annexiition of the Antwerp Property into the Town whether it be via formal or informal means.
4. Mr. Blake has verified that more than one-eighth (1/8) of the aggregate external boundaries of the Antwerp Property coincides with the corporate boundaries or the Town,
5. Mr. Blake executes this Petition for Voluntary Annexation into the Town of Grabill, Indiana and consents to its filing with the Town Council of the Town of Grabill.

WHEREFORE, Thomas P. Blake requests that the Town Council of the Town of Grabill, Indiana adopt an ordinance annexing the property described in [Exhibit A](#) hereto into the Town of Grabill, Indiana.

DATED this 12 of September, 2017.

+/- #672-2018: Annexation (re: 100 Antwerp Road) (5/2/2018) - Signature
Page to Petition (with Notarization)

EXHIBIT A

Address: Antwerp Road, Grabill, Indiana

Parcel No: 02-03-25-400-002.001-042

ORDINANCE NO. 673-2018

**AN ORDINANCE ANNEXING REAL ESTATE INTO THE TOWN
OF GRABILL, ALLEN COUNTY, INDIANA PURSUANT TO A
PETITION FOR VOLUNTARY ANNEXATION**

WHEREAS, Pine Creek, L.P. is the owner of certain real property located in Allen County, Indiana, as more particularly described in [Exhibit “A”](#) attached hereto and incorporated herein by reference (the “Property”) and has filed a Petition for Voluntary Annexation to annex the Property into the Town of Grabill pursuant to I.C. 36-4-3-5.1;

WHEREAS, the Town Council is in receipt of the Petition for Voluntary Annexation into the Town of Grabill which has been executed by 100% of the owners of the Property and is attached hereto and incorporated herein as [Exhibit “B”](#);

WHEREAS, following the public hearing and before the final adoption of this Ordinance, the Town Council considered by Resolution adopting and approving a fiscal plan for the provision of municipal services for the Property as required by law;

WHEREAS, the Petition for Voluntary Annexation was considered by the Town Council and the Town Council received public comment via public hearing duly advertised and held on April 4, 2018;

WHEREAS, the Property is situated outside the corporate boundaries of the Town of Grabill, Allen County, Indiana; and

WHEREAS, at least one eighth (1/8) of the aggregate external boundaries of the Property sought for annexation coincide with the present boundaries of the Town of Grabill, Indiana.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Grabill, Allen County, Indiana, as follows:

1. The above recitals are incorporated herein by reference as though set forth fully herein below.

In accordance with I.C. 36-4-3-2.5 and -4, the Property, and all roadways and rightsof-way of the roads that are part thereof, or which lie adjacent to the Property are hereby annexed into the Town of Grabill, and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.

3. The Property is assigned to the Grabill precinct.

4. The Property shall be zoned as I-2 (General Industrial).

The Clerk-Treasurer of Grabill, Indiana, shall cause a copy of this Ordinance to be published in the *Journal Gazette* within thirty (30) days from the date of adoption with proof of publication being returned to the Clerk-Treasurer.

The Clerk-Treasurer of Grabill, Indiana shall cause a copy of this Ordinance to be recorded in the Office of the Recorder of Allen County, Indiana, as well as filed with all other entities as required by law.

7. The Ordinance shall take effect as soon as allowed by law.

SAID ORDINANCE OF ANNEXATION is hereby passed and adopted this 2nd day of May, 2018.

TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, INDIANA

Wilmer Delagrang
Wilmer Delagrang

ABSTAIN
Jeff Smead

Claude E. Schrock
Claude Schrock

Attested by:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer of
The Town of Grabill, Indiana

Exhibit A

Property description attached.

☐ +/- #673-2018: Annexation (re: Pine Creek) (5/2/2018) - Legal
Description

☐ +/- #673-2018: Annexation (re: Pine Creek) (5/2/2018) - Parcel Sketch

Exhibit B

Voluntary Petition for Annexation attached.

**PETITION FOR VOLUNTARY ANNEXATION INTO THE TOWN
OF GRABILL, INDIANA**

Pine Creek LP (“Pine Creek”), an Indiana limited partnership, owner of real property more particularly described below, hereby submit this Petition for

Voluntary Annexation into the Town of Grabill, Indiana (“Town”), and in support, represents and warrants to the Town as follows:

1. Pine Creek is the record owner of real property commonly known as 12811 Roth Road, Grabill, Indiana 46741, and more particularly described in [Exhibit A](#), which is attached and incorporated herein (“Sawmill Property”).
2. Pine Creek is the true, rightful and 100% owner of the Sawmill Property identified in [Exhibit A](#).
3. In the event the Town accepts and acts upon the Petition for Voluntary Annexation, and in exchange for the benefits bestowed upon the Sawmill Property by the Town, Pine Creek hereby releases and waives all rights to remonstrance against and, in any way, to oppose either directly or indirectly the annexation of the Sawmill Property into the Town whether it be via formal or informal means.
4. Further, Pine Creek verifies that it has authority to execute this Petition for Voluntary Annexation.
5. Pine Creek has verified that more than one-eighth (1/8) of the aggregate external boundaries of the Sawmill Property coincides with the corporate boundaries of the Town.
6. Pine Creek executes this Petition for Voluntary Annexation into the Town of Grabill, Indiana and consents to its filing with the Town Council of the Town of Grabill.

WHEREFORE, Pine Creek LP requests that the Town Council of the Town of Grabill, Indiana adopt an ordinance annexing the property described in [Exhibit A](#) hereto into the Town of Grabill, Indiana.

DATED this 04 day of January , 2018.

**SIGNATURE PAGE TO PETITION FOR VOLUNTARY
ANNEXATION INTO THE TOWN OF GRABILL, INDIANA**

☐ +/- #673-2018: Annexation (re: Pine Creek) (5/2/2018) - Petition
Signature Page with Notarization

EXHIBIT A

Address: 12811 Roth Road, Grabill, Indiana

Parcel No: 02-03-25-276-002.001-042

RESOLUTION NO. 1313-2018

**RESOLUTION ADOPTING A WRITTEN FISCAL PLAN AND
ESTABLISHING A**

POLICY FOR THE PROVISION OF TOWN SERVICES

TO AN ANNEXED AREA

(Blake Annexation)

WHEREAS, the Town of Grabill, Indiana (the “Town”), desires to annex the areas and properties more specifically described in the Fiscal Plan described below; and

WHEREAS, responsible planning and state law require adoption of a fiscal plan and a definite policy for the provision of Town services to the annexed area; and

WHEREAS, such a plan has been developed and presented to the Town Council of the Town (the “Town Council”) entitled, “Annexation Fiscal Plan for the Town of Grabill, Indiana Blake Annexation (the “Fiscal Plan”);

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL, THAT:

1. The Town Council hereby approves and adopts the Fiscal Plan, attached hereto and made a part hereof, and hereby approves and adopts the specific policies for implementation as set out in the Fiscal Plan, and establishes a definite policy to provide services in accordance with the Fiscal Plan.
2. Any monies necessary for the provision of services as described and itemized in the Fiscal Plan shall be budgeted and appropriated from the applicable fund, pursuant to state law and the Town’s budget procedure.

PASSED AND ADOPTED by the Town Council of the Town of Grabill,
Indiana upon this 2nd day of May, 2018.

TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, INDIANA

Wilmer Delagrang
Wilmer Delagrang

ABSTAIN
Jeff Smead

Claude E. Schrock
Claude Schrock

Attested by:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer of

The Town of Grabill, Indiana

ANNEXATION FISCAL PLAN

FOR THE

TOWN OF GRABILL

BLAKE ANNEXATION

May 2, 2018

Prepared by:

UMBAUGH
Certified Public Accountants, LLP
Indianapolis, Indiana

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INTRODUCTION

The following fiscal plan (the "Fiscal Plan") is for the proposed annexation of parcels to the south of the existing corporate limits on the south side of Grabill (the "Annexation Area"). The Annexation Area is adjacent to the Town of Grabill (the "Town"). The requirements of the code mandate the development and adoption of a written fiscal plan and the establishment of a definite policy by resolution of the Town Council. The Indiana Code states that this fiscal plan must include and provide:

The cost estimates of planned services to be furnished to the territory to be
1) annexed. The plan must present itemized estimated costs for each municipal department or agency;

The method or methods of financing the planned services. The plan must
2) explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used;

The plan for the organization and extension of services. The plan must detail
3) the specific services that will be provided and the dates the services will begin;

That planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries will be provided within
4) one (1) year after the effective date of annexation, and that they will be provided in a manner equivalent in standard and scope to those non-capital services provided in areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density;

That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those
5) services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria;

The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including
6) the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation;

The estimated effect the proposed annexation will have on municipal
7) finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation;

Any estimated effects on political subdivisions in the county that are not
8) part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation; and
A list of all parcels of property in the annexation territory and the following information regarding each parcel:

- 9)
- (A) The name of the owner of the parcel.
 - (B) The parcel identification number.
 - (C) The most recent assessed value of the parcel.
 - (D) The existence of a known waiver of the right to remonstrate on the parcel.

This Fiscal Plan may include additional materials in connection with the foregoing. It was developed through the cooperative efforts of the Town's various administrative offices and the Town's financial advisors, Umbaugh. This Fiscal Plan is the result of an analysis of the proposed Annexation Area.

The Annexation Area is contiguous to the Town for the purposes of Indiana Code 36-4-3-1.5, and there is a written Fiscal Plan, herein provided, that has been approved by the Town Council.

SECTION I

AREA DESCRIPTION

A. Location, Area Size and Contiguity.

The proposed Annexation Area is located on the south side of the existing corporate boundaries on the south side of the Town. A map and legal description of the area to be annexed has been included in attached [Appendix II](#).

The Annexation Area is approximately 9 acres. The perimeter boundary of the Annexation Area is over 1/8th (or 12.5%) contiguous to the existing corporate boundaries of the Town.

B. Current Land Use

The Annexation Area consists of agricultural land.

C. Zoning

Existing Zoning: Industrial

Proposed Zoning: Industrial

D. Current Population

The current population of the Annexation Area is estimated at 0, as there does not appear to be any occupied homes within the Annexation Area.

E. Real Property Assessed Valuation

The estimated net assessed valuation for land and improvements in the Annexation Area is \$15,100. This represents the assessed value as of January 1, 2017 for taxes payable 2018.

SECTION II

NON-CAPITAL SERVICES

A. Cost of Services

The current standard and scope of non-capital services being delivered within the Town and the Annexation Area were evaluated by each municipal department to determine the personnel and equipment necessary to provide such non-capital services in a manner equivalent in standard and scope to services that are currently provided within the existing Town's municipal boundary.

The Town will provide all non-capital services to the Annexation Area within one (1) year after the effective date of the annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town regardless of topography, patterns of land use, and population density.

B. Police Protection

The Allen County Sheriffs Department currently provides police protection and law enforcement services to the Annexation Area. They also serve the Town through a professional services contract. Given the location and character of the Annexation Area, it is anticipated that there will be no additional costs for contracted police protection as result of the annexation.

C. Fire Protection

The Annexation Area is currently served by Northeast Allen County Fire and Emergency ("NEACFE"). NEACFE is a community-based, volunteer department that protects approximately 23,000 residents and 90 square miles in Northeast Allen County, including Grabill and Cedar Canyon. NEACFE provides fire protection, rescues and emergency medical response to citizens within the covered area. Given that service is already provided by NEACFE to the Annexation Area, there will be no additional costs for the provision of services upon annexation.

D. Emergency Medical Services

Currently, NEACFE provides emergency medical services to the Annexation Area. These services include, but are not limited to, emergency medical response. Given that service is already provided by NEACFE to the Annexation Area, there will be no additional costs for the provision of services upon annexation.

E. Street Maintenance

There are currently no streets or county roads within the Annexation Area, and therefore, there will be no additional costs for the provision of street maintenance services upon annexation. However, all non-capital services of the Town will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

F. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. The Town and County have maintained their drainage areas very similarly, therefore it is not anticipated that there will be any additional cost to the Town. Any future development in the area will have to have their storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers.

Nevertheless, all non-capital storm water services of the Town will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

G. Parks

There are currently 2 community parks, North Park and South Park, within Town limits. Amenities found in the parks include playgrounds, basketball courts, an enclosed pavilion for rent, gardens, a sledding hill, a wetlands walking area and softball and baseball diamonds.

It is anticipated that no additional parks will be added as a result of the annexation, therefore there will be no additional costs to the Town.

Nevertheless, all non-capital services of the Grabill Parks and Recreation Department will be made available in the Annexation Area on the date the annexation becomes effective and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

H. Governmental Administrative Services

The Town does not anticipate that the addition of the Annexation Area will result in a demand for Governmental Administrative Services that cannot be met by the existing staffing of the Town's offices, agencies and departments. All non-capital services of the administration of the Town will be made available in the Annexation Area on the date the annexation becomes effective and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

The Governmental Administrative Services of the Town include, but are not limited to, the services provided by the following:

- Town Council
- Clerk-Treasurer's Office
- Economic Development Commission

- Redevelopment Commission

SECTION III

CAPITAL IMPROVEMENTS

A. Cost of Services

The Annexation Area was evaluated to determine the services and facilities required to provide the same type of services in the same manner as services that are currently provided within the existing Town's corporate limits.

The Town will provide the following capital services to the Annexation Area no later than three (3) years after the effective date of the annexation in the same manner as those capital services provided to areas within the Town regardless of topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria. It is currently assumed that the annexation will be effective as soon as practically possible, but no later than December 30, 2018.

B. Water Service

The Annexation Area is currently served by the Grabill Water Department, which will continue to serve the Annexation Area after annexation. It is anticipated that the Town will not incur any additional costs related to the provision of water service in the Annexation Area.

C. Wastewater Service

The Annexation Area is currently served by the Grabill Wastewater Department, which will continue to serve the Annexation Area after annexation. It is anticipated that the Town will not incur any additional costs related to the provision of wastewater service in the Annexation Area.

D. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. The future development in the Annexation Area will have to have their storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers, therefore it is not anticipated that there will be any additional cost to the Town. Regardless, all capital storm water services of the Town will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

E. Street Construction

Construction of any new streets within the developments in the Annexation Area will be the responsibility of the appropriate developer in accordance with the applicable Town Code. There are currently no existing streets within the Annexation Area. Regardless, all capital services of the Grabill Street Department, including evaluation and construction services, will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

F. Sidewalks

In general, construction and reconstruction of sidewalks is not the responsibility of the Town. Sidewalks are typically initially installed by developers as part of a subdivision. Currently, there is a mix of areas within the Town with and without sidewalks. There are currently no plans or requirements of the Town to provide additional sidewalks in the Annexation Area. The developer will be responsible for sidewalks, if required, in any new developments within the Annexation Area. Regardless, all capital services of the Town will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION IV

FISCAL IMPACT

Due to the current municipal tax exemption of the Annexation Area due to agricultural assessment, the net assessed value for the Town will not increase.

It is assumed that the effective date of this annexation will be as soon as practically possible, but no later than December 30, 2018. Based on the assumed effective date, Annexation Area property owners will not pay property taxes to the Town until 2019 payable 2020. However, the Town will begin providing non-capital municipal services to the property owners within one (1) year after the effective date of the annexation, and it will begin providing capital municipal services to the property owners within three (3) years after the effective date of the annexation.

It is anticipated that there will be negligible additional costs to the Town as a result of the annexation. Also, it is anticipated that the Town will not realize an increase in its levy as a result of the annexation; therefore, there is not anticipated to be a tax rate increase as a direct result of this annexation. If there is a shortfall in revenue from the annexation, the services described in this plan can be provided using funds on hand.

Due to the property in the Annexation Area currently being municipal tax-exempt, there are no effects on other taxing units within the taxing district.

SECTION V

ASSUMED INDEBTEDNESS

As required by Indiana Code 36-4-3-10, the Town will assume and pay any unpaid bonds or other obligations of Cedar Creek Township existing at the effective date of the annexation of the Annexation Area in the same ratio as the assessed valuation of the property in the Annexation Area bears to the assessed valuation of all property in Cedar Creek Township, as shown by the most recent

assessment for taxation before the annexation, unless the assessed property within the Town is already liable for the indebtedness.

There is no debt currently outstanding for Cedar Creek Township.

Appendix I

TOWN OF GRABILL, INDIANA

BLAKE ANNEXATION

ESTIMATED ASSESSED VALUE AND TAX RATE IMPACT

(Assumes first year of tax collections from Annexation Area is 2019 pay 2020)

	Estimated Net	Estimated Net	Total Est.	Est. Property	Total
	Assessed Value	Assessed Value	Net Assessed	Tax Levy	Est. Property
	<u>of Annex. Area</u>	<u>of Town</u>	<u>Value of Town</u>	<u>of Town</u>	<u>Tax Rate</u>
<u>Assessment Year</u>					

	(1)	(2)	(3)	(4)	(5)
2017 Pay 2018	N/A	\$41,836,950	\$41,836,950	\$386,071	\$0.9228
2018 Pay 2019	N/A	43,092,059	43,092,059	399,217	0.9264
2019 Pay 2020	\$0	44,384,821	44,384,821	412,227	0.9288
2020 Pay 2021	-	45,716,366	45,716,366	427,879	0.9359
2021 Pay 2022	-	47,087,857	47,087,857	443,750	0.9424
2022 Pay 2023	-	48,500,493	48,500,493	460,240	0.9489

(1) Assumes that the Annexation Area continues to be assessed as agricultural and therefore is municipal tax-exempt

(2) Assumes the assessed value for the Town of Grabill, excluding the Annexation Area, grows at a rate of 3%.

(3) Represents the net assessed value for the Town, including the Annexation Area, used to calculate the tax rate.

(4) Assumes controlled property tax levies increase at an annual growth factor of 3.6% for 2019, 3.4% for 2020, 4.0% for 2021 and 3.9% for 2022 and 2023. Assumes that the CCD levy remains constant.

(5) Based on the Est. Property Tax Levy of Town divided by the Total Est. Net Assessed Value of Town.

TOWN OF GRABILL, INDIANA

BLAKE ANNEXATION

PARCEL LIST

<u>Parcel ID</u>	<u>Owner</u>	'17 Pay '18 Net Assessed Value	Remonstrance Waiver
02-03-25-400-002.001-042	Blake, Thomas P	\$15,100	No*

A Remonstrance Waiver does not exist for the parcel. However, the property
* owner released and waived all rights to remonstrate within a Petition for
Voluntary Annexation.

Appendix II

+/-

#1313-2018: Adopting Fiscal Plan (re: Blake Annexation) (5/2/2018) - Parcel
Sketch

RESOLUTION NO. 1314-2018

**RESOLUTION ADOPTING A WRITTEN FISCAL PLAN AND
ESTABLISHING A**

POLICY FOR THE PROVISION OF TOWN SERVICES

TO AN ANNEXED AREA

(Pine Creek Annexation)

WHEREAS, the Town of Grabill, Indiana (the “Town”), desires to annex the areas and properties more specifically described in the Fiscal Plan described below; and

WHEREAS, responsible planning and state law require adoption of a fiscal plan and a definite policy for the provision of Town services to the annexed area; and

WHEREAS, such a plan has been developed and presented to the Town Council of the Town (the “Town Council”) entitled, “Annexation Fiscal Plan for the Town of Grabill, Indiana Pine Creek Annexation (the “Fiscal Plan”);

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL, THAT:

1. The Town Council hereby approves and adopts the Fiscal Plan, attached hereto and made a part hereof, and hereby approves and adopts the specific policies for implementation as set out in the Fiscal Plan, and establishes a definite policy to provide services in accordance with the Fiscal Plan.
2. Any monies necessary for the provision of services as described and itemized in the Fiscal Plan shall be budgeted and appropriated from the applicable fund, pursuant to state law and the Town’s budget procedure.

PASSED AND ADOPTED by the Town Council of the Town of Grabill,
Indiana upon this 2nd day of May, 2018.

TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, INDIANA

Wilmer Delagrange
Wilmer Delagrange

ABSTAIN
Jeff Smead

Claude E. Schrock
Claude Schrock

Attested by:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer of

The Town of Grabill, Indiana

ANNEXATION FISCAL PLAN

FOR THE

TOWN OF GRABILL

PINE CREEK ANNEXATION

May 2, 2018

Prepared by:

UMBAUGH
Certified Public Accountants, LLP
Indianapolis, Indiana

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INTRODUCTION

The following fiscal plan (the "Fiscal Plan") is for the proposed annexation of parcels to the north, south and east of the existing corporate limits on the southeast side of Grabill (the "Annexation Area"). The Annexation Area is adjacent to the Town of Grabill (the "Town"). The requirements of the code mandate the development and adoption of a written fiscal plan and the establishment of a definite policy by resolution of the Town Council. The Indiana Code states that this fiscal plan must include and provide:

- The cost estimates of planned services to be furnished to the territory to be
1) annexed. The plan must present itemized estimated costs for each municipal department or agency;
The method or methods of financing the planned services. The plan must
2) explain how specific and detailed expenses will be funded and must indicate the taxes, grants and other funding to be used;
The plan for the organization and extension of services. The plan must detail
3) the specific services that will be provided and the dates the services will begin;
That planned services of a non-capital nature, including police protection, fire protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries will be provided within
4) one (1) year after the effective date of annexation, and that they will be provided in a manner equivalent in standard and scope to those non-capital services provided in areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density;
That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those
5) services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria;

The estimated effect of the proposed annexation on taxpayers in each of the political subdivisions to which the proposed annexation applies, including
6) the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments in those political subdivisions for four (4) years after the effective date of the annexation;

The estimated effect the proposed annexation will have on municipal
7) finances, specifically how municipal tax revenues will be affected by the annexation for four (4) years after the effective date of the annexation;

Any estimated effects on political subdivisions in the county that are not
8) part of the annexation and on taxpayers located in those political subdivisions for four (4) years after the effective date of the annexation; and
A list of all parcels of property in the annexation territory and the following information regarding each parcel:

- 9)
- (A) The name of the owner of the parcel.
 - (B) The parcel identification number.
 - (C) The most recent assessed value of the parcel.
 - (D) The existence of a known waiver of the right to remonstrate on the parcel.

This Fiscal Plan may include additional materials in connection with the foregoing. It was developed through the cooperative efforts of the Town's various administrative offices and the Town's financial advisors, Umbaugh. This Fiscal Plan is the result of an analysis of the proposed Annexation Area.

The Annexation Area is contiguous to the Town for the purposes of Indiana Code 36-4-3-1.5, and there is a written Fiscal Plan, herein provided, that has been approved by the Town Council.

SECTION I

AREA DESCRIPTION

A. Location, Area Size and Contiguity.

The proposed Annexation Area is located on the north, south and east sides of the existing corporate boundaries on the southeast side of the Town. A map and legal description of the area to be annexed has been included in attached [Appendix II](#).

The Annexation Area is approximately 4.6 acres. The perimeter boundary of the Annexation Area is over 25% contiguous to the existing corporate boundaries of the Town.

B. Current Land Use

The Annexation Area consists of industrial land and a warehouse.

C. Zoning

Existing Zoning: Industrial

Proposed Zoning: Industrial

D. Current Population

The current population of the Annexation Area is estimated at 0, as there does not appear to be any occupied homes within the Annexation Area.

E. Real Property Assessed Valuation

The estimated net assessed valuation for land and improvements in the Annexation Area is \$634,000. This represents the assessed value as of January 1, 2017 for taxes payable 2018.

SECTION II

NON-CAPITAL SERVICES

A. Cost of Services

The current standard and scope of non-capital services being delivered within the Town and the Annexation Area were evaluated by each municipal department to determine the personnel and equipment necessary to provide such non-capital services in a manner equivalent in standard and scope to services that are currently provided within the existing Town's municipal boundary.

The Town will provide all non-capital services to the Annexation Area within one (1) year after the effective date of the annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the Town regardless of topography, patterns of land use, and population density.

B. Police Protection

The Allen County Sheriffs Department currently provides police protection and law enforcement services to the Annexation Area. They also serve the Town through a professional services contract. Given the location and character of the Annexation Area, it is anticipated that there will be no additional costs for contracted police protection as result of the annexation.

C. Fire Protection

The Annexation Area is currently served by Northeast Allen County Fire and Emergency ("NEACFE"). NEACFE is a community-based, volunteer department that protects approximately 23,000 residents and 90 square miles in Northeast Allen County, including Grabill and Cedar Canyon.

NEACFE provides fire protection, rescues and emergency medical response to citizens within the covered area. Given that service is already provided by NEACFE to the Annexation Area, there will be no additional costs for the provision of services upon annexation.

D. Emergency Medical Services

Currently, NEACFE provides emergency medical services to the Annexation Area. These services include, but are not limited to, emergency medical response. Given that service is already provided by NEACFE to the Annexation Area, there will be no additional costs for the provision of services upon annexation.

E. Street Maintenance

There are currently no streets or county roads within the Annexation Area, and therefore, there will be no additional costs for the provision of street maintenance services upon annexation. However, all non-capital services of the Town will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

F. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. The Town and County have maintained their drainage areas very similarly, therefore it is not anticipated that there will be any additional cost to the Town. Any future development in the area will have to have their storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers.

Nevertheless, all non-capital storm water services of the Town will be made available in the Annexation Area within 1 year of the effective date of this annexation and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

G. Parks

There are currently 2 community parks, North Park and South Park, within Town limits. Amenities found in the parks include playgrounds, basketball courts, an enclosed pavilion for rent, gardens, a sledding hill, a wetlands walking area and softball and baseball diamonds.

It is anticipated that no additional parks will be added as a result of the annexation, therefore there will be no additional costs to the Town. Nevertheless, all non-capital services of the Grabill Parks and Recreation Department will be made available in the Annexation Area on the date the annexation becomes effective and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

H. Governmental Administrative Services

The Town does not anticipate that the addition of the Annexation Area will result in a demand for Governmental Administrative Services that cannot be met by the existing staffing of the Town's offices, agencies and departments. All non-capital services of the administration of the Town will be made available in the Annexation Area on the date the annexation becomes effective and will be extended in a manner equivalent in standard and scope to the services provided to the other areas within the corporate boundaries of the Town.

The Governmental Administrative Services of the Town include, but are not limited to, the services provided by the following:

- Town Council
- Clerk-Treasurer's Office
- Economic Development Commission
- Redevelopment Commission

SECTION III

CAPITAL IMPROVEMENTS

A. Cost of Services

The Annexation Area was evaluated to determine the services and facilities required to provide the same type of services in the same manner as services that are currently provided within the existing Town's corporate limits.

The Town will provide the following capital services to the Annexation Area no later than three (3) years after the effective date of the annexation in the same manner as those capital services provided to areas within the Town regardless of topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures and planning criteria. It is currently assumed that the annexation will be effective as soon as practically possible, but no later than December 30, 2018.

B. Water Service

The Annexation Area is currently served by the Grabill Water Department, which will continue to serve the Annexation Area after annexation. It is anticipated that the Town will not incur any additional costs related to the provision of water service in the Annexation Area.

C. Wastewater Service

The Annexation Area is currently served by the Grabill Wastewater Department, which will continue to serve the Annexation Area after annexation. It is anticipated that the Town will not incur any additional costs related to the provision of wastewater service in the Annexation Area.

D. Storm Water and Drainage

Storm water and drainage facilities throughout the Annexation Area will be consistent with the Town's current storm water and drainage system throughout the Town. The future development in the Annexation Area will have to have their storm water plan approved by the Town, and any associated storm water and drainage costs will be borne by the developers, therefore it is not anticipated that there will be any additional cost to the Town. Regardless, all capital storm water services of the Town will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

E. Street Construction

Construction of any new streets within the developments in the Annexation Area will be the responsibility of the appropriate developer in accordance with the applicable Town Code. There are currently no existing streets within the Annexation Area. Regardless, all capital services of the Grabill Street Department, including evaluation and construction services, will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

F. Sidewalks

In general, construction and reconstruction of sidewalks is not the responsibility of the Town. Sidewalks are typically initially installed by developers as part of a subdivision. Currently, there is a mix of areas within the Town with and without sidewalks. There are currently no plans or requirements of the Town to provide additional sidewalks in the Annexation Area. The developer will be responsible for sidewalks, if required, in any new developments within the Annexation Area. Regardless, all capital services of the Town will be extended to the Annexation Area within 3 years of the effective date of this annexation in the same manner as those services are provided to areas inside the corporate limits and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION IV

FISCAL IMPACT

As a result of this annexation, the assessed value for the Town will increase by \$634,000 to \$42,470,950. This represents an increase of approximately 1.52%. The net impact of increasing the Town's assessed value will result in additional property tax revenues to the Town, and may assist in stabilizing property tax rates for Town residents.

It is assumed that the effective date of this annexation will be as soon as practically possible, but no later than December 30, 2018. Based on the assumed effective date, Annexation Area property owners will not pay property taxes to the Town until 2019 payable 2020. However, the Town will begin providing non-capital municipal services to the property owners within one (1) year after the effective date of the annexation, and it will begin providing capital municipal services to the property owners within three (3) years after the effective date of the annexation.

It is anticipated that there will be negligible additional costs to the Town as a result of the annexation. Also, it is anticipated that the Town will realize an increase in its levy of approximately \$5,928 as a result of the annexation. However, the percentage increase in the levy will not exceed the percentage increase in the Town's assessed value; therefore, there is not anticipated to be a tax rate increase as a direct result of this annexation. If there is a shortfall in revenue from the annexation, the services described in this plan can be provided using funds on hand.

Based on the assumed annual growth factors noted on page 11, the additional levy will be approximately \$6,124 in year 2, \$6,308 in year 3 and \$6,497 in year 4. Also, due to the parcel not hitting the tax caps, there is anticipated to be no effect on other taxing units within the taxing district.

SECTION V

ASSUMED INDEBTEDNESS

As required by Indiana Code 36-4-3-10, the Town will assume and pay any unpaid bonds or other obligations of Cedar Creek Township existing at the effective date of the annexation of the Annexation Area in the same ratio as the assessed valuation of the property in the Annexation Area bears to the assessed

valuation of all property in Cedar Creek Township, as shown by the most recent assessment for taxation before the annexation, unless the assessed property within the Town is already liable for the indebtedness.

There is no debt currently outstanding for Cedar Creek Township.

Appendix I

TOWN OF GRABILL, INDIANA

PINE CREEK ANNEXATION

ESTIMATED ASSESSED VALUE AND TAX RATE IMPACT

(Assumes first year of tax collections from Annexation Area is 2019 pay 2020)

	Estimated Net	Estimated Net	Total Est.	Est. Property	Total
	Assessed Value	Assessed Value	Net Assessed	Tax Levy	Est. Property
	<u>of Annex. Area</u>	<u>of Town</u>	<u>Value of Town</u>	<u>of Town</u>	<u>Tax Rate</u>
<u>Assessment Year</u>	(1)	(2)	(3)	(4),(5)	(6)
2017 Pay 2018	N/A	\$41,836,950	\$41,836,950	\$386,071	\$0.9228
2018 Pay 2019	N/A	43,092,059	43,092,059	399,217	0.9264
2019 Pay 2020	\$634,000	44,384,821	45,018,821	418,007	0.9285
2020 Pay 2021	634,000	45,716,366	46,350,366	433,890	0.9361
2021 Pay 2022	634,000	47,087,857	47,721,857	449,995	0.9430
2022 Pay 2023	634,000	48,500,493	49,134,493	466,729	0.9499

- Based on the current net assessed value of the real property in the
- (1) Annexation Area as gathered from the Allen County Assessor's office. Assumes 0% growth.
 - (2) Assumes the assessed value for the Town of Grabill, excluding the Annexation Area, grows at a rate of 3%.
 - (3) Represents the net assessed value for the Town, including the Annexation Area, used to calculate the tax rate. Assumes controlled property tax levies increase at an annual growth factor
 - (4) of 3.6% for 2019, 3.4% for 2020, 4.0% for 2021 and 3.9% for 2022 and 2023. Assumes that the CCD levy remains constant.
 - (5) Assumes the Town receives an automatic increase in its levy equal to its percentage increase in net assessed value as a result of the annexation.
 - (6) Based on the Est. Property Tax Levy of Town divided by the Total Est. Net Assessed Value of Town.
-

TOWN OF GRABILL, INDIANA

PINE CREEK ANNEXATION

PARCEL LIST

<u>Parcel ID</u>	<u>Owner</u>	'17 Pay '18	
		Net Assessed	Remonstrance
		<u>Value</u>	<u>Waiver</u>
02-03-25-276-002.001-042	Pine Creek LP	\$634,000	No*

A Remonstrance Waiver does not exist for the parcel. However, the property
* owner released and waived all rights to remonstrate within a Petition for
Voluntary Annexation.

Appendix II

+/-

#1314-2018: Adopting Fiscal Plan (re: Pine Creek Annexation) (5/2/2018) -
Legal Description

+/-

#1314-2018: Adopting Fiscal Plan (re: Pine Creek Annexation) (5/2/2018) -
Parcel Sketch

ORDINANCE NO. 47

Ordinance Vacating Alley from Maple Street West in The Town of Grabill, Indiana

VACATION OF ALLEY- Be it ordained by the Board of Trustees of the Town of Grabill, Indiana, that the Alley which runs from Maple Street West, which has never been opened, be vacated and closed between the following lots; 34 and 40; 35 and 39; 36 and 38; and 37 and 62.

The said alley being located and a part of Klopfenstein's Fourth Addition to the Town of Grabill, Indiana and of Klopfnstein's Fifth Addition to the Town of Grabill, Indiana.

Dated this 7th day of May 1934

Board of Trustees

Seal

J. A. Klopfenstein
D. E. Witmer

G. O. King

M. L. Klopfenstein
Town Clerk

ORDINANCE NO. 48

Ordinance Vacating Alley From State Street North in the Town of Grabill, Indiana

Vacation of Alley- Be it ordained by the Board of Trustees of the Town of Grabill, Indiana, that the Alley which runs from State Street North, which has never been opened, be vacated and closed between the following lots, 10, 11, 12, 13, 14, 29, 28 and the Wabash Railroad.

The said alley being located and a part of Klopfenstein's First Addition to the Town of Grabill, Indiana, and of Klopfenstein's First Addition to the Town of Grabill, Indiana.

Dated this 7th day of May 1934.

Board of Trustees

Seal

J. A. Klopfenstein
D. E. Witmer

G. O. King

M. L. Klopfenstein
Town Clerk

ORDINANCE # 50

Ordinance vacating alley from State Street South and West in the Town of Grabill, Indiana

Vacation of Alley-- Be it ordained by the Board of Trustees of the Town of Grabill, Indiana that the Alley which runs south of State Street , which has never been opened, between Lots #76 and 77 and between Lot #76 and the J.A. Grabill Parcel #3 and the portion of this alley which runs west between Lots #77, 78, and 79 and the J.A. Grabill Parcel #3 be vacated and closed.

The aforementioned alley is located in the Grabill Addition of the Town of Grabill, Indiana.

Dated this 3rd day of May, 1941.

Board of Trustees
Elias Souder
Wm. Sommers

Noah G. Witmer

Seal

Attest: Abner F. Gerig
Town Clerk

ORDINANCE NO. 52

AN ORDINANCE TO AMEND ORDINANCE NO. 32.

Be it hereby ordained by the Board of Trustees of the Town of Grabill, Indiana that an ordinance dated April 3rd, 1922, duly enacted by said Board and entitled "Ordinance No.32, Vacation of Indiana Street" be amended to read as follows;- "ORDINANCE NO: 32 VACATING INDIANA STREET IN TEE TOWN OF GRABILL, INDIANA. VACATION OF INDIANA STREET **--- Be it ordained by the Board of Trustees of the Town of Grabill, Indiana that the street known as Indiana Street in the Town of Grabill, Indiana, which runs from State Street north to the proposed North Street, said North Street in fact having never been opened, and said Indiana Street as herein described being a part of Klopfenstein's Fourth Addition to the Town of Grabill, Indiana, and of Klopfenstein's Fifth Addition to the Town of Grabill, Indiana be and the same is hereby vacated and closed.

Passed by the following vote, namely Ayes Wm. Sommers Vilas Schertz and Willard Conrad.

Dated this 9 day of May, 1949.

Attest Henry H. Schwartz Clerk.

I, Henry H.Schwartz, Clerk of the Town of Grabill, hereby certify that the above and foregoing is a true copy of Ordinance No. 52 duly enacted by the Board of Trustees of the Town of Grabill on the 9 day of May, 1949. In witness whereof I have hereunto affixed my name and the seal of said Town of Grabill on this the 9 day of May, 1949.

(SEAL)

Henry H. Schwartz
Henry H.
Schwartz, Clerk-
Treas.

Answer and Consent - Circuit Court Editor's Note: Since this material is not a Grabill Town Ordinance or Resolution, it has been archived. It is believed that this filing is is response to the [Superior Court Case](#) of 9/1/1966.

Editor's Note: Photographs of the pages of this material: ☐ +/- (ARCHIVED)
Town of Grabill's Answer and Consent (--/--/----)

Property Vacation - Superior Court Case (9/1/1966)

Superior Court Proceedings of Vilas Schertz, Bernice Schertz, Joseph Sommer, and DeVon Phillips VS. Town of Grabill (re: Property Vacation)
Editor's Note: Since this material is not a Grabill Town Ordinance or Resolution, it has been archived.

Editor's Note: Photographs of the pages of this material: ☐ (ARCHIVED)
Property Vacation - Superior Court Case (9/1/1966) - Page 1

☐ (ARCHIVED) Property Vacation - Superior Court Case (9/1/1966) -
Page 2

☐ (ARCHIVED) Property Vacation - Superior Court Case (9/1/1966) -
Page 3

☐ (ARCHIVED) Property Vacation - Superior Court Case (9/1/1966) -
Page 4

☐ (ARCHIVED) Property Vacation - Superior Court Case (9/1/1966) -
Page 5

Alley Vacation: Rose Yoder VS. Grabill

Editor's Note: Since this material is not a Grabill Town Ordinance or Resolution, it has been archived.

Editor's Note: Photographs of the pages of this material: ☐ (ARCHIVED)
Circuit Court Cause No. 31074 (Yoder vs. Grabill, 12/11/1970) - Page 1

☐ (ARCHIVED) Circuit Court Cause No. 31074 (Yoder vs. Grabill, 12/11/1970) - Page 2

☐ (ARCHIVED) Circuit Court Cause No. 31074 (Yoder vs. Grabill, 12/11/1970) - Page 3

☐ (ARCHIVED) Circuit Court Cause No. 31074 (Yoder vs. Grabill, 12/11/1970) - Page 4

☐ (ARCHIVED) Letter from Attorney Regarding Court Order

ORDINANCE NO. 208

GRABILL, INDIANA

COMES NOW, the Board of Trustees of the Town of Grabill, Indiana, and pursuant to the authority vested in them by Indiana Code 36-7-3, as amended, enact the following:

Grabill Zoning Ordinance No. 155

Denial No. 140

BE IT ORDAINED by the Trustees of the Town of Grabill, Indiana, that: As there has been filed Vacation Petition No. 140, Phillip E. and Patricia A. Mizzell, and Douglas and Rose Meadows, petitioners, and as the Allen County Plan Commission did hold a public hearing on said petition on the 13th day of October, 1982; and after due deliberation and having adopted Findings of Fact for said Petition did recommend DO NOT PASS: We, the Trustees of the Town of Grabill, Indiana, adopted said Findings of Fact for said Petition as the Findings of Fact for this Board and furthermore do concur with said recommendation and do not approve said Petition.

Signed this 9th day of March , 1983, and in full force and effect from this date.

BOARD OF TRUSTEES OF THE TOWN
OF GRABILL, INDIANA

M. Joanne Sauder

Arthur L. Sivits

R. E. Miller

ATTEST:

Alleen Kipfer
Clerk-Treasurer

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

COUNTY OF ALLEN)

REFERENCE: Vacation of all but the easterly 116 feet of the alley which lies between North Street and State Street and runs from Maple Street to Henry Street in the Town of Grabill, in Allen County, Indiana.

RESOLUTION FOR VACATION of all but the easterly 116 feet of the alley which lies between North Street and State Street and runs from Maple Street to Henry Street in the Town of Grabill, in Allen County, Indiana.

WHEREAS, Grabill Missionary Church, Inc. has petitioned and requested the Allen County Plan Commission to hold a public hearing upon the vacation of the following platted alley located in Allen County, Indiana, described as follows, to-wit:

All but the easterly 116 feet of the alley which lies between North Street and State Street and runs from Maple Street to Henry Street in the Town of Grabill, in Allen County, Indiana.

all in accordance with IC 18-5-10-44 to 45, IC 18-5-10-50, IC 18-7-5-46 and related law.

WHEREAS, notice of such public hearing has been given by proper publication thereof; and

WHEREAS, said public hearing was held on the 13 day of June, 1984, at 1:30 p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of the above described alley.

NOW, THEREFORE, BE IT RESOLVED by the Allen County Plan Commission that the vacation of said alley, hereinbefore described,

conforms to the general policy and pattern of development set out in the Comprehensive (Master) Plan of Allen County, Indiana; and

BE IT FURTHER RESOLVED by the Allen County Plan Commission that the vacation of said alley hereinbefore described is approved.

BE IT FURTHER RESOLVED that the action of the Allen County Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley hereinbefore described in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Arthur G. Spirou, Secretary of the Allen County Plan Commission, do hereby certify that the foregoing is a full true and complete copy of a resolution adopted by the Allen County Plan Commission following a public hearing of said Commission held on the 13 day of June, 1984, as the same appears on record in the official records of said Plan Commission.

Dated this 20th day of July, 1984.

A. G. Spirou
Secretary, Allen County Plan Commission

APPROVED by the Board of Trustees of the Town of Grabill, Allen County, Indiana, on the 15th day of August, 1984.

BOARD OF TRUSTEES OF THE TOWN
OF GRABILL, ALLEN COUNTY, INDIANA

M. Joanne Sauder

R. E. Miller

Arthur L. Sivits

ATTEST:

Alleen Kipfer
Alleen Kipfer
Clerk-Treasurer

STATE OF INDIANA)

) SS:

IN THE ALLEN CIRCUIT COURT

COUNTY OF
ALLEN)

CAUSE NUMBER CC-84-

IN THE MATTER OF THE

) WAIVER OF ISSUANCE

) AND SERVICE OF NOTICE

VACATION OF AN ALLEY IN

) AND CONSENT TO VACATION

)

THE TOWN OF GRABILL,)
)
IN ALLEN COUNTY, INDIANA)

The Town of Grabill, by its board of trustees, hereby waives issuance and service of notice, and consents to the vacation of all but the easterly 116 feet of the alley which lies between North Street and State Street and runs from Maple Street to Henry Street in the Town of Grabill, in Allen County, Indiana, as prayed for in the above entitled cause.

BOARD OF TRUSTEES OF THE TOWN
OF GRABILL, ALLEN COUNTY, INDIANA

M. Joanne Sauder

Arthur L. Sivits

R. E. Miller

Attest:

Alleen Kipfer
Alleen Kipfer
Clerk-Treasurer

Attachments:

☐ +/- Petition to Vacate (Circuit Court Cause Number CC-84-) - Page 1

+/- Petition to Vacate (Circuit Court Cause Number CC-84-) - Page 2

+/- Exhibit "A" - Plat of Part of Alley to be Vacated

VACATION ORDINANCE NO. 358/02

ALLEN COUNTY, INDIANA

COMES NOW, the Town Council of the Town of Grabill of the County of Allen, Indiana, and pursuant to the authority vested in them by Title 36 of the Indiana Code, as amended, enacts the following ordinance:

BE IT ORDAINED by the Town Council of the Town of Grabill of the County of Allen, Indiana, that: As there has been filed by Vintage Archonics, petitioner, Vacation Petition 358/02; and as the Town Council of the Town of Grabill did hold a public hearing on said Petition on the 9th day of January 2002; and after due deliberation this Board approves said Vacation Petition to vacate a portion of North Street west of Henry Street in Grabill. The North Street vacation is located south of lot 21 of the Klopfenstein's 3rd Addition to the Town of Grabill and south of lot 50 of Klopfenstein's 5th Addition to the Town of Grabill. The site is also located to the east of lot 1 in the Maple Ridge Addition. The North Street vacation is approximately 220 feet in length and 0.3 acres in land, (Section 24 of Cedar Creek Township), the legal description of said vacated area is attached to this ordinance.

Signed this 9th day of January , 2002.

TOWN COUNCIL OF THE TOWN OF
GRABILL OF THE COUNTY OF
ALLEN,
INDIANA

Wilmer Delagrang Pres.

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern

Prepared by by Sharon A. Bryan, Allen County Department of Planning Services

Attachments:

- ☐ +/- Petition to Vacate Easement or Right-of-Way
- ☐ +/- Names and Addresses of Property Owners Abutting Area to be Vacated

VACATION ORDINANCE NO. 359/02

ALLEN COUNTY, INDIANA

COMES NOW, the Town Council of the Town of Grabill of the County of Allen, Indiana, and pursuant to the authority vested in them by Title 36 of the Indiana Code, as amended, enacts the following ordinance: BE IT ORDAINED by the Town Council of the Town of Grabill of the County of Allen, Indiana, that: As there has been filed by Vintage Archonics, petitioner, Vacation Petition 359/02; and as the Town Council of the Town of Grabill did hold a public hearing on said Petition on the 9th day of January 2002; and after due deliberation this Board approves said Vacation Petition to vacate a portion of an alley located west of Henry Street in Grabill. The alley vacation is located south of lots 46 through 49 of Klopfenstein's 5th Addition to the Town of Grabill. The alley is approximately 250 feet in length and 0.1 acres of land (Section 24 of Cedar Creek Township), the legal description of said vacated area is attached to this ordinance.

Signed this 9th day of January , 2002.

TOWN COUNCIL OF THE TOWN OF
GRABILL OF THE COUNTY OF
ALLEN,
INDIANA

Wilmer Delagrange Pres.

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern

Prepared by by Sharon A. Bryan, Allen County Department of Planning Services

Attachments:

- ☐ +/- Petition to Vacate Easement or Right-of-Way
- ☐ +/- Names and Addresses of Property Owners Abutting Area to be Vacated
- ☐ +/- Drawing of Properties Abutting Area to be Vacated

ORDINANCE NO. 2014- 638-2014

AN ORDINANCE TO VACATE A PORTION OF A PUBLIC WAY IN THE TOWN OF GRABILL, INDIANA

WHEREAS, Grabill Rail Terminal, LLC, f/k/a Grabill Rail Terminal, Inc. has petitioned the Town Council for the Town of Grabill, Indiana, requesting the vacation of a portion of an unnamed public way lying within the corporate boundaries of the Town of Grabill; and

WHEREAS, Grabill Rail Terminal, LLC, f/k/a Grabill Rail Terminal, Inc. owns the real estate to the west and east of and adjacent to the public way sought to be vacated; and

WHEREAS, notice of the petition for vacation has been given in accordance with I.C. 36-7-3-12; and

WHEREAS, a hearing on the petition has been held in accordance with I.C. 36-7-3-12;

WHEREAS, the Town Council of the Town of Grabill, Indiana, has determined that the petition may properly be granted; now, therefore,

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

Section 1. That the public way described on Schedule 1 which is attached to this Ordinance and incorporated herein is hereby vacated.

Section 2. This Ordinance shall be in full force and effect from and after its passage.

Section 3. The Clerk-Treasurer of the Town of Grabill is directed to furnish a copy of this Vacation Ordinance to the Allen County Recorder for recording and the Allen County Auditor.

Finally passed and adopted by the Town Council of the Town of Grabill, Indiana on this 19 day of March, 2014, by a vote of 2 ayes and nays.

TOWN COUNCIL OF THE TOWN OF
GRABILL, ALLEN COUNTY,
INDIANA:

President

Jeff Smead
Member

Candace DeCamp
Member

ATTEST:

Cynthia Barhydt
Town Clerk/Treasurer

**BEFORE THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA
RE: VACATION OF A PORTION OF AN UNNAMED ALLEY**

**PETITION TO VACATE A PORTION OF A PUBLIC WAY
IN THE TOWN OF GRABILL, INDIANA**

COMES NOW Grabill Rail Terminal, LLC, f/k/a Grabill Rail Terminal, Inc., the petitioner herein (“Petitioner”) and the fee title owner of real property abutting and adjacent to the portion of the public way sought to be vacated, as shown and described more particularly by the map attached hereto as Exhibit A and made a part hereof (the “Subject Public Way”).

IN SUPPORT HEREOF, pursuant to Indiana Code Section 36-7-3-12, Petitioner respectfully states and submits the following:

1. To Petitioner’s knowledge, the Subject Public Way sought to be vacated lies wholly within the corporate boundaries of the Town of Grabill, Indiana (the “Town”).
Petitioner seeks to vacate the Subject Public Way in connection with its rail terminal development and operations. Petitioner has various building improvements upon its real property and desires to
2. expand these buildings over and across the Subject Public Way to support the growth and development of its business.
3. Besides Petitioner and its real property, all other owners of real property that abuts, or otherwise could be potentially affected by the vacation of, the Subject Public Way are listed on [Exhibit A](#).
4. The granting of this petition would not hinder the growth or orderly development of the Town or the neighborhood in which the Subject Public Way is located or to which it is contiguous.
5. The granting of this petition would not make access to the lands of any person or entity by means of public way difficult or inconvenient.
6. The granting of this petition would not hinder the public’s access to a church, school or other public building or place.
7. The granting of this petition would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

Respectfully submitted,

GRABILL RAIL TERMINAL, LLC

By: Joe Graber
(signature)

Printed Name: Joe Graber

Title: President/Member

Address: 12916 Cuba Road
Grabill, Indiana 46741

Exhibit A

List and Map of Adjacent Property Owners

TOWN OF GRABILL ALLEY VACATION // ADJACENT PROPERTY OWNERS (#38523-37)			
PARCEL	PIN NUMBER	PROPERTY ADDRESS	OWNER & TAX MAILING ADDRESS
A	02-03-25-203-005.000-043	13320 MAIN STREET GRABILL, INDIANA 46741	GRABILL RAIL TERMINAL, INC. 12916 CUBA ROAD GRABILL, INDIANA 46741
B	02-03-25-203-003.000-043	13016 MAIN STREET GRABILL, INDIANA 46741	GRABILL RAIL TERMINAL, INC. 12916 CUBA ROAD GRABILL, INDIANA 46741
C	02-03-25-202-010.000-043	13315 MAIN STREET GRABILL, INDIANA 46741	BRIAN R. BLAKE & DIANE PALERMO BLAKE 5016 MARS STREET FORT WAYNE, INDIANA 46845
D	02-03-25-202-006.000-043	13329 MAIN STREET GRABILL, INDIANA 46741	TOWN OF GRABILL PO Box 321 GRABILL, INDIANA 46741

ORDINANCE NUMBER 235

AN ORDINANCE ESTABLISHING CRITERIA FOR THE
REVIEW OF APPLICATIONS FOR
ECONOMIC REVITALIZATION AREA DESIGNATION
PURSUANT TO I.C. 6-1.1-12.1-1

WHEREAS, Public Law 71, Acts of the 1983 General Assembly of the State of Indiana has amended Indiana Code 6-1.1-12.1 to authorize certain deductions from the assessed value of certain real property and certain personal property located within areas which have been designated as Economic Revitalization Areas, as defined by I.C. 6-1.1-12.1-1(1); and

WHEREAS, Public Law 71, Acts of 1983, amends I.C. 6-1.1-12.1-2 giving a common council the authority to designate Economic Revitalization Areas within a city; and,

WHEREAS, I.C. 6-1.1-12.1-2(e) provides that the Town Board may, by resolution, establish general standards to be used along with the requirements set forth in the definition of an Economic Revitalization Area as provided in I.C. 6-1.1-12.1-1(1) as amended, in finding specific real estate to be an Economic Revitalization Area; and,

WHEREAS, I.C. 6-1.1-12.1-2(f) provides that an application fee sufficient to defray actual processing and administrative costs may be charged a person requesting the designation of real estate as an Economic Revitalization Area; and,

WHEREAS, I.C. 6-1.1-12.1-2.5 sets forth a minimum procedure which shall be followed by the Town Board in considering an application for designation of an Economic Revitalization Area; and,

WHEREAS, the Town of Grabill Town Board recognizes the need to stimulate employment opportunities and to maintain a sound economy within its jurisdiction; and,

WHEREAS, the Town of Grabill Town Board further recognizes that it would be beneficial to designate certain areas within the Town of Grabill as Economic Revitalization Areas for tax abatement purposes; and,

WHEREAS, the Town of Grabill Town Board deems it necessary to establish procedures for designating Economic Revitalization Areas;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF GRABILL, INDIANA, to-wit:

SECTION 1. Procedure for designating an Economic Revitalization Area pursuant to I.C. 6-1.1-12.1:

(a) Whenever a proper owner desires that certain real estate located within the corporate limits of the Town of Grabill be designated as an economic Revitalization Area, the owner(s) shall initiate the procedure by filing an application for designation in the office of the Allen County Plan Commission. The application shall be signed by the owner(s) of record of the real estate for which the designation is being requested. The application shall be accompanied by the fee as established in SECTION 3. of this resolution, to be paid upon submission. The Plan Commission staff shall furnish an appropriate form for such application upon request.

(b) The Petitioner(s) shall note on the application whether the request is being made for a designation;

- (1) limited to a deduction of assessed value on real property improvements, or
- (2) limited to a deduction of assessed value on new manufacturing equipment as defined in I.C. 6-1.1-12.1-1, or
- (3) to include both types of deductions allowed under I.C. 6-1.1-12.1.

(c) Upon receipt of an application for designation, the Plan Commission staff shall:

- (1) note the date of filing on the face of the application;
- (2) review said application and, if it is found to be in complete form and to have been signed by all property owners of record within the area proposed for designation, the matter shall be submitted for consideration before the Town of Grabill Town Board (hereafter "the

Board"), with no publication of notice being necessary, within sixty (60) days of the date of acceptable submission;

provide the Board with appropriate maps and plats necessary to

(3) identify the area for which the petition requests designation, along with a simplified description of its boundaries.

(d) The Board shall not consider an application for designation of real estate as an Economic Revitalization Area if, prior to the filing of the application with the Plan Commission, any of the following actions have occurred:

an Improvement Location for the subject development for which a

(1) deduction is being sought has been issued by the Town of Grabill Zoning Administrator, or

a Structural Permit for the subject rehabilitation for which a deduction

(2) is being sought has been issued by the Allen County Building Department, or

(3) manufacturing equipment for which a deduction is being sought has been installed.

(e) The applicant(s) or its representative shall be present at the Board meeting at which the subject request is being considered. After review of information provided in the application by the Plan Commission staff, by the applicant and other interested persons, the Board may:

find that the real estate under consideration meets the definition and standards of an Economic Revitalization Area, as set forth in I.C. 6-1.1- 12.1-1(1) and Section 2 of this Ordinance. In such instances, the

(1) Board may adopt a declaratory resolution stating same and cause the action set forth in subsection (f) herein to occur. Said declaratory resolution shall include the reasons upon which the determination is made.

find that there is insufficient information and defer action on the

(2) matter. The applicant shall be provided written notice of the reasons for deferral within ten (10) days of that action.

determine that the real estate should not be designated as an Economic

(3) Revitalization Area and provide the applicant with written notice thereof.

(f) Upon adoption of a declaratory resolution, the Board shall:

- (1) set the date, time and location for a public hearing at which the Board will receive and hear all comments from interested persons;
cause notice of the adoption and substance of the declaratory resolution to be published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1.
The notice shall state that a description of the affected area is available
- (2) and can be inspected in the offices of the Town of Grabill Clerk-Treasurer, Allen County Plan Commission, the Allen County Assessor and the Allen County Auditor. The notice shall also state the time, date and location of the subsequent public hearing on the matter;
cause a generalized description of the subject real estate to be attached
- (3) to the declaratory resolution and file same with the Town of Grabill Clerk-Treasurer, Allen County Assessor and the Allen County Auditor.
- (g) Upon considering the evidence presented at the public hearing, the Board shall take final action on the request for designation by either confirming, modifying and confirming, or rescinding the subject declaratory resolution. The applicant(s) or its representative shall be present at the public hearing to provide such information as may be needed.
- (h) The determination on the confirmatory resolution made pursuant to subsection (g) herein shall be final except that an appeal may be taken as provided in I.C. 6-1.1-12.1-2.5(d) and I.C. 6-1.1-12.1-2.5(e).
- (i) Upon confirming, or modifying and confirming, a declaratory resolution by the procedures set forth herein, the Town of Grabill Clerk-Treasurer, Allen County Auditor and the Allen County Plan Commission shall keep a permanent record of the designation of the subject Economic Revitalization Area. The Plan Commission staff shall also provide the Auditor with a final designation packet to be utilized in the review of applications for deduction pursuant to I.C. 6-1.1-12.1-5 and I.C. 6-1.1-12.5.5.

SECTION 2. In its deliberations on designating an Economic Revitalization Area, the Board may, pursuant to I.C. 6-1.1-12.1-2(e), give consideration to the following general standards to determine if:

(a) the designation will encourage the use of vacant or under-utilized land designated as appropriate for industrial development in the Town of Grabill Comprehensive Plan or which is currently zoned for industrial use;

(b) the designation will encourage the improvement of a deteriorated structure or the replacement of an obsolete structure;

(c) the designation will encourage the preservation of an historically or architecturally significant structure;

(d) the designation will assist in the inducement of a project providing substantial employment opportunities relative to the value of the improvements to be made and/or the new manufacturing equipment to be installed.

(e) the designation will assist in the inducement of a project which would provide long-term benefits to the tax base of the Town of Grabill warranting the granting of the annually decreasing percentage of tax abatement as provided in I.C. 6-1.1-12.1.

In all instances, the Board shall find that evidence has been provided either in the application or during the public hearing that the real estate proposed for designation is in an area "which has become undesirable for, or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, sub-standard buildings or other factors which have impaired values or prevent a normal development of property or use of property."

SECTION 3. In order to defray the costs incurred in processing applications for designation of Economic Revitalization Areas, and pursuant to I.C. 6-1.1-12.1-2(f), the following rules shall apply:

(a) In the case where the subject real estate is an owner-occupied single-family residential project, the applicant shall pay the cost of publication of the required legal notice, as provided in I.C. 6-1.1-12.1-2.5;

(b) In such cases where the subject real estate is utilized for purposes other than specified in subsection (a), the applicant shall pay a filing fee as set forth in the following schedule:

<u>Value of Proposed Improvements for which a Deduction is Being Sought</u>	<u>Filing Fee</u>
\$0 to \$250,000	\$100.00
\$250,001 to \$1,000,000	150.00
\$1,000,000 and over	250.00

The filing fee shall be included along with the application at the time of filing with the Plan Commission, and shall be made payable to the Allen County Treasurer.

The applicant shall also pay the cost of publication of the required legal notice as provided in I.C. 6-1.1-12.1-2.5.

SECTION 4. As part of its authority to designate Economic Revitalization Areas, the Board, pursuant to I.C. 6-1.1-12.1-2(g), may qualify a designation by:

- (a) limiting the time period of the designation to a certain number of calendar years during which the area shall be so designated;
- (b) limiting the type of deductions that will be allowed within an Economic Revitalization Area to either the deduction allowed under I.C. 6-1.1-12.1-3 or the deduction allowed under 6-1.1-12.1-4.5.

SECTION 5. Notwithstanding the procedures set forth in SECTION 1. of this resolution, the Town of Grabill Town Board shall not designate real estate as an Economic Revitalization Area if any portion of the subject property is located within an "allocation area," as defined in I.C. 36-7-14-39, unless the Allen County Redevelopment Commission has first adopted a resolution consenting to the subject designation.

SECTION 6. The Town of Grabill Town Board does hereby designate the Allen County Plan Commission as the administrative agency for processing

applications for the designation of Economic Revitalization Areas. The Plan Commission, in conducting its responsibilities under this delegation, may undertake the following actions:

- (a) accept applications or designation and collect the required filing fee to be submitted to the Allen County Treasurer;
- (b) review said applications for completeness and provide the Board with supporting data necessary to properly consider such requests;
- (c) keep permanent records of all properly filed applications and duly designated Economic Revitalization Areas;
- (d) prepare public review files as necessary to comply with I.C. 6-1.1-12.1-2-5(c);
- (e) act in behalf of the Board in corresponding with the applicants and other interested persons regarding the status of an application for designation;
- (f) prepare and cause to be published legal notice of the Board's consideration of said application as required in I.C. 6-1.1-12.1-2.5(c);
- (g) prepare draft declaratory and confirmatory resolutions for the Board's review and consideration;
- (h) prepare and provide the Allen County Auditor with final designation packets which shall include information necessary for the review of applications for deductions pursuant to I.C. 6-1.1-12.1-5 and I.C. 6-1.1-12.1-5.5.

The Plan Commission may delegate any or all of the above-described responsibilities to its staff.

SECTION 7. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved August 13, 1986.

Recorded August 13, 1986.

Presented to and approved by me, this the 13th day of August, 1986.

M. Joanne Sauder
M. JOANNE SAUDER, President

ATTEST:

Alleen Kipfer
Alleen Kipfer
Town Clerk-Treasurer

AGREEMENT

THIS AGREEMENT, entered into on this 27th day of August , 198 6 , by and between the TOWN BOARD OF THE TOWN OF GRABILL, INDIANA, hereinafter referred to as the "Board", and the ALLEN COUNTY PLAN COMMISSION, hereinafter referred to as the "Commission"; WITNESSETH:

THAT, WHEREAS, the Board may designate Economic Revitalization Areas pursuant to Indiana Code 6-1.1-12.1; and, WHEREAS, in carrying out such designations, it is necessary that certain administrative duties be undertaken on behalf of the Board; and, WHEREAS, the Board is desirous of having the Commission, or its staff, perform the administrative duties described herein on behalf of the Board; and, WHEREAS, the Commission is agreeable to undertaking the duties described herein on behalf of the Board; NOW, THEREFORE, the parties agree as follows:

1. The Commission is authorized by the Board to undertake the following activities related to the designation of Economic Revitalization Areas:

- (a) Accept applications for designation and collect the required filing fee to be submitted to the Allen County Treasurer;
- (b) Review said application for completeness and provide the Board with supporting data necessary to properly consider such requests;
- (c) Keep permanent records of all properly filled applications and duly designated Economic Revitalization Areas;
- (d) Prepare public review files as necessary to comply with I.C. 6-1.1-12.1-2.5(c),
Act in behalf of the Board in corresponding with the applicant(s) and
- (e) other interested persons regarding the status of an application for designation;
- (f) Prepare and cause to be published legal notice of the Board's consideration of said application as required in I.C. 6-1.1-12.1-2.5(c);
- (g) Prepare draft declaratory and confirmatory resolutions for the Board's review and consideration;

(h) Prepare and provide the Allen County Auditor with final designation packets which shall include information necessary for the review of applications for deductions pursuant to I.C. 6-1.1-12.1-5 and I.C. 6-1.1-12.1-5.5.

2. The Commission may, at its discretion, delegate any or all of the above-described duties to its staff.

3. The Commission has no obligation to provide legal services to the Board for activities related to the duties described herein.

4. The Commission agrees to accept the duties described herein on behalf of the Board.

5. The provisions of this Agreement may be modified by the mutual consent of the parties involved.

6. This Agreement may be cancelled by either party; provided, however, that such cancellation shall be subject to thirty (30) days prior written notice.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

ATTEST:

Alleen Kipfer
Clerk/Treasurer

THE TOWN BOARD OF THE TOWN
OF GRABILL, INDIANA

M. Joanne Sauder

R. E. Miller

Jeff Gray

THE ALLEN COUNTY PLAN COMMISSION

Lester C. Gerig

Lester C. Gerig, President

A. G. Spirou

Arthur G. Spirou, Secretary

RESOLUTION NO. 265

Editor's Note: This resolution has expired.

(See, Also: [Ordinance No. 271](#), adopted 11/21/1988. and [Ordinance No. 272](#), adopted 11/21/1988.)

Editor's Note: Photographs of the pages of this resolution:

☐ +/- (EXPIRED) #265R: Economic Revitalization Area No. 2, Showcase Creations (10/11/1988) - Page 1

☐ +/- (EXPIRED) #265R: Economic Revitalization Area No. 2, Showcase Creations (10/11/1988) - Page 2

☐ +/- (EXPIRED) #265R: Economic Revitalization Area No. 2, Showcase Creations (10/11/1988) - Page 3

RESOLUTION NO. 269

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution: ☐ (EXPIRED)
#269R: Designation of Economic Revitalization Area No. 3 (11/10/1988) -
Page 1

☐ (EXPIRED) #269R: Designation of Economic Revitalization Area No.
3 (11/10/1988) - Page 2

☐ (EXPIRED) #269R: Designation of Economic Revitalization Area No.
3 (11/10/1988) - Page 3

☐ (EXPIRED) #269R: Sketch of Proposed Economic Revitalization Area
No. 3 (11/10/1988)

RESOLUTION NO. 270

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution: ☐ (EXPIRED)
#270R: Designation of Economic Revitalization Area No. 4 (11/10/1988) -
Page 1

☐ (EXPIRED) #270R: Designation of Economic Revitalization Area No.
4 (11/10/1988) - Page 2

☐ (EXPIRED) #270R: Designation of Economic Revitalization Area No.
4 (11/10/1988) - Page 3

☐ (EXPIRED) #270R: Sketch of Proposed Economic Revitalization Area
No. 4 (11/10/1988)

ORDINANCE NUMBER 271

Editor's Note: This ordinance is Archived. It adopts an agreement related to the financing of East Industrial Park Infrastructure Construction.

(See, Also: [Resolution No. 265](#), adopted 10/11/1988 and [Ordinance No. 272](#), adopted 11/21/1988.) Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (ARCHIVED) #271: East Industrial Park Development Agreement (11/21/1988)

☐ +/- Agreement (East Industrial Park Development) - Page 1

☐ +/- Agreement (East Industrial Park Development) - Page 2

☐ +/- Agreement (East Industrial Park Development) - Page 3

☐ +/- Agreement (East Industrial Park Development) - Page 4

☐ +/- Agreement (East Industrial Park Development) - Page 5

ORDINANCE NUMBER 272

Editor's Note: This ordinance is Archived. It adopts a loan agreement with Allen Co. to extend utilities to Showcase Creations. According to the amortization schedule, the loan would have been paid off in 1998.

(See, Also: [Resolution No. 265](#), adopted 10/11/1988 and [Ordinance No. 271](#), adopted 11/21/1988.) Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (ARCHIVED) #272: Industrial Development Loan Agreement with Allen Co. (11/21/1988)

☐ +/- Industrial Development Loan Agreement - Page 1

☐ +/- Industrial Development Loan Agreement - Page 2

☐ +/- Industrial Development Loan Agreement - Page 3

☐ +/- Industrial Development Loan Agreement - Page 4

☐ +/- Industrial Development Loan Agreement - Page 5

☐ +/- Industrial Development Loan Agreement - Page 6

☐ +/- Industrial Development Loan Agreement - Exhibit "A"

☐ +/- Industrial Development Loan Agreement - Exhibit "B"

☐ +/- Industrial Development Loan Agreement - Amortization Schedule (Sample)

RESOLUTION NO. 282

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution: ☐ (EXPIRED)
#282R: Designation of Economic Revitalization Area No. 5 (9/12/1989) -
Page 1

☐ (EXPIRED) #282R: Designation of Economic Revitalization Area No.
5 (9/12/1989) - Page 2

☐ (EXPIRED) #282R: Designation of Economic Revitalization Area No.
5 (9/12/1989) - Page 3

☐ (EXPIRED) #282R: Sketch of Proposed Economic Revitalization Area
No. 5 (9/12/1989)

RESOLUTION NO. 285

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution:

 (EXPIRED) #285R: Designation of Economic Revitalization Area
No. 66 (5/8/1990) - Page 1

 (EXPIRED) #285R: Designation of Economic Revitalization Area
No. 66 (5/8/1990) - Page 2

RESOLUTION NO. 311

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution:

 (EXPIRED) #311R: Designation of Economic Revitalization Area
No. GR7 (2/10/1993) - Page 1

 (EXPIRED) #311R: Designation of Economic Revitalization Area
No. GR7 (2/10/1993) - Page 2

RESOLUTION NO. 312

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution: +/- (EXPIRED)
#312R: Designation of Economic Revitalization Area No. GR7 (3/10/1993)
- Page 1

+/- (EXPIRED) #312R: Designation of Economic Revitalization Area No.
GR7 (3/10/1993) - Page 2

+/- (EXPIRED) #312R: Legal Description of Proposed Economic
Revitalization Area No. GR7 (3/10/1993)

RESOLUTION NO. 323

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution: ☐ (EXPIRED)
#323R: Designation of Economic Revitalization Area No. GR8 (7/13/1994)
- Page 1

☐ (EXPIRED) #323R: Designation of Economic Revitalization Area No.
GR8 (7/13/1994) - Page 2

☐ (EXPIRED) #323R: Legal Description and Sketch of Proposed
Economic Revitalization Area No. GR8 (7/13/1994)

RESOLUTION NO. 328

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution:

☐ +/- (EXPIRED) #328R: Designation of Economic Revitalization Area No. GR8 (8/10/1994) - Page 1

☐ +/- (EXPIRED) #328R: Designation of Economic Revitalization Area No. GR8 (8/10/1994) - Page 2

☐ +/- (EXPIRED) #328R: Legal Description and Sketch of Proposed Economic Revitalization Area No. GR8 (8/10/1994)

☐ +/- (EXPIRED) #328R: Statement of Benefits - Page 1

☐ +/- (EXPIRED) #328R: Statement of Benefits - Page 2

RESOLUTION NO. 401

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution: +/- (EXPIRED)
#401R: Designation of Economic Revitalization Area No. GR9 (5/10/2000)
- Page 1

+/- (EXPIRED) #401R: Designation of Economic Revitalization Area No.
GR9 (5/10/2000) - Page 2

+/- (EXPIRED) #401R: Legal Description of Proposed Economic
Revitalization Area No. GR9 (5/10/2000)

RESOLUTION NO. 419

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution: +/- (EXPIRED)
#419R: Designation of Economic Revitalization Area No. GR 10
(9/25/2002) - Page 1

+/- (EXPIRED) #419R: Designation of Economic Revitalization Area No.
GR 10 (9/25/2002) - Page 2

+/- (EXPIRED) #419R: Legal Description of Proposed Economic
Revitalization Area No. GR 10 (9/25/2002)

RESOLUTION NO. 420

Editor's Note: This resolution has expired.

Editor's Note: Photographs of the pages of this resolution: +/- (EXPIRED)
#420R: Designation of Economic Revitalization Area No. GR 10
(10/9/2002) - Page 1

+/- (EXPIRED) #420R: Designation of Economic Revitalization Area No.
GR 10 (10/9/2002) - Page 2

+/- (EXPIRED) #420R: Legal Description of Proposed Economic
Revitalization Area No. GR 10 (10/9/2002)

RESOLUTION NO. 1236-09

**GRABILL TOWN COUNCIL
DECLARATORY RESOLUTION
FOR THE DESIGNATION OF
ECONOMIC REVITALIZATION AREA NO. GR 11
APPLICATION OF GRABILL SALES**

WHEREAS, the Town of Grabill has been requested by the owner of record thereof to find pursuant to I.C. 6-1.1-12.1-2 that the following described real estate is an Economic Revitalization Area:

See Attachment A

WHEREAS, said described property is located within the jurisdiction of the Grabill Town Council for purposes set forth in I.C. 6-1.1-12.1-2; and, **WHEREAS**, this Council has determined, based on the information provided by the applicant, that the real estate has become undesirable for, or impossible of, normal development and occupancy inasmuch as the property is located within an Economic Development Target Area which was established in 2005 to assist in the effort to bring retail businesses back to downtown Grabill. The Designation of this property as an ERA will aid in continuing the revitalization effort of Grabill by minimizing start-up costs of Grabill Sales and therefore, assisting in the success of the area. The proposed structural improvements will permit Grabill Sales to provide new employment opportunities for Grabill; and, **WHEREAS**, the subject real estate complies with the general standards established by the Grabill Town Council as set forth in [Resolution Ordinance 235](#) adopted pursuant to I.C. 6-1.1-12.12 for determining "Economic Revitalization Areas" within the jurisdiction of said Council, as evidenced by the information provided in Sections 27 and 43 of the petitioner's application; and, **WHEREAS**, the improvement of the real estate described herein would be to the benefit and welfare of all citizens and taxpayers of Grabill, Indiana; and, **WHEREAS**, the subject real estate is zoned C-1(P)/Planned Limited Commercial according to the Allen County zoning map and that the ERA designation is contingent on Grabill Sales conforming to the restrictions of the C-1(P)/Planned Limited Commercial zoning district.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of Grabill, Indiana, that the following findings are made based on the information provided by the applicant: 1. That the estimate of the value of the redevelopment or rehabilitation and the cost of the new manufacturing equipment is reasonable for projects of that nature and equipment of that type; and, 2. That the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the improvements to real estate; and, 3. That the estimate or the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result

from the improvements to real estate; and, 4. That any other benefits about which information was requested are benefits that can be reasonably expected to result from the improvements to real estate; and,

5. That the totality of benefits is sufficient to justify the deduction.

BE IT ALSO RESOLVED by the Town Council of Grabill, Indiana, that the real estate herein above described should be and is hereby declared to be an "Economic Revitalization Area" as that term is defined and intended in I.C. 6-1.1-12.1-1 through 6-1.1-12.1-9.

BE IT ALSO RESOLVED, that the designation of the property described above as an "Economic Revitalization Area" shall be limited to a time period of two (2) years as the designation applies to a deduction from the increased assessed value of real property. This limitation is established pursuant to I.C. 6-1.1-12.1-2(i)(1), 6-1.1-12.1-2 (i)(2), and 6-1.1-12.1-2 (i)(5).

BE IT FURTHER RESOLVED, that the Grabill Town Council approves the Statement of Benefits as submitted by the petitioner.

BE IT FINALLY RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

ADOPTED, this 22nd day of April, 2009, by the Town Council of Grabill, Indiana.

Grabill Town Council

Wilmer Delagrange

Lynn Witt

Jeffrey D. Smead

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk/Treasurer
Town of Grabill, Indiana

Attachments:

☐ +/- Memo from Department of Placement Services Requesting Placement on Agenda (4/24/2009)

☐ +/- Memo from Department of Planning Services - List of Attachments (4/24/2009)

☐ +/- Application for Designation as an Economic Revitalization Area - Page 1

☐ +/- Application for Designation as an Economic Revitalization Area - Page 2

☐ +/- Application for Designation as an Economic Revitalization Area - Page 3

☐ +/- Application for Designation as an Economic Revitalization Area - Page 4

☐ +/- Application for Designation as an Economic Revitalization Area - Page 5

+/- Application for Designation as an Economic Revitalization Area -
Page 6

+/- Application for Designation as an Economic Revitalization Area -
Page 7

Page 8 of this attachment was not found in the files.

+/- Application for Designation as an Economic Revitalization Area -
Page 9

+/- Statement of Benefits

+/- Legal Notice and Notice of Public Hearing

+/- Aerial Map Indicating Territory Involved in Proposal

+/- Drawing of Property Layout

+/- Memo From Department of Planning Services Detailing Required
Steps (4/14/2009) - Page 1

+/- Memo From Department of Planning Services Detailing Required
Steps (4/14/2009) - Page 2

RESOLUTION NO. 1237-09

**GRABILL TOWN COUNCIL
CONFIRMATORY RESOLUTION
APPLICATION OF GRABILL SALES
FOR THE DESIGNATION OF
ECONOMIC REVITALIZATION AREA NO. GR 11**

WHEREAS, the Town of Grabill has been requested by the owners of record to find pursuant to I.C. 6-1.1-12.1 that the following described real estate is an Economic Revitalization Area:

See Attachment A

WHEREAS, on April 22, 2009, the Town Council of Grabill, Indiana, did adopt a Declaratory Resolution for the designation of the real estate described above as an Economic Revitalization Area pursuant to [Ordinance Number 235](#); and,

WHEREAS, notice of the adoption of substance of said Declaratory Resolution was published in the Fort Wayne Journal-Gazette and the Fort Wayne News-Sentinel on April 28, 2009, pursuant to I.C. 6-1.1-1-2.5 and I.C. 5-3-1; and,

WHEREAS, the Application for Designation, description of the affected area, a map of the affected area and all pertinent supporting data were available for public inspection in the offices of the Grabill Town Hall and the Allen County Department of Planning Services; and,

WHEREAS, the Grabill Town Council, after conducting a public hearing on this matter, has given careful consideration to all comments and views expressed and written evidence presented regarding the designation of the subject real estate as an "Economic Revitalization Area".

NOW, THEREFORE, BE IT RESOLVED, the Council confirms certain findings made in the subject Declaratory Resolution for designation of the real estate described above as an "Economic Revitalization Area", those findings being to wit:

1. That said-described property is located within the jurisdiction of the Grabill Town Council for purposes set forth in I.C. 6-1.1-12.1-2; and,
2. That this Council has determined, based on the information provided by the applicant, that the real estate has become undesirable for, or impossible of, normal development and occupancy inasmuch as the property is located within an Economic Development Target Area which was established in 2005 to assist in the effort to bring retail businesses back to downtown Grabill. The designation of this property as an ERA will aid in continuing the revitalization effort of Grabill by minimizing start-up costs of Grabill

Sales and therefore, assisting in the success of the area. The proposed investment will provide continued growth in employment opportunities for Grabill; and,

3. That the subject real estate complies with the general standards established by the Grabill Town Council as set forth in Resolution 00-9-14-2 adopted pursuant to I.C. 6-1.1-12.1-2 for determining "Economic Revitalization Areas" within the jurisdiction of said Council, as evidenced by the information provided in Sections 27 and 43 of the petitioner's application; and,

4. That the capital investment at the real estate described herein and as further detailed in the petitioner's application would be of public utility and would be to the benefit and welfare of all citizens and taxpayers of Grabill; and,

5. That the subject real estate is zoned C-1(P)/Planned Limited Commercial according to the Allen County Zoning Map and that the Economic Revitalization Area designation is contingent on Grahill Sales conforming to the restrictions of the C-1(P)/Planned Limited Commercial zoning district; and,

6. That designation of the subject property as an "Economic Revitalization Area" will assist in the inducement of a project which will provide nineteen (19) employment opportunities to residents of Grahill and will provide long-term benefits to the tax base of Grabill according to the application; and,

BE IT ALSO RESOLVED, that based on the information provided in the application for Economic Revitalization Area designation, the Council authorizes a 7 year abatement of real estate property taxes in accordance with I.C. 6-1.1-12.1-3 and I.C. 6-1.1-12.1-4.5, respectively.

BE IT ALSO RESOLVED, that the designation of the property described above as an "Economic Revitalization Area" shall be limited to a time period of two (2) years as the designation applies to a deduction from the increased assessed value of real property for the increased assessed value of

real estate. This limitation is established pursuant to I.C. 6-1.1-12.1-2(i)(1) and 6-1.1-12.12(i)(2), and 6-1.1-12.1-2(i)(5).

BE IT ALSO RESOLVED, that the real estate described above should be known as "Grabill Economic Revitalization Area No. GR 11".

BE IT ALSO RESOLVED, that Grabill Sales is responsible for filing the actual abatement forms with the Allen County Auditor, Room 102 of the City County Building, between March 1st and May 10th in order to receive its deduction on real property and between March 1st and May 15th each year in order to receive its deduction on personal property.

BE IT ALSO RESOLVED, that Grabill Sales must provide the Allen County Auditor and the Grabill Town Council, at the time of filing the deduction, information showing the extent to which the company has been in compliance with the signed Statement of Benefits in accordance with I.C. 6-1.112.1-5.1.

BE IT ALSO RESOLVED, that Grabill Sales is not willing to voluntarily contribute a percentage of its savings received from the abatement to assist in funding future economic development projects.

BE IT ALSO RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

BE IT FINALLY RESOLVED, that by adoption of this Resolution, the Grabill Town Council does confirm its Declaratory Resolution approved on April 22, 2009, which designated the real estate described above as an "Economic Revitalization Area".

ADOPTED, this 13th day of May, 2009, by the Town Council of Grabill, Indiana.

Wilmer Delagrange

Lynn Witt

Jeffrey D. Smead

Grabill Town Council

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk/Treasurer
Town of Grabill, Indiana

Attachments:

- ☐ +/- Statement of Benefits - Page 1
- ☐ +/- Statement of Benefits - Page 2
- ☐ +/- Drawing of Proposed Economic Revitalization Area
- ☐ +/- Email from Department of Planning Services
- ☐ +/- Legal Description of Property
- ☐ +/- Email from Department of Planning Services
- ☐ +/- Aerial View of Property
- ☐ +/- Tax Abatement Projections

RESOLUTION NO. 1257-2011

**ALLEN COUNTY COUNCIL CONFIRMATORY RESOLUTION
APPLICATION OF GATOR CASES, INC.
FOR THE DESIGNATION OF
ECONOMIC REVITALIZATION AREA NO. GR 12**

WHEREAS, the Town of Grabill has been requested by the owners of record to find pursuant to I.C. 6-1.1-12.1 that the following described real estate is an Economic Revitalization Area:

13620 Main St., Grabill, IN 46471

WHEREAS, on September 21, 2011, the Town Council of Grabill, Indiana, did adopt a Declaratory Resolution for the designation of the real estate described above as an Economic Revitalization Area pursuant to [Ordinance Number 235](#); and,

WHEREAS, notice of the adoption of substance of said Declaratory Resolution was published in the Fort Wayne Journal-Gazette and the Fort Wayne News-Sentinel on September 28, 2011, pursuant to I.C. 6-1.1-1-2.5 and I.C. 5-3-1; and,

WHEREAS, the Application for Designation, description of the affected area, a map of the affected area and all pertinent supporting data were available for public inspection in the offices of the Allen County Assessor, the Grabill Town Hall and the Allen County Department of Planning Services; and,

WHEREAS, the Grabill Town Council, after conducting a public hearing on this matter, has given careful consideration to all comments and views expressed and written evidence presented regarding the designation of the subject real estate as an "Economic Revitalization Area",

NOW, THEREFORE, BE IT RESOLVED, the Council confirms certain findings made in the subject Declaratory Resolution for designation of the real estate described above as an "Economic Revitalization Area", those findings being to wit:

1. That said-described property is located within the jurisdiction of the Grabill Town Council for purposes set forth in I.C. 6-1.1-12.1-2; and,
2. That this Council has determined, based on the information provided by the applicant, that the real estate has become undesirable for, or impossible of, normal development and occupancy inasmuch as the new equipment will enhance both their capabilities and capacity of rotationally molded plastic products. The proposed investment will provide continued growth in employment opportunities for Grabill; and,
3. That the subject real estate complies with the general standards established by the Grabill Town Council as set forth in Resolution 00-9-14-2 adopted pursuant to I.C. 6-1.1-12.1-2 for determining "Economic Revitalization Areas" within the jurisdiction of said Council, as evidenced by the information provided in Section 34 of the petitioner's application; and,
4. That the capital investment at the real estate described herein and as further detailed in the petitioner's application would be of public utility and would be to the benefit and welfare of all citizens and taxpayers of Grabill; and,
5. That the subject real estate is zoned 1-2 (General Industrial) according to the Allen County Zoning Map and that the Economic Revitalization Area designation is contingent on Gator Cases, Inc. conforming to the restrictions of the 1-2 (General Industrial) zoning district; and,
6. That designation of the subject property as an "Economic Revitalization Area" will assist in the inducement of a project which will provide twenty-five (25) employment opportunities to residents of Grabill and will provide long-term benefits to the tax base of Grabill according to the application; and,

BE IT ALSO RESOLVED, that based on the information provided in the application for Economic Revitalization Area designation, the Council authorizes a three (3) year abatement of personal property taxes in accordance with I.C. 6-1.1-12.1-3 and I.C. 6-1.1-12.1-4.5, respectively.

BE IT ALSO RESOLVED, that the designation of the property described above as an "Economic Revitalization Area" shall be limited to a time period of two (2) years as the designation applies to a deduction from the increased assessed value of personal property for manufacturing equipment. This limitation is established pursuant to I.C. 6-1.1-12.1-2(i)(1) and 6-1.1-12.1-2(i)(2), and 6-1.1-12.1-2(i)(5).

BE IT ALSO RESOLVED, that the real estate described above should be known as "Allen County Economic Revitalization Area No. GR 12".

BE IT ALSO RESOLVED, that Gator Cases, Inc. is responsible for filing the actual abatement forms with the Allen County Auditor, Room 102 of the City County Building, between March 1st and May 10th in order to receive its deduction on real property and between March 1st and May 15th each year in order to receive its deduction on personal property.

BE IT ALSO RESOLVED, that Gator Cases, Inc. must provide the Allen County Auditor, the Grabill Town Council, and Allen County Department of Planning Services at the time of filing the deduction, information showing the extent to which the company has been in compliance with the signed Statement of Benefits in accordance with I.C. 6-1.1-12.1-5.1.

BE IT ALSO RESOLVED, that Gator Cases, Inc. is not willing to voluntarily contribute a percentage of its savings received from the abatement to assist in funding future economic development projects.

BE IT ALSO RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

BE IT FINALLY RESOLVED, that by adoption of this Resolution, the Grabill Town Council does confirm its Declaratory Resolution approved on September 21, 2011, which designated the real estate described above as an "Economic Revitalization Area".

ADOPTED, this 5th day of October, 2011, by the Town Council of Grabill, Indiana.

Wilmer Delagrang
Wilmer Delagrang
Grabill Town Council President

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk/Treasurer
Town of Grabill, Indiana

Attachments:

☐ +/- Statement of Benefits - Personal Property - 8/15/2011 - Page 1

☐ +/- Statement of Benefits - Personal Property - 8/15/2011 - Page 2

☐ +/- Memo from Nikki Liter, Economic Development Specialist -
9/22/2011

☐ +/- Tax Abatement Projection

☐ +/- Tax Abatement Point System - Page 1

☐ +/- Tax Abatement Point System - Page 2

☐ +/- Tax Abatement Point System - Page 3

RESOLUTION NO. 1283-2016

**GRABILL TOWN COUNCIL
DECLARATORY RESOLUTION
FOR THE DESIGNATION OF
ECONOMIC REVITALIZATION AREA NO. GR-13
APPLICATION OF SAUDER FEEDS INC.**

WHEREAS, the Town of Grabill has been requested by the owner of record thereof to find pursuant to I.C. 6-1.1-12.1-2 that the following described real estate is an Economic Revitalization Area:

N659 Of S 1378 Of E661 & N90 Of S719 Of W120 Of E661 & N24 Of S719 Of W491 Of E541 Se1/4 & 30x120 Ft Tr Adj On Sw Ex N25

WHEREAS, said described property is located within the jurisdiction of the Grabill Town Council for purposes set forth in I.C. 6-1.1-12.1-2; and,

WHEREAS, this Council has determined, based on the information provided by the applicant, that the real estate has become undesirable for, or impossible of, normal development and occupancy inasmuch as that the company has been in business since 1920 and the current machinery and manufacturing plant were built in 1969, therefore, a newer pellet mill & bin structure will allow the company to manufacture more tonnage and increase revenue while providing more jobs for area residents. The proposed expansion of the structure as well as the new equipment will permit Sauder Feeds Inc. to provide new employment opportunities for Grabill and the surrounding area; and,

WHEREAS, the subject real estate complies with the general standards established by the Grabill Town Council as set forth in [Resolution Ordinance 235](#) adopted pursuant to I.C. 6-1.1-12.12 for determining “Economic Revitalization Areas” within the jurisdiction of said Council, as evidenced by the information provided in the petitioner’s application; and,

WHEREAS, the improvement of the real estate described herein would be to the benefit and welfare of all citizens and taxpayers of Grabill, Indiana;

and,

WHEREAS, the subject real estate is zoned I-2 according to the Allen County zoning map and that the ERA designation is contingent on Sauder Feeds Inc. conforming to the restrictions of the I-2 zoning district.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of Grabill, Indiana, that the following findings are made based on the information provided by the applicant:

1. That the estimate of the value of the redevelopment or rehabilitation and the cost of the new manufacturing equipment is reasonable for projects of that nature and equipment of that type; and,
2. That the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of new manufacturing equipment and improvements to the real estate; and,
3. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of new manufacturing equipment and improvements to the real estate; and,
4. That any other benefits about which information was requested are benefits that can be reasonably expected to result from the installation of new manufacturing equipment and improvements to the real estate; and,
5. That the totality of benefits is sufficient to justify the deduction.

BE IT ALSO RESOLVED by the Town Council of Grabill, Indiana, that the real estate herein above described should be and is hereby declared to be an “Economic Revitalization Area” as that term is defined and intended in I.C. 6-1.1-12.1-1 through 6-1.1-12.1-9.

BE IT ALSO RESOLVED, that the designation of the property described above as an “Economic Revitalization Area” shall be limited to a time period of two (2) years as the designation applies to a deduction from the

increased assessed value of real property and personal property. This limitation is established pursuant to I.C. 6-1.1-12.1-2(i)(1), 6-1.1-12.1-2 (i)(2), and 6-1.1-12.1-2 (i)(5).

BE IT FURTHER RESOLVED, that the Grabill Town Council approves the Statement of Benefits as submitted by the petitioner.

BE IT FINALLY RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

ADOPTED, this November 9, 2016 by the Town Council of Grabill, Indiana.

Grabill Town Council:

Wilmer Delagrange
Wilmer Delagrange, President

Jeff Smead
Jeff Smead, Vice President

Claude E. Schrock
Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk/Treasurer
Town of Grabill, Indiana

RESOLUTION NO. 1284-2016

GRABILL TOWN COUNCIL

CONFIRMATORY RESOLUTION

APPLICATION OF SAUDER FEEDS INC

FOR THE DESIGNATION OF

ECONOMIC REVITALIZATION AREA NO. GR-13

WHEREAS, the Town of Grabill has been requested by the owners of record to find pursuant to I.C. 6-1.1-12.1 that the following described real estate is an Economic Revitalization Area: N659 Of S 1378 Of E661 & N90 Of S719 Of W120 Of E661 & N24 Of S719 Of W491 Of E541 Se1/4 & 30x120 Ft Tr Adj On Sw Ex N25

WHEREAS, on November 9, 2016 the Town Council of Grabill, Indiana, did adopt a [Declaratory Resolution](#) for the designation of the real estate described above as an Economic Revitalization Area pursuant to [Ordinance Number 235](#); and, **WHEREAS**, notice of the adoption of substance of said Declaratory Resolution was published in the Fort Wayne Journal-Gazette and the Fort Wayne News-Sentinel on November 26, 2016 pursuant to I.C. 6-1.1-1-2.5 and I.C. 5-3-1; and, **WHEREAS**, the Application for Designation, description of the affected area, a map of the affected area and all pertinent supporting data were available for public inspection in the offices of the Allen County Assessor, the Grabill Town Hall and the Department of Planning Services; and, **WHEREAS**, the Grabill Town Council, after conducting a public hearing on this matter, has given careful consideration to all comments and views expressed and written evidence presented regarding the designation of the subject real estate as an "Economic Revitalization Area".

NOW, THEREFORE, BE IT RESOLVED, the Council confirms certain findings made in the subject Declaratory Resolution for designation of the real estate described above as an "Economic Revitalization Area", those findings being to wit: 1. That said-described property is located within the jurisdiction of the Grabill Town Council for purposes set forth in I.C. 6-1.1-12.1-2; and, 2. That this Council has determined, based on the information provided by the applicant, that the real estate has become undesirable for, or impossible of, normal development and occupancy inasmuch as the company has been in business since 1920 and the current machinery and manufacturing plant were built in 1969, therefore, a newer pellet mill & bin structure will allow the company to manufacture more tonnage and increase revenue while providing more jobs for area residents. The proposed investment will provide continued growth in employment opportunities for Grabill and the surrounding area; and, 3. That the subject real estate complies with the general standards established by the Grabill Town Council as set forth in Resolution 00-9-14-2 adopted pursuant to I.C. 6-1.1-12.1-2 for

determining "Economic Revitalization Areas" within the jurisdiction of said Council, as evidenced by the information provided by the information provided in the petitioner's application; and, 4. That the capital investment at the real estate described herein and as further detailed in the petitioner's application would be of public utility and would be to the benefit and welfare of all citizens and taxpayers of Grabill, Indiana; and, 5. That the subject real estate is zoned I-2 according to the Allen County Zoning Map and that the Economic Revitalization Area designation is contingent on Sauder Feeds Inc. conforming to the restrictions of the I-2 zoning district; and, 6. That designation of the subject property as an "Economic Revitalization Area" will assist in the inducement of a project which will provide 10 new employment opportunities to residents of Grabill and the surrounding area and will provide long-term benefits to the tax base of Grabill according to the application; and,

BE IT ALSO RESOLVED, that based on the information provided in the application for Economic Revitalization Area designation, the Council authorizes a seven (7) year abatement on real property taxes and a ten (10) year abatement on personal property taxes in accordance with I.C. 6-1.1-12.1-3 and I.C. 6-1.1-12.1-4.5, respectively.

Schedule is as follows:

Real Property	Personal Property
Year 1 100%	Year 1 100%
Year 2 85%	Year 2 90%
Year 3 71%	Year 3 80%
Year 4 57%	Year 4 70%
Year 5 43%	Year 5 60%
Year 6 29%	Year 6 50%
Year 7 14%	Year 7 40%
	Year 8 30%
	Year 9 20%
	Year 10 10%

BE IT ALSO RESOLVED, that the designation of the property described above as an “Economic Revitalization Area” shall be limited to a time period of two (2) years as the designation applies to a deduction from the increased assessed value of real property and personal property. This limitation is established pursuant to I.C. 6-1.1-12.1-2(i) (1) and 6-1.1-12.1-2(i)(2), and 6-1.1-12.1-2(i)(5).

BE IT ALSO RESOLVED, that the real estate described above should be known as “Allen County Economic Revitalization Area No. GR-13”.

BE IT ALSO RESOLVED, that Sauder Feeds Inc. is responsible for filing the actual abatement forms with the Allen County Auditor, Room 102 of the Rousseau Centre, before May 15th in order to receive its deduction on real property and the Allen County Assessor, Room 407 of the Rousseau Centre, before May 15th each year in order to receive its deduction on personal property.

BE IT ALSO RESOLVED, that Sauder Feeds Inc. must provide the Allen County Auditor and the Grabill Town Council, at the time of filing the deduction, information showing the extent to which the company has been in compliance with the signed Statement of Benefits in accordance with I.C. 6-1.1-12.1-5.1.

BE IT ALSO RESOLVED, that Sauder Feeds Inc is willing to voluntarily contribute five percent (5%) of its savings received from the abatement to assist in funding future economic development projects.

BE IT ALSO RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

BE IT FINALLY RESOLVED, that by adoption of this Resolution, the Grabill Town Council does confirm its Declaratory Resolution approved on November 7, 2016, which designated the real estate described above as an “Economic Revitalization Area”.

ADOPTED, this December 7, 2016 by the Town Council of Grabill, Indiana.

Grabill Town Council:

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Vice President

Claude E. Schrock
Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk/Treasurer

Town of Grabill, Indiana

+/-

#1284-2016: Confirms Economic Revitalization Area (re: GR-13, Sauder Feeds Inc.) (12/7/2016) - Statement of Benifits, Page 1

+/-

#1284-2016: Confirms Economic Revitalization Area (re: GR-13, Sauder Feeds Inc.) (12/7/2016) - Statement of Benifits, Page 2

+/-

#1284-2016: Confirms Economic Revitalization Area (re: GR-13, Sauder Feeds Inc.) (12/7/2016) - Property Map

Tax Abatement Projection

Seven Year Real Abatement for

Sauder Feeds Inc.

TAX YEAR	INVESTMENT IN REAL PROPERTY	TRUE TAX VALUE	NET TAX RATE	% OF DEDUCTION	TRUE VALUE DEDUCTED	TRUE VALUE TAXED	TAXES DUE WITH DEDUCTION	TAXES DUE WITHOUT DEDUCTION
		\$450,000	\$2.4426	100%	\$450,000	\$0	\$0	\$10,992
		\$450,000	\$2.4426	85%	\$382,500	\$67,500	\$1,649	\$7,343
		\$450,000	\$2.4426	71%	\$319,500	\$130,500	\$3,188	\$7,804
2017 PAY 2018		\$450,000	\$2.4426	57%	\$256,500	\$193,500	\$4,726	\$7,265
2018 PAY 2019			\$2.4426					
2019 PAY 2020		\$450,000	\$2.4426	43%	\$193,500	\$256,500	\$6,265	\$7,343
2020 PAY 2021								
2021 PAY 2022	\$450,000		\$2.4426					
2022 PAY 2023		\$450,000	\$2.4426	29%	\$130,500	\$319,500	\$7,804	\$8,188
2023 PAY 2024								
2024 PAY 2025			\$2.4426					
2025 PAY 2026		\$450,000	\$2.4426	14%	\$63,000	\$387,000	\$9,453	\$8,188
2026 PAY 2027								
		\$450,000	\$2.4426	0%	\$0	\$450,000	\$10,992	\$10,992
		\$450,000		0%	\$0	\$450,000	\$10,992	\$10,992
		\$450,000		0%	\$0	\$450,000	\$10,992	\$10,992

\$2.4426

\$2.4426

TOTALS **\$66,060** \$

Tax Abatement Projection

**Ten Year Equipment Abatement
for**

Sauder Feeds Inc.

TAX YEAR	INVESTMENT IN PERSONAL PROPERTY	TRUE TAX VALUE	NET TAX RATE	% OF DEDUCTION	TRUE VALUE DEDUCTED	TRUE VALUE TAXED	TAXES DUE WITH DEDUCTIC
2017 PAY 2018	\$4,200,000	\$1,680,000	\$2.4426	100%	\$1,680,000	\$0	\$0
2018 PAY 2019							
2019 PAY 2020							
2020 PAY 2021		\$2,352,000	\$2.4426	90%	\$2,116,800	\$235,200	\$5,745
2021 PAY 2022							
2022 PAY 2023		\$1,764,000	\$2.4426	80%	\$1,411,200	\$352,800	\$8,617
2023 PAY 2024							
2024 PAY 2025							
2025 PAY 2026		\$1,344,000	\$2.4426	70%	\$940,800	\$403,200	\$9,849
2026 PAY 2027							
		\$1,260,000	\$2.4426	60%	\$756,000	\$504,000	\$12,311
		\$1,260,000	\$2.4426	50%	\$630,000	\$630,000	\$15,388
		\$1,260,000	\$2.4426	40%	\$504,000	\$756,000	\$18,466
		\$1,260,000	\$2.4426	30%	\$378,000	\$882,000	\$21,544

	\$1,260,000	\$2.4426	20%	\$252,000	\$1,008,000	\$24,621
	\$1,260,000	\$2.4426	10%	\$126,000	\$1,134,000	\$27,699
TOTALS						\$144,240

TAX ABATEMENT POINT SYSTEM

Real Property Abatements

Company: Sauder Feeds Inc.

	<u>Points Possible</u>	<u>Points Assigned</u>
I. Tax Base Benefits		
A. Total new investment in real property (both new structures and rehabilitation).		
\$3,500,000 or more	20	
\$650,000 to \$3,499,999	14	
\$325,000 to \$649,999	10	10
\$125,000 to \$324,999	6	
under \$125,000	3	
B. Investment per employee (both jobs created and retained).		
\$35,000 or more	15	
\$18,500 to \$34,999	12	
\$6,250 to \$18,499	9	9
\$1,250 to \$6,249	6	
less than \$1,250	3	
C. Local income taxes generated from jobs retained		
\$80,000 or more	5	
\$30,000 to \$79,999	4	
\$10,000 to \$29,999	3	3
\$5,000 to \$9,999	2	
less than \$5,000	1	

D. Local income taxes generated from

jobs created (Double pts for start-up)

\$30,000 or more	5	
\$10,000 to \$29,999	4	
\$5,000 to \$9,999	3	
\$3,000 to \$4,999	2	
less than \$3,000	1	1

II. Job Creation Benefits	<u>Points Possible</u>	<u>Points Assigned</u>

A. Total number of jobs retained

over 250	10	
100 to 249	8	
50 to 99	6	
25 to 49	4	4
10 to 24	2	
under 10	1	

B. Total number of jobs created

(Double pts for start-up)

over 100	10	
50 to 99	8	
25 to 49	6	
10 to 24	4	
1 to 9	2	2

C. Eighty percent of the jobs created and/or retained

are within the following salary range.

over \$45,000	25	25
\$40,000 to \$45,000	20	
\$35,000 to \$39,999	15	
\$30,000 to \$34,999	10	
\$25,000 to \$29,999	5	
under \$25,000	0	

III. Economic Base	<u>Points Possible</u>	<u>Points Assigned</u>

A. Estimated percent of business done outside

Allen County

Greater than 50%	3	3
Less than or equal to 50%	0	

B. Location quotient in designated Occupation Code

(use Occupational group data that describes the
majority function of the business)

Greater than 1.0	2	<u>2</u>

IV. Benefits

A. Employee benefits package

provided by Company.

Comprehensive benefits	3	3
Some benefits provided	1	
No benefits provided	0	

V. Reciprocating Benefit

A. The applicant agrees to contribute

a percentage of savings to tax abatement

development fund.	2	2

B. The applicant does not agree to

contribute to the tax abatement

development fund.	0	0
		64

Totals

70 to 100 points	ten-year abatement
60 to 69 points	seven-year abatement
45 to 59 points	five-year abatement
30 to 44 points	three-year abatement

TAX ABATEMENT POINT SYSTEM

Personal Property Abatements

Company: Sauder Feeds Inc.

a percentage of savings to tax abatement

development fund.

	<u>Points Possible</u>	<u>Points Assigned</u>
I. Tax Base Benefits		
A. Total new investment in new equipment		
\$6,250,000 or more	20	
\$1,250,000 to \$6,249,999	14	14
\$625,000 to \$1,249,999	10	
\$300,000 to \$624,999	6	
under \$300,000	3	
B. Investment per employee		
(both jobs created and retained).		
\$35,000 or more	15	15
\$18,500 to \$34,999	10	
\$6,250 to \$18,499	7	
\$1,250 to \$6,249	4	
less than \$1,250	2	
C. Local income taxes generated from jobs retained		
\$80,000 or more	5	
\$30,000 to \$79,999	4	
\$10,000 to \$29,999	3	3
\$5,000 to \$9,999	2	
less than \$5,000	1	
D. Local income taxes generated from		
jobs created (Double pts for start-up)		
\$30,000 or more	5	
\$10,000 to \$29,999	4	

\$5,000 to \$9,999	3	
\$3,000 to \$4,999	2	
less than \$3,000	1	1

II. Job Creation Benefits	Points <u>Possible</u>	Points <u>Assigned</u>

A. Total number of jobs retained

over 250	10	
100 to 249	8	
50 to 99	6	
25 to 49	4	4
10 to 24	2	
under 10	1	

B. Total number of jobs created

(Double pts for start-up)

over 100	10	
50 to 99	8	
25 to 49	6	
10 to 24	4	
1 to 9	2	2

C. Eighty percent of the jobs created and/or retained are within the following salary range.

over \$45,000	25	25
\$40,000 to \$45,000	20	
\$35,000 to \$39,999	15	
\$30,000 to \$34,999	10	
\$25,000 to \$29,999	5	
under \$25,000	0	

III. Economic Base	Points <u>Possible</u>	Points <u>Assigned</u>

A. Estimated percent of business done outside

Allen County

Greater than 50%	3	<u>3</u>
Less than or equal to 50%	0	

B. Location quotient in designated Occupation Code
(use Occupational group data that describes the

majority function of the business)

Greater than 1.0

IV. Benefits

A. Employee benefits package

provided by Company.

Comprehensive benefits	3	3
Some benefits provided	1	
No benefits provided	0	

V. Reciprocating Benefit

A. The applicant agrees to contribute	2	2
B. The applicant does not agree to	0	

contribute to the tax abatement

development fund.

74

Totals

- 70 to 100 points ten-year abatement
- 60 to 69 points seven-year abatement
- 45 to 59 points five-year abatement
- 30 to 44 points three-year abatement

RESOLUTION NO. 1289-2017

**GRABILL TOWN COUNCIL
RESOLUTION APPROVING 2017 PAY 2018 REAL AND
PERSONAL PROPERTY COMPLIANCE WITH STATEMENT OF
BENEFITS (CF-1) FORMS**

WHEREAS, the Grabill Town Council has approved Statement of Benefits (SB-1) forms for the following property owners that are located within “Economic Revitalization Areas” under I.C. 6-1.1-12.1, to wit:

Attached hereto as [“Exhibit A”](#) and as a part herein; and

WHEREAS, property owners whose Statement of Benefits (SB-1) form was approved after June 30, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12-1 must file a Compliance with Statement of Benefits Form (CF-1) with the Allen County Auditor, the Allen County Assessor and the local designating body showing information on the extent to which there has been compliance with the approved Statement of Benefits for the project; and

WHEREAS, property owners in [Exhibit A](#) have filed Compliance with Statement of Benefit Forms with the Allen County Auditor’s Office and/or the Allen County Assessor’s Office and the Allen County Department of Planning Services in 2017; and

WHEREAS, the Department of Planning Services utilize criteria for the evaluation of compliance forms submitted; and,

WHEREAS, under I.C. 6-1.1-12.1-5.9, within forty-five (45) days after receipt of the CF-1 Form, the Grabill Town Council may determine whether or not the property owner has substantially complied with the Statement of Benefits; and

NOW, THEREFORE, BE IT RESOLVED, that the Grabill Town Council, based on the CF-1 forms filed by the applicants listed in [Exhibit A](#), and the review of said forms by the Allen County Department of Planning

Services, and without an independent investigation to determine the truth or accuracy of the statements found therein, hereby approves the Compliance with Statement of Benefits Forms, and finds that the property owners are in substantial compliance.

BE IT FURTHER RESOLVED, that the Council President is hereby authorized to execute such Compliance with Statement of Benefits Forms as are necessary to comply with the state requirements.

BE IT ALSO RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

ADOPTED this 28th day of June, 2017, by the Town Council of Grabill, Indiana.

Wilmer Delagrange
President
Grabill Town Council

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk/Treasurer
Town of Grabill, Indiana

EXHIBIT A

Company.

Resolution

Grabill Country Sales

R-1234-09

RESOLUTION NO. 1317-2018

**GRABILL TOWN COUNCIL
RESOLUTION APPROVING 2018 PAY 2019 REAL AND
PERSONAL PROPERTY
COMPLIANCE WITH STATEMENT OF BENEFITS (CF-1) FORMS**

WHEREAS, the Grabill Town Council has approved Statement of Benefits (SB-1) forms for the following property owners that are located within “Economic Revitalization Areas” under I.C. 6-1.1-12.1, to wit:

Attached hereto as [“Exhibit A”](#) and as a part herein; and

WHEREAS, property owners whose Statement of Benefits (SB-1) form was approved after June 30, 1991 who file a deduction application under Sections 3 and 4.5 of I.C. 6-1.1-12-1 must file a Compliance with Statement of Benefits Form (CF-1) with the Allen County Auditor, the Allen County Assessor and the local designating body showing information on the extent to which there has been compliance with the approved Statement of Benefits for the project; and

WHEREAS, property owners in [Exhibit A](#) have filed Compliance with Statement of Benefit Forms with the Allen County Auditor’s Office and/or the Allen County Assessor’s Office and the Allen County Department of Planning Services in 2018; and

WHEREAS, the Department of Planning Services utilize criteria for the evaluation of compliance forms submitted; and,

WHEREAS, under I.C. 6-1.1-12.1-5.9, within forty-five (45) days after receipt of the CF-1 Form, the Grabill Town Council may determine whether or not the property owner has substantially complied with the Statement of Benefits; and

NOW, THEREFORE, BE IT RESOLVED, that the Grabill Town Council, based on the CF-1 forms filed by the applicants listed in [Exhibit A](#), and the review of said forms by the Allen County Department of Planning

Services, and without an independent investigation to determine the truth or accuracy of the statements found therein, hereby approves the Compliance with Statement of Benefits Forms, and finds that the property owners are in substantial compliance.

BE IT FURTHER RESOLVED, that the Council President is hereby authorized to execute such Compliance with Statement of Benefits Forms as are necessary to comply with the state requirements.

BE IT ALSO RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

ADOPTED this 20th day of June, 2018, by the Town Council of Grabill, Indiana.

Wilmer Delagrange
President
Grabill Town Council

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk/Treasurer
Town of Grabill, Indiana

EXHIBIT A

<u>Company.</u>	<u>Resolution</u>
Sauder Feeds, Inc.	<u>1284-2016</u>

RESOLUTION NO. 1318-2018

**GRABILL TOWN COUNCIL
RESOLUTION WAIVING NONCOMPLIANCE
FOR OUR COUNTRY HOME ENTERPRISES, INC./THOMAS P.
BLAKE**

WHEREAS, on April 25, 2018 Our Country Home Enterprises, Inc./Thomas P. Blake applied for approval of a Statement of Benefits (SB-1) to the Grabill Town Council; and,

WHEREAS, in order to apply for approval of a Statement of Benefits (SB-1), the property owner must apply for a waiver of noncompliance for failure to submit the completed Statement of Benefits form to the designating body before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction ; and

WHEREAS, the Grabill Town Council desires that Our Country Home Enterprises, Inc./Thomas P. Blake apply for approval of a Statement of Benefits (SB-1); and

WHEREAS, State law allows the correction of situations where a filing deadline is missed under IC 6-1.1-12.1-11.3 through a resolution waiving noncompliance as long as the document is filed and a public hearing is held before the resolution is adopted; and

WHEREAS, Our Country Home Enterprises, Inc./Thomas P. Blake has filed the necessary documents.

NOW, THEREFORE, BE IT RESOLVED, that the Council hereby adopts a waiver of noncompliance in accordance with IC 6-1.1-12.1-11.3 regarding the failure to submit the completed Statement of Benefits form to the designating body before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.

BE IT ALSO RESOLVED, that the adoption of this waiver of noncompliance shall result in the taxpayer being treated as if the taxpayer

had complied with procedural requirements.

BE IT ALSO RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

ADOPTED, this 11th day of July, 2018, by the Grabill Town Council of Grabill, Indiana.

Wilmer Delagrange
Wilmer Delagrange, President

ABSTAIN - CONFLICT
Jeff Smead, Vice President

Claude Schrock, Councilman
Claude E. Schrock

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk/Treasurer
Town of Grabill, Indiana

To: Allen County Department of Planning

From: Thomas P. Blake

Date: April 12, 2018

I am writing this letter respectfully requesting for a waiver for my Grabill property located at 13881 Saw Mill Drive. I am requesting this waiver of non-compliance for failure to apply prior to obtaining building permits and construction of the building.

Even though I have operated my corporation in multiple locations in Allen County since 1985, I have never applied for or every received economic tax benefits. I asked, what I considered the right questions to my officials, but it falls on me to have applied in the correct manner.

Given the speed that I needed to set up production, we moved ahead with the project. We reacted the best that we could, but the facility could not be opened in time to meet our demands. We have since altered our plans and have increased the scope of the project.

Please consider and accept a waiver for non-compliance.

Sincerely,

Thomas P. Blake

Pres./ CEO

Our Country Home Enterprises, Inc.

RESOLUTION NO. 1319-2018

**GRABILL TOWN COUNCIL
DECLARATORY RESOLUTION
FOR THE DESIGNATION OF
ECONOMIC REVITALIZATION AREA NO. GR-14
APPLICATION OF OUR COUNTRY HOME ENTERPRISES INC/
THOMAS P BLAKE**

WHEREAS, the Town of Grabill has been requested by the owner of record thereof to find pursuant to I.C. 6-1.1-12.1-2 that the following described real estate is an Economic Revitalization Area: See Exhibit A

WHEREAS, said described property is located within the jurisdiction of the Grabill Town Council for purposes set forth in I.C. 6-1.1-12,1-2; and,

WHEREAS, this Council has determined, based on the information provided by the applicant, that the real estate has become undesirable for, or impossible of, normal development and occupancy inasmuch as bare farm ground was purchased by OCH near an industrial development area for a new 20,000 square foot building to be constructed. The total investment in phase one with the building and new equipment would provide employment opportunities for the Town of Grabill and the surrounding area as well as provide long-term benefits to the tax base of Allen County; and,

WHEREAS, the subject real estate complies with the general standards established by the Grabill Town Council as set forth in [Resolution Ordinance 235](#) adopted pursuant to I.C. 6-1.1-12,12 for determining “Economic Revitalization Areas” within the jurisdiction of said Council, as evidenced by the information provided in the petitioner’s application; and,
WHEREAS, the improvement of the real estate described herein would be to the benefit and welfare of all citizens and taxpayers of Grabill, Indiana; and,

WHEREAS, the subject real estate is zoned I-2 according to the Allen County zoning map and that the ERA designation is contingent on Our Country Home Enterprises, Inc./Thomas P. Blake conforming to the restrictions of the 1-2 zoning district.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of Grabill, Indiana, that the following findings are made based on the information provided by the applicant:

1. That the estimate of the value of the redevelopment or rehabilitation and the cost of the new manufacturing equipment is reasonable for projects of that nature and equipment of that type; and, 2. That the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of new manufacturing equipment and improvements to the real estate; and, 3. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of new manufacturing equipment and improvements to the real estate; and, 4. That any other benefits about which information was requested are benefits that can be reasonably expected to result from the installation of new manufacturing equipment and improvements to the real estate; and, 5. That the totality of benefits is sufficient to justify the deduction.

BE IT ALSO RESOLVED by the Town Council of Grabill, Indiana, that the real estate herein above described should be and is hereby declared to be an “Economic Revitalization Area” as that term is defined and intended in I.C. 6-1.1-12.1-1 through 6-1.1-12.1-9.

BE IT ALSO RESOLVED, that the designation of the property described above as an “Economic Revitalization Area” shall be limited to a time period of two (2) years as the designation applies to a deduction from the increased assessed value of real property and personal property. This limitation is established pursuant to I.C. 6-1.1-12.1-2(i)(1), 6-1.1-12.1-2 (i)(2), and 6-1.1-12.1-2 (i)(5).

BE IT FURTHER RESOLVED, that the Grabill Town Council approves the Statement of Benefits as submitted by the petitioner.

BE IT FINALLY RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

ADOPTED, this July 11, 2018 by the Town Council of Grabill, Indiana.

Grabill Town Council:

Wilmer Delagrang

Wilmer Delagrang, President

ABSTAIN - CONFLICT

Jeff Smead, Vice President

Claude E. Schrock

Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk/Treasurer

Town of Grabill, Indiana

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization
Area GR-14 (7/11/2018) - Legal Description

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization
Area GR-14 (7/11/2018) - Aerial Photo

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization
Area GR-14 (7/11/2018) - Letter from County Department of Planning

Services

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization Area GR-14 (7/11/2018) - Application, Page 1

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization Area GR-14 (7/11/2018) - Application, Page 2

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization Area GR-14 (7/11/2018) - Application, Page 3

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization Area GR-14 (7/11/2018) - Application, Page 4

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization Area GR-14 (7/11/2018) - Application, Page 5

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization Area GR-14 (7/11/2018) - Application, Page 6

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization Area GR-14 (7/11/2018) - Application, Page 7

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization Area GR-14 (7/11/2018) - Application, Page 8

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization Area GR-14 (7/11/2018) - Application, Page 9

☐ +/- #1319-2018: Declaratory Designation of Economic Revitalization Area GR-14 (7/11/2018) - Application, Page 10

LEGAL NOTICE

Notice is hereby given that the Grabill Town Council did pass a Declaratory Resolution on July 11, 2018, at the request of Our Country Home Enterprises, Inc./Thomas P. Blake to designate approximately 15.8 acres of real estate located at 13881 Sawmill Road in Section 25 of Cedar Creek Township, as an Economic Revitalization Area. As stated in said Declaratory Resolution, the Council resolved that the designation period for the said property as an Economic Revitalization Area shall be in effect through December 31, 2020 as the designation applies to a deduction of the assessed value of real and personal property for the increased value of improvements.

Copies of said Declaratory Resolution, along with maps and detailed descriptions of the designated area, are on file and can be inspected by the public at the offices of the Allen County Assessor located in Suite 415 of the Ed Rousseau Centre, One Main Street, Fort Wayne, Indiana, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The information can also be reviewed at the Grabill Town Hall, 13717 First Street, Grabill, Indiana between the hours of 10:15 a.m. and 4:00 p.m. Monday through Thursday; and the Department of Planning Services, 200 E. Berry St., Suite 150, Fort Wayne, Indiana between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Notice is further given that the Grabill Town Council will hold a public hearing on July 25, 2018, at 7:00 p.m. at the Grabill Town Hall, 13717 First Street, Grabill, Indiana, to hear and receive remonstrance and objections from persons interested in or affected by said proceedings pertaining to the designation of the above-described parcel of real estate as an Economic Revitalization Area. At said hearing, the Council will consider any written objections filed with the Allen County Assessor, the Allen County Department of Planning Services, or the Grabill Town Hall prior to the hearing.

After considering the same, the Council shall arrive at a conclusion as to the public utility and benefit of the proposed designation and shall act to

confirm, modify and confirm, or rescind the subject Declaratory Resolution. Confirmation of the Resolution would have the effect of allowing property owners of the designated real estate to file with the Allen County Auditor for abatement of certain property taxes pursuant to I.C. 6-1.1-12.1.

RESOLUTION NO. 1320-2018

GRABILL TOWN COUNCIL

CONFIRMATORY RESOLUTION

APPLICATION OF OUR COUNTRY HOME ENTERPRISES INC/THOMAS P BLAKE

FOR THE DESIGNATION OF

ECONOMIC REVITALIZATION AREA NO. GR-14

WHEREAS, the Town of Grabill has been requested by the owners of record to find pursuant to I.C. 6-1.1-12.1 that the following described real estate is an Economic Revitalization Area: [SEE EXHIBIT A](#)

WHEREAS, on July 11, 2018 the Town Council of Grabill, Indiana, did adopt a Declaratory Resolution for the designation of the real estate described above as an Economic Revitalization Area pursuant to [Ordinance Number 235](#); and, **WHEREAS**, notice of the adoption of substance of said Declaratory Resolution was published in the Fort Wayne Journal-Gazette on July 16, 2018 pursuant to I.C. 6-1.1-1-2.5 and I.C. 5-3-1; and, **WHEREAS**, the Application for Designation, description of the affected area, a map of the affected area and all pertinent supporting data were available for public inspection in the offices of the Allen County Assessor, the Grabill Town Hall and the Department of Planning Services; and, **WHEREAS**, the Grabill Town Council, after conducting a public hearing on this matter, has given careful consideration to all comments and views expressed and written evidence presented regarding the designation of the subject real estate as an "Economic Revitalization Area".

NOW, THEREFORE, BE IT RESOLVED, the Council confirms certain findings made in the subject Declaratory Resolution for designation of the real estate described above as an "Economic Revitalization Area", those findings being to wit: 1. That said-described property is located within the jurisdiction of the Grabill Town Council for purposes set forth in I.C. 6-1.1-12.1-2; and, 2. That this Council has determined, based on the information provided by the applicant, that the real estate has become undesirable for, or impossible of, normal development and occupancy inasmuch as bare farm ground was purchased by OCH near an industrial development area for a new 20,000 square foot building to be constructed. The total investment in phase one with the building and new equipment would provide employment opportunities for the Town of Grabill and the surrounding area as well as provide long-term benefits to the tax base of Allen County; and, 3. That the subject real estate complies with the general standards established by the Grabill Town Council as set forth in Resolution 00-9-14-2 adopted pursuant to I.C. 6-1.1-12.1-2 for determining "Economic Revitalization Areas" within the jurisdiction of said Council, as evidenced by the information provided by the information provided in the petitioner's application; and,

4. That the capital investment at the real estate described herein and as further detailed in the petitioner's application would be of public utility and would be to the benefit and welfare of all citizens and taxpayers of Grabill, Indiana; and, 5. That the subject real estate is zoned I-2 according to the Allen County Zoning Map and that the Economic Revitalization Area designation is contingent on Sauder Feeds Inc. conforming to the restrictions of the 1-2 zoning district; and, 6. That designation of the subject property as an "Economic Revitalization Area" will assist in the inducement of a project which will provide 8 new employment opportunities to residents of Grabill and the surrounding area and will provide long-term benefits to the tax base of Grabill according to the application; and, **BE IT ALSO RESOLVED**, that based on the information provided in the application for Economic Revitalization Area designation, the Council authorizes a five (5) year abatement on real property taxes and a five (5) year abatement on personal property taxes in accordance with I.C. 6-1.112.1-3 and I.C. 6-1.1-12.1-4.5, respectively.

Schedule is as follows:

Real Property	Personal Property
Year 1 100%	Year 1 100%
Year 2 80%	Year 2 80%
Year 3 60%	Year 3 60%
Year 4 40%	Year 4 40%
Year 5 20%	Year 5 20%

BE IT ALSO RESOLVED, that the designation of the property described above as an “Economic Revitalization Area” shall be limited to a time period of two (2) years as the designation applies to a deduction from the increased assessed value of real property and personal property. This limitation is established pursuant to I.C. 6-1.1-12.1-2(i)(1) and 6-1.1-12.1-2(i)(2), and 6-1.1-12.1-2(i)(5).

BE IT ALSO RESOLVED, that the real estate described above should be known as “Allen County Economic Revitalization Area No. GR-14”.

BE IT ALSO RESOLVED, that Our Country Home Enterprises Inc/Thomas P. Blake is responsible for filing the actual abatement forms each year with the Allen County Auditor, Room 102 of the Rousseau Centre in order to receive its deduction on real property and the Allen County Assessor, Room 407 of the Rousseau Centre in order to receive its deduction on personal property.

BE IT ALSO RESOLVED, that Our Country Home Enterprises Inc/Thomas P. Blake must provide the Allen County Auditor and the Grabill Town Council, at the time of filing the deduction, information showing the extent to which the company has been in compliance with the signed Statement of Benefits in accordance with I.C. 6-1.1-12.1-5.1.

BE IT ALSO RESOLVED, that Sander Feeds Inc is willing to voluntarily contribute five percent (5%) of its savings received from the abatement to assist in funding future economic development projects.

BE IT ALSO RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

BE IT FINALLY RESOLVED, that by adoption of this Resolution, the Grabill Town Council does confirm its Declaratory Resolution approved on July 11, 2018 which designated the real estate described above as an “Economic Revitalization Area”.

ADOPTED, this July 25, 2018 by the Town Council of Grabill, Indiana.

Grabill Town Council:

Wilmer Delagrange
Wilmer Delagrange, President

Conflict of Interest
Jeff Smead, Vice President

Claude E. Schrock
Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk/Treasurer

Town of Grabill, Indiana

+/-

#1320-2018: Confirming Designation of Revitalization Area GR-14 (7/11/2018) - Legal Description

+/-

#1320-2018: Confirming Designation of Revitalization Area GR-14 (7/11/2018) - Aerial Photo

TAX ABATEMENT POINT SYSTEM

Personal Property Abatements

Company: Our Country Home Enterprises, Inc/Thomas P Blake

a percentage of savings to tax abatement

development fund.

		<u>Points Possible</u>	<u>Points Assigned</u>
I. Tax Base Benefits			
A. Total new investment in new equipment			
\$6,250,000 or more		20	
\$1,250,000 to \$6,249,999		14	14
\$625,000 to \$1,249,999		10	
\$300,000 to \$624,999		6	
under \$300,000		3	
B. Investment per employee			
(both jobs created and retained).			
\$35,000 or more		15	15
\$18,500 to \$34,999		10	
\$6,250 to \$18,499		7	
\$1,250 to \$6,249		4	
less than \$1,250		2	
C. Local income taxes generated from jobs retained			
\$80,000 or more		5	
\$30,000 to \$79,999		4	
\$10,000 to \$29,999		3	
\$5,000 to \$9,999		2	
less than \$5,000		1	1
D. Local income taxes generated from			
jobs created (Double pts for start-up)			
\$30,000 or more		5	
\$10,000 to \$29,999		4	
\$5,000 to \$9,999		3	
\$3,000 to \$4,999		2	2
less than \$3,000		1	
		<u>Points Possible</u>	<u>Points Assigned</u>
II. Job Creation Benefits			
A. Total number of jobs retained			
over 250		10	
100 to 249		8	
50 to 99		6	
25 to 49		4	

10 to 24	2	
under 10	1	1
B. Total number of jobs created		
(Double pts for start-up)		
over 100	10	
50 to 99	8	
25 to 49	6	
10 to 24	4	
1 to 9	2	2
C. Eighty percent of the jobs created and/or retained are within the following salary range.		
over \$45,000	25	
\$40,000 to \$45,000	20	
\$35,000 to \$39,999	15	
\$30,000 to \$34,999	10	10
\$25,000 to \$29,999	5	
under \$25,000	0	
III. Economic Base		
A. Estimated percent of business done outside		
Allen County		
Greater than 50%	3	<u>3</u>
Less than or equal to 50%	0	
B. Location quotient in designated Occupation Code		
(use Occupational group data that describes the	2	<u>2</u>
majority function of the business)		
Greater than 1.0		
IV. Benefits		
A. Employee benefits package		
provided by Company.		
Comprehensive benefits	3	3
Some benefits provided	1	
No benefits provided	0	
V. Reciprocating Benefit		
A. The applicant agrees to contribute	2	2
B. The applicant does not agree to	0	
contribute to the tax abatement		

development fund.

Totals

70 to 100 points ten-year abatement
60 to 69 points seven-year abatement
45 to 59 points five-year abatement
30 to 44 points three-year abatement

TAX ABATEMENT POINT SYSTEM

Real Property Abatements

Company: Sauder Feeds Inc.

Company: Our Country Home Enterprises, Inc/Thomas P Blake

	<u>Points Possible</u>	<u>Points Assigned</u>
I. Tax Base Benefits		
A. Total new investment in real property (both new structures and rehabilitation).		
\$3,500,000 or more	20	
\$650,000 to \$3,499,999	14	14
\$325,000 to \$649,999	10	
\$125,000 to \$324,999	6	
under \$125,000	3	
B. Investment per employee		
(both jobs created and retained).		
\$35,000 or more	15	15
\$18,500 to \$34,999	12	
\$6,250 to \$18,499	9	
\$1,250 to \$6,249	6	
less than \$1,250	3	

C. Local income taxes generated

from jobs retained

\$80,000 or more	5	
\$30,000 to \$79,999	4	
\$10,000 to \$29,999	3	
\$5,000 to \$9,999	2	
less than \$5,000	1	1

D. Local income taxes generated from

jobs created (Double pts for start-up)

\$30,000 or more	5	
\$10,000 to \$29,999	4	
\$5,000 to \$9,999	3	
\$3,000 to \$4,999	2	2
less than \$3,000	1	

II. Job Creation Benefits

	<u>Points Possible</u>	<u>Points Assigned</u>

A. Total number of jobs retained

over 250	10	
100 to 249	8	
50 to 99	6	
25 to 49	4	
10 to 24	2	
under 10	1	1

B. Total number of jobs created

(Double pts for start-up)

over 100	10	
50 to 99	8	
25 to 49	6	
10 to 24	4	
1 to 9	2	2

C. Eighty percent of the jobs created and/or retained

are within the following salary range.

over \$45,000	25	
\$40,000 to \$45,000	20	
\$35,000 to \$39,999	15	
\$30,000 to \$34,999	10	10
\$25,000 to \$29,999	5	

under \$25,000	0	
	<u>Points</u>	<u>Points</u>
III. Economic Base	<u>Possible</u>	<u>Assigned</u>
A. Estimated percent of business done outside		
Allen County		
Greater than 50%	3	<u>3</u>
Less than or equal to 50%	0	
B. Location quotient in designated Occupation Code		
(use Occupational group data that describes the		
majority function of the business)		
Greater than 1.0	2	<u>2</u>
IV. Benefits		
A. Employee benefits package		
provided by Company.		
Comprehensive benefits	3	3
Some benefits provided	1	
No benefits provided	0	
V. Reciprocating Benefit		
A. The applicant agrees to contribute		
a percentage of savings to tax abatement		
development fund.	2	2
B. The applicant does not agree to		
contribute to the tax abatement		
development fund.	0	0
		55
Totals		
70 to 100 points	ten-year abatement	
60 to 69 points	seven-year abatement	
45 to 59 points	five-year abatement	

30 to 44 points three-year abatement

Tax Abatement Projection

Five Year Equipment Abatement for

Our Country Home Enterprises, Inc/Thomas P Blake

TAX YEAR	INVESTMENT IN PERSONAL PROPERTY	TRUE TAX VALUE	NET TAX RATE	% OF DEDUCTION	TRUE VALUE DEDUCTED	TRUE VALUE TAXED	TAXES DUE WITH DEDUCTIC
		\$1,769,098	\$2.4897	100%	\$1,769,098	\$0	\$0
		\$2,476,737	\$2.4897	80%	\$1,981,390	\$495,347	\$12,333
		\$1,857,553	\$2.4897	60%	\$1,114,532	\$743,021	\$18,499
2019 PAY 2020		\$1,415,278	\$2.4897	40%	\$566,111	849,167	\$21,142
2020 PAY 2011							
2021 PAY 2022							
2022 PAY 2023		\$1,326,824	\$2.4897	20%	\$265,365	\$1,061,459	\$26,427
2023 PAY 2024							
2024 PAY 2025	\$4,422,745	\$1,326,824	\$2.4897	0%	\$0	\$1,326,824	\$33,034
2025 PAY 2026							
2026 PAY 2027							
2027 PAY 2028		\$1,326,824	\$2.4897	0%	\$0	\$1,326,824	\$33,034
2028 PAY 2029							
		\$1,326,824	\$2.4897	0%	\$0	\$1,326,824	\$33,034
		\$1,326,824		0%	\$0	\$1,326,824	\$33,034
		\$1,326,824		0%	\$0	\$1,326,824	\$33,034

\$2.4897

\$2.4897

TOTALS

\$243,570

Tax Abatement Projection

Five Year Real Abatement
for

Our Country Home Enterprises, Inc/Thomas P Blake

TAX YEAR	INVESTMENT IN REAL PROPERTY	TRUE TAX VALUE	NET TAX RATE	% OF DEDUCTION	TRUE VALUE DEDUCTED	TRUE VALUE TAXED	TAXES DUE WITH DEDUCTIC
2019 PAY 2020	\$2,147,535	\$2,147,535	\$2.4897	100%	\$2,147,535	\$0	\$0
2020 PAY 2021							
2021 PAY 2022							
2022 PAY 2023		\$2,147,535	\$2.4897	80%	\$1,718,028	\$429,507	\$10,693
2023 PAY 2024							
2024 PAY 2025							
2025 PAY 2026		\$2,147,535	\$2.4897	60%	\$1,288,521	\$859,014	\$21,387
2026 PAY 2027							
2027 PAY 2028		\$2,147,535	\$2.4897	40%	\$859,014	\$1,288,521	\$32,080
2028 PAY 2029							
		\$2,147,535	\$2.4897	20%	\$429,507	\$1,718,028	\$42,774
		\$2,147,535	\$2.4897	0%	\$0	\$2,147,535	\$53,467
		\$2,147,535	\$2.4897	0%	\$0	\$2,147,535	\$53,467
		\$2,147,535	\$2.4897	0%	\$0	\$2,147,535	\$53,467
		\$2,147,535		0%	\$0	\$2,147,535	\$53,467

\$2,147,535 **\$2.4897** 0% \$0 \$2,147,535 \$53,467

\$2.4897

TOTALS

\$374,270

+/-

#1320-2018: Confirming Designation of Revitalization Area GR-14 (7/11/2018) - Statement of Benefits, Real Estate Improvements, Page 1

+/-

#1320-2018: Confirming Designation of Revitalization Area GR-14 (7/11/2018) - Statement of Benefits, Real Estate Improvements, Page 2

+/-

#1320-2018: Confirming Designation of Revitalization Area GR-14 (7/11/2018) - Statement of Benefits, Personal Property, Page 1

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#1320-2018: Confirming Designation of Revitalization Area GR-14 (7/11/2018) - Statement of Benefits, Personal, Property, Page 2

+/-

#1320-2018: Confirming Designation of Revitalization Area GR-14 (7/11/2018) - Letter from County Department of Planning Services

RESOLUTION NO. 1323-2018

GRABILL TOWN COUNCIL RESOLUTION WAIVING NONCOMPLIANCE FOR OUR COUNTRY HOMES ENTERPRISES, INC.

WHEREAS, on July 25, 2018 the Grabill Town Council did adopt [Confirmatory Resolution 1320-2018](#) approving a Statement of Benefits for Our Country Homes Enterprises, Inc.

WHEREAS, in order to receive the deduction authorized under said resolutions, the property owner must file certain forms prescribed by the Department of Local Government Finance with the Allen County Auditor's office and Allen County Assessor's office; and

WHEREAS, Our Country Homes Enterprises, Inc. did not file its "Application For Deduction From Assessed Valuation of Structures In Economic Revitalization Areas" (Form 322/RE) for the 2018 Pay 2019 tax year in a timely manner; and

WHEREAS, this oversight was an unusual occurrence for Our Country Homes Enterprises, Inc.; and

WHEREAS, the Allen County Council desires that Our Country Homes Enterprises, Inc. retain the benefits of the tax phase in that is granted for real improvements as described in the company's applications and SB-1 forms; and

WHEREAS, State law allows the correction of situations where a filing deadline is missed or a clerical error is found under 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3 through a resolution waiving noncompliance as long as the document is filed or clerical error is corrected before the resolution is adopted; and

WHEREAS, Our Country Homes Enterprises, Inc. has now filed the necessary documents.

WHEREAS, the non-compliance event has been corrected and a public hearing of the Grabill Town Council has been held on the waiver.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council hereby adopts a waiver of noncompliance for Our Country Homes Enterprises, Inc. under the authority of I.C. 6-1.1-12.1-9.5 and I.C. 6-1.1-12.1-11.3.

BE IT ALSO RESOLVED, that the adoption of this waiver of noncompliance shall result in the taxpayer being treated as if the taxpayer had complied with procedural requirements.

BE IT ALSO RESOLVED, that if any part, parts, clause or portion of this Resolution shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of this Resolution as a whole or any other part, clause or portion of this Resolution.

ADOPTED, this 19th day of September, 2018, by the Grabill Town Council.

Wilmer Delagrange
Wilmer Delagrange, President
Grabill Town Council

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Indiana

TOWN OF GRABILL

ORDINANCE NO. 205

Editor's Note: This ordinance is Archived. It involves Investment Incentives for Eagle-Picher Industries, Inc.

(See, also: [Ordinance No. 211](#), adopted 7/20/1983) and [Resolution No. 218](#), adopted 2/15/1984.) Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #205: Investment Incentive Program - Eagle-Picher (12/15/1982) - Page 1

 (ARCHIVED) #205: Investment Incentive Program - Eagle-Picher (12/15/1982) - Page 2

ORDINANCE NUMBER 211

Editor's Note: This ordinance is Archived. It involves Investment Incentives for Eagle-Picher Industries, Inc.

(See, also: [Ordinance No. 205](#), adopted 12/15/1982) and [Resolution No. 218](#), adopted 2/15/1984.)

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #211: Investment Incentive Program - Eagle-Picher (7/20/1983)

RESOLUTION NO. 218

Editor's Note: This ordinance is Archived. It involves funding decisions from 1984.

(See, also: [Ordinance No. 205](#), adopted 12/15/1982) and [Ordinance No. 211](#), adopted 7/20/1983.)

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #218R: CDGB Funds to Eagle Picher Plastics (2/15/1984)

ORDINANCE NO. 292

AN ORDINANCE ESTABLISHING THE GRABILL DEPARTMENT OF ECONOMIC DEVELOPMENT AND CREATING THE GRABILL ECONOMIC DEVELOPMENT COMMISSION

WHEREAS, The Town Council of the Town of Grabill, Indiana finds that the financing of single, identified economic development or pollution control facilities and the provision of a program to finance multiple, unidentified economic development or pollution control facilities that promote a substantial likelihood of:

- (1) Creating or retaining opportunities for gainful employment;
- (2) Creating business opportunities;
- (3) Providing reliable water services;
- (4) The abatement, reduction, or prevention of pollution; or
- (5) The removal or treatment of substances in materials being processed that otherwise would cause pollution when used;

serve a public purpose and will be of benefit to the health or general welfare of the Town of Grabill as contemplated by Indiana Code 36-7-12.

BE IT ORDAINED by the Town Council of the Town of Grabill, Indiana:

Section 1. The Town Council hereby establishes a department of economic development as a department of the Town, which department shall be under the control of the Grabill Economic Development Commission, which Commission shall consist of three members.

Section 2. The Department of Economic Development and the Grabill Economic Development Commission shall be organized, the members appointed and qualified, and such Department and Commission shall exercise such functions, and shall have the powers and duties provided by Indiana Code 36-7-12.

Section 3. This Ordinance shall be in effect immediately upon its passage and signing by the President of the Town Council.

Passed by the Town Council of the Town of Grabill, Indiana, on the 12th day of June , 1991.

M. Joanne Sauder
President, Town
Council

Attest:

Mary Ann Carnahan
Clerk-Treasurer

Presented by me to the President of the Town Council of the Town of Grabill on the 12th day of June , 1991, at the hour of 7:00 p.m.

Mary Ann Carnahan
Clerk-Treasurer

This Ordinance approved and signed by me on the 12th day of June , 1991, at the hour of 7:00 p.m.

M. Joanne Sauder
President, Town Council

RESOLUTION NO. 296

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA

WHEREAS, the Town of Grabill, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and 12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to a company or directly owned by a company; and

WHEREAS, Cedar Creek Retirement Home, Inc. (the "Applicant"), an Indiana not-for-profit corporation, has advised the Grabill Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer lend proceeds of an economic development financing to the Applicant for the construction of a residential retirement facility consisting of 42 units, of which 6 will be residential only and 36 will be personal health care, to be located at 14400 Sunrise Court, Leo, Indiana 46765, near the Town of Grabill, Indiana ("Project"); and

WHEREAS, the diversification of industry and increase in job opportunities to be achieved by the acquisition and construction of the Project will be of public benefit to the health, safety and general welfare of the Issuer, its citizens and the citizens of Allen County; and

WHEREAS, having received the advice of the Grabill Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer, its citizens and the citizens of Allen County; and

WHEREAS, it is tentatively found that the acquisition and construction of the Project will not have an adverse competitive effect on any similar facility already constructed or operating in or near Grabill, Indiana;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the Town of Grabill, as follows:

1. The Town Council of the Town of Grabill finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Grabill, Indiana, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Commission and the Issuer take such action as they lawfully may to encourage economic development, diversification of industry and promotion of job opportunities in and near the Issuer.

2. The Town Council of the Town of Grabill approves, determines, ratifies and confirms that the issuance and sale of economic development revenue bonds in an amount not to exceed \$2,000,000 of the Issuer under the Act for the lending of the proceeds of the revenue bonds to the Applicant, for the acquisition and construction of the Project will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition and construction of the Project, the Town Council of the Town of Grabill hereby approves, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds; and that the aforementioned purposes comply with the provisions of I.C. 36-7-11.9 and 12; and (iii) it will use its best efforts at the request of Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in I.C. 36-7-12-1] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of I.C. 36-7-11.9 and 12.

4. All costs of the Project incurred after the adoption of this inducement resolution, including reimbursement or repayment to the Applicant of

moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, expenses incurred by the Commission and the Issuer in connection with this financing, acquisition and equipping of the Project will be permitted to be included as part of the bond issue to finance the Project, and the Issuer will lend the proceeds from the sale of the bonds to the Applicant for the same purposes. Also, certain indirect expenses, including but not limited to, planning, architectural work and engineering incurred prior to this inducement resolution will be permitted to be included as part of the bond issue to finance the Project.

Adopted this 19th day of December, 1991.

TOWN OF GRABILL, INDIANA

M. Joanne Sauder
Presiding Officer

R. E. Miller

(SEAL)

Attest:

Mary Ann Carhahan
Mary Ann Carhahan
Clerk-Treasurer

ORDINANCE NO. 315

ORDINANCE AUTHORIZING THE TOWN OF GRABILL TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS, SERIES 1993A AND SERIES 1993B (CEDAR CREEK RETIREMENT HOME, INC. PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Grabill Economic Development Commission has rendered its Project Report for the Cedar Creek Retirement Home, Inc. Project regarding the financing of proposed economic development facilities for Cedar Creek Retirement Home, Inc.; and

WHEREAS, the Grabill Economic Development Commission conducted a public hearing on April 20, 1993, and also adopted a resolution on April 20, 1993, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Cedar Creek Retirement Home, Inc. complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the Town of Grabill and its citizens; and

WHEREAS, the Grabill Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Town Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Town Council the Loan Agreement, Mortgage, Security Agreement and Financing Statement; Series 1993A and 1993B Notes; Trust Indenture and Bond Purchase Agreement; now therefore,

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

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage, Security Agreement and Financing Statement approved by the Grabill Economic Development Commission and presented to this Town Council, the issuance and sale of the Economic Development First Mortgage

Revenue Bonds, Series 1993A and Series 1993B (Cedar Creek Retirement Home, Inc. Project) (the "Bonds"), the loan of the proceeds of the Bonds to Cedar Creek Retirement Home, Inc. for the acquisition and construction of such facilities, the payment of the Bonds by the loan payments of Cedar Creek Retirement Home, Inc. under the Loan Agreement, Mortgage, Security Agreement and Financing Statement and the Series 1993A and 1993B Notes, and the securing of said Bonds under the Trust Indenture, complies with the purposes and provisions of I.C. 36-7-11.9 and 12, and will be of benefit to the health and welfare of the Town of Grabill and its citizens.

Section 2. The economic development facilities will consist of the construction of a residential retirement facility consisting of 52 units, of which 10 will be residential only, and 42 will be personal health care, to be located at 14400 Sunrise Court, near the Town of Grabill, in the unincorporated area of Allen County, Indiana (the "Project").

Section 3. At the public hearing held by the Grabill Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in or near the Town of Grabill, and found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Town Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in or near the Town of Grabill, and the facilities will be of benefit to the health and welfare of the citizens of the Town of Grabill.

Section 4. The substantially final forms of the Loan Agreement, Mortgage, Security Agreement and Financing Statement; Series 1993A and 1993B Notes; Trust Indenture; and Bond Purchase Agreement approved by the Grabill Economic Development Commission are hereby approved (herein collectively referred to as the "Financing Agreement" referred to in I.C. 36-7-11.9 and 12), and the Financing Agreement shall be incorporated herein by reference and shall be inserted in the minutes of the Town Council and kept on file by the Clerk-Treasurer. In accordance with the provisions of

I.C. 36-1-5-4, two (2) copies of the Financing Agreement are on file in the office of the Clerk-Treasurer for public inspection.

Section 5. The Town of Grabill shall issue its Bonds in a total principal amount not to exceed Two Million Dollars (\$2,000,000); with its Series 1993A Bonds to be in a principal amount not to exceed \$1,500,000 and maturing no later than April 1, 2008, and its Series 1993B Bonds to be in a principal amount not to exceed \$500,000 and maturing no later than October 1, 1998. Said Bonds are to be issued for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the Trust Indenture and Loan Agreement, Mortgage, Security Agreement and Financing Statement incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest from the payments made by Cedar Creek Retirement Home, Inc. under the Loan Agreement, Mortgage, Security Agreement and Financing Statement and the Series 1993A and 1993B Notes or as otherwise provided in the above described Trust Indenture. The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiples thereof, and shall be redeemable as provided in Article V of the Trust Indenture. Payments of principal and interest are payable in lawful money of the United States of America at the principal office of the Trustee or by check or draft mailed or delivered to the registered owners as provided in the Trust Indenture. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the Town of Grabill, Indiana, nor are the Bonds payable in any manner from revenues raised by taxation.

Section 6. The President of the Town Council and Clerk-Treasurer are authorized and directed to sell the Series 1993A Bonds to the original purchaser thereof at a price of 100% of the principal amount thereof, and at a rate of interest not to exceed 6.75% per annum, and the Series 1993B Bonds to the original purchaser thereof at a price of 100% of the principal amount thereof, and at a rate of interest not to exceed 7.50% per annum.

Section 7. The President of the Town Council and Clerk-Treasurer are authorized and directed to execute, attest, affix or imprint by any means the Town seal to the documents constituting the Financing Agreement approved

herein on behalf of the Town and any other document which may be necessary or desirable to consummate the transaction, including the Bonds authorized herein. The President of the Town Council and Clerk-Treasurer are hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Agreement which take place after the date of this Ordinance with the review and advice of the Town Attorney; it being the express understanding of this Town Council that said Financing Agreement is in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the Bonds as approved by the Town Council by this Ordinance without further consideration by the Town Council. The signatures of the President of the Town Council and Clerk-Treasurer on the Bonds may be either manual or facsimile signatures. The Clerk-Treasurer is authorized to arrange for delivery of such Bonds to the Trustee named in the Trust Indenture, and payment for the Bonds will be made to the Trustee named in the Trust Indenture and after such payment the Bonds will be delivered by the Trustee to the purchasers thereof. The President of the Town Council and Clerk-Treasurer shall execute and the Clerk-Treasurer shall deliver the Bonds to the Trustee within ninety days of the adoption of this Ordinance. The Bonds shall be originally dated as of April 1, 1993.

Section 8. The provisions of this Ordinance and the Trust Indenture securing the Bonds shall constitute a contract binding between the Town of Grabill and the holder of the Bonds, and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said Bonds or the interest thereon remains unpaid.

Section 9. The Town hereby represents that bonds, warrants and other evidence of indebtedness issued by it or on its behalf during calendar year 1993 will be less than \$10,000,000 principal amount of tax-exempt obligations. The Town hereby designates the Bonds as qualified obligations pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986,

relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986.

Section 10. This Ordinance shall be in full force and effect from and after its passage and signing by the President of the Town Council.

Passed and adopted this 20th day of April, 1993.

GRABILL TOWN
COUNCIL

M. Joanne Sauder
President, Town Council

Attest:

Glenda A. Whittern
Clerk-Treasurer

Presented by me to the President of the Town Council of the Town of Grabill, Indiana, on this 20 day of April, 1993, at the hour of 8:00 p.m.

Glenda A. Whittern
Clerk-Treasurer

Approved and signed by me on this 20 day of April, 1993.

M. Joanne Sauder
President, Town Council

ORDINANCE NO. 07-11-2007

AN ORDINANCE CREATING THE DEPARTMENT OF REDEVELOPMENT AND THE CREATION OF THE REDEVELOPMENT COMMISSION, PURSUANT TO INDIANA CODE § 36-7-14

The Town Council of the Town of Grabill, Indiana, Ordains as follows:

WHEREAS, the Town Council of the Town of Grabill (the "Council") desires to create a Redevelopment Commission (the "Commission") by way of this Ordinance, and then to take other appropriate action as required.

WHEREAS, the Town is duly authorized to create a Commission, pursuant to I.C. § 36-714 (the "Act"); and WHEREAS, the Town finds the clearance, planning, replanning, development, and redevelopment of economic areas are public and governmental functions that cannot be accomplished through the ordinary operations of private enterprise because of: (1) the necessity for requiring the proper use of the land so as to best serve the interests of the Town and Allen County and its citizens; and (2) the costs of these projects.

WHEREAS, the Council finds that the planning, replanning, development, and redevelopment of economic development areas will: (1) benefit the public health, safety, morals, and welfare;
(2) increase the economic well-being of the Town, County and State;
(3) serve to protect and increase property values in the Town, County and State.

WHEREAS, the Town finds that it is in the best interest of the Town to undertake the financing redevelopment, such that public money should be spent and private property may be acquired.

NOW, THEREFORE, BE IT ORDAINED, pursuant to Indiana Code § 36-7-14, as follows:

SECTION 1. DEPARTMENT OF REDEVELOPMENT

- a. There is and has been created within the Town of Grabill, the "Department of Redevelopment" (the "Department").
- b. The Department shall have all powers and duties provided for by the Act, as may be amended from time to time.
- c. The Department shall be controlled by a commission known as the Grabill Redevelopment Commission, as provided for by § 36-7-14-3.

SECTION 2. REDEVELOPMENT COMMISSION

- Pursuant to the Act, this Commission shall consist of Five (5) Commissioners (the "Commissioners"), Three (3) of the members shall
- a. be appointed by the President of the Town Council and Two (2) of the members shall be appointed by the Town Council. Said Commission is hereby granted the powers and duties set forth in I.C. § 36-7-14.
 - b. Commissioners shall comply with all conflict of interest disclosures, if any, as required by law.

- An economic development commissioner shall disclose any
 - i. pecuniary interest in any employment, financing agreement, or other contract made under Chapter 14 of the Act before any action by the Commission on it, and shall not vote on any such matter.

- Notwithstanding any other law, a member of the Council may have a pecuniary interest in any employment, financing agreement, or other
- ii. contract made under Chapter 14 of the Act he or she discloses the pecuniary interest before any action by the fiscal body on it and does not vote on any such matter.

- If any property in which a Commissioner or Council member has a pecuniary interest is property required for the purposes of this
- iii. chapter, that property may be acquired, but only by gift or condemnation.

- No Commissioner shall be permitted to receive salary, wage, or pay for
- c. services in connection with serving upon this Commission, but may receive reimbursement for expenses actually incurred.

This Ordinance shall be effective upon passage and publication according to law.

ALL OF WHICH IS ORDAINED this 11th day of July, 2007.

TOWN COUNCIL OF THE TOWN
OF GRABILL, INDIANA

Wilmer Delagrange
Wilmer Delagrange

Greg Liechty
Greg Liechty

Lynn Witt
Lynn Witt

ATTEST:

Glenda A. Whittern
Glenda A. Whittern, Clerk-Treasurer

ORDINANCE NO. 2008-1 May 14, 2008

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE BY THE TOWN OF GRABILL, INDIANA OF ITS ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 2008 (THE CEDARS PROJECT) FOR THE PURPOSE OF REFUNDING PRIOR OBLIGATIONS OF THE ISSUER ISSUED FOR THE BENEFIT OF CEDAR CREEK RETIREMENT HOME, INC., AN INDIANA NOT-FOR-PROFIT CORPORATION ("BORROWER") AND FINANCING THE COSTS OF CERTAIN SITE IMPROVEMENTS FOR THE BORROWER; AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF A BOND PURCHASE AND LOAN AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO SAID BONDS; AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Town of Grabill, Indiana (the "Issuer") is authorized and empowered by the Indiana Code §36-7-11.9 and 12 (the "Act"), as supplemented and amended, to finance land, buildings or other improvements suitable for industrial, commercial or manufacturing enterprises for the purposes set forth in the Act; and

WHEREAS, under the Act, the Issuer is empowered to refund revenue bonds so issued from time to time by the issuance of additional revenue bonds of the Issuer; and

WHEREAS, Cedar Creek Retirement Home, Inc., an Indiana not-for-profit corporation (the "Borrower") has acquired, constructed and equipped certain economic development facilities (the "Project"), located in Allen County, near Grabill, Indiana, and the Issuer, in order to finance a portion of the costs of the Project pursuant to the provisions of the Act, heretofore has issued and sold its Economic Development Revenue Bonds, Series 2002 (Cedar Creek Retirement Home, Inc. Project) in the original principal amount of \$2,000,000, which are now outstanding in the principal amount of \$1,200,000 (the "Prior Bonds"); and

WHEREAS, the Borrower now proposes to cause the Prior Bonds to be paid and, in order to permit interest cost savings anticipated by the

Borrower and in furtherance of the purposes set forth in the Act, the Issuer wishes to refund the Prior Bonds by the sale and issuance of its refunding revenue bonds, and authorizing such actions as might be required to implement such stated intention; and

WHEREAS, the Grabill Economic Development Commission has rendered its Project Report for The Cedars Project, as hereinafter defined, regarding the refunding of the Prior Bonds and the financing of proposed economic development facilities for the Borrower, and said Project Report has been sent to the Allen County Plan Commission for comment; and

WHEREAS, the Grabill Economic Development Commission conducted a public hearing on May 14, 2008, and adopted a resolution on May 14, 2008, which Resolution has been transmitted to this Town Council, finding that the financing of certain economic development facilities of the Borrower and the refunding of the Prior Bonds complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the Town of Grabill and its citizens; and

WHEREAS, the Grabill Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Town Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Town Council the Bond Purchase and Loan Agreement among the Borrower, the Issuer and Grabill Bank, as the Original Purchaser, dated as of May 1, 2008 (the "Loan Agreement"), the Series 2008 Note of the Borrower dated as of May 1, 2008 (the "Series 2008 Note"), and the Mortgage, Security Agreement and Financing Statement between the Borrower and Grabill Bank dated as of May 1, 2008 (the "Mortgage"); now therefor

BE IT ORDAINED BY THE GRABILL TOWN COUNCIL THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Grabill Economic Development Commission and presented to this Town Council, the issuance and sale of the Issuer's Economic Development Revenue Bonds, Series 2008 (The Cedars Project) (the "Series 2008

Bonds"), the loan of the proceeds of the Series 2008 Bonds to the Company for the construction and equipping of the economic development facilities and the refunding of the Prior Bonds, the payment of the Series 2008 Bonds by the note payments of the Company under the Loan Agreement and the Series 2008 Note, and the securing of said Series 2008 Bonds under the Loan Agreement and the Mortgage complies with the purposes and provisions of the Act and will be of benefit to the health and welfare of the Town of Grabill and its citizens.

SECTION 2. The economic development facilities consists of the refinancing of the retirement center located on a 7.7 acre parcel of land at 14400 Sunrise Court, near the Town of Grabill financed with the Prior Bonds, together with of the construction and equipping of additional site improvements in anticipation of the construction of seven (7) additional assisted living units and the addition of eight (8) personal health care units at a total approximate cost of \$2,200,000 (the "Project").

SECTION 3. At the public hearing held by the Grabill Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in or near the Town of Grabill, and subsequently found, based on special findings of fact set forth in the Resolution transmitted hereto that the facilities would not have an adverse competitive effect. This Town Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in or near the Town of Grabill and the facilities will be of benefit to the health and welfare of the citizens of the Town of Grabill.

SECTION 4. The substantially final forms of the Loan Agreement, Series 2008 Note and Mortgage approved by the Grabill Economic Development Commission are hereby approved (herein collectively referred to as the "Financing Agreement" referred to in the Act), and the Financing Agreement shall be incorporated herein by reference and shall be inserted in the minutes of this Council and kept on file by the Clerk-Treasurer in accordance with the provisions of I.C. 36-1-5-4. Two (2) copies of the

Financing Agreement are on file in the office of the Clerk-Treasurer for public inspection.

SECTION 5. The Issuer shall issue its Series 2008 Bonds designated "Town of Grabill, Indiana Economic Development Revenue Bonds, Series 2008 (The Cedars Project)" in a principal amount not to exceed Three Million Two Hundred Fifty Thousand and 00/100ths Dollars (\$3,250,000.00) (the "Series 2008 Bonds") and maturing no later than December 1, 2024. The Series 2008 Bonds are to be issued for the purpose of procuring funds to refund the Prior Bonds and to pay the costs of construction and equipping of additional infrastructure improvements as more particularly set out in the Loan Agreement incorporated herein by reference, which Series 2008 Bonds will be payable as to principal, premium, if any, and interest from the note payments made by the Borrower under the Loan Agreement and the Series 2008 Note or as otherwise provided in the above described Loan Agreement. The Series 2008 Bonds shall be issued in fully registered form in denominations of \$100,000 or integral multiples in excess thereof or as otherwise provided in the Loan Agreement. The Series 2008 Bonds shall be redeemable as provided in Article IX of the Loan Agreement. The Series 2008 Bonds will bear interest at a rate not to exceed ten percent (10%) per annum. Payments of principal and interest are payable in lawful money of the United States of America at the principal office of the Agent (as defined in the Loan Agreement) or its successor in trust or by check mailed or delivered to the registered owners as provided in the Loan Agreement. The Series 2008 Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the Town of Grabill, Indiana, nor are the Series 2008 Bonds payable in any manner from revenues raised by taxation.

SECTION 6. The President of the Town Council and the Clerk-Treasurer are authorized and directed to sell the Series 2008 Bonds to Grabill Bank, as the original purchaser thereof (the "Original Purchaser") at a price of not less than 100.00% of the principal amount thereof.

SECTION 7. The President of the Town Council and the Clerk-Treasurer are authorized and directed to execute, attest, affix or imprint by any means the Town seal to the documents constituting the Financing Agreement

approved herein on behalf of the Town and any other document which may be necessary or desirable prior to on or after the date hereof to consummate or facilitate the transaction, including, without limitation, the Series 2008 Bonds authorized herein. The President of the Town Council and the Clerk-Treasurer are hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Agreement which take place after the date of this Ordinance with the review and advice of counsel to the Town, it being the express understanding of this Council that said Financing Agreement is in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the Series 2008 Bonds as approved by this Council by this Ordinance without further consideration by this Council. The signatures of the President of the Town Council and the Clerk-Treasurer on the Series 2008 Bonds may be either manual or facsimile signatures. The Clerk-Treasurer is authorized to arrange for delivery of such Series 2008 Bonds to the Original Purchaser, and payment for the Series 2008 Bonds will be made to the Agent named in the Loan Agreement. The Series 2008 Bonds shall be originally dated the date of issuance and delivery thereof

SECTION 8. It is the intention of this Council that this Ordinance shall constitute the approval of this Council under Section 147(f) of the Internal Revenue Code of 1986, as amended, with respect to the Series 2008 Bonds.

SECTION 9. The Town hereby represents that bonds, warrants and other evidence of indebtedness issued by it or on its behalf during calendar year 2008 will be less than \$10 million principal amount of tax-exempt obligations. The Town Council hereby designates the Series 2008 Bonds as qualified obligations pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986. relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986.

SECTION 10. The provisions of this Ordinance and the Loan Agreement securing the Series 2008 Bonds shall constitute a contract binding between the Town of Grabill, Indiana and the holders of the Series 2008 Bonds, and after the issuance of said Series 2008 Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said Series 2008 Bonds or the interest thereon remains unpaid.

SECTION 11. This Ordinance shall be in full force and effect from and after its passage and signing by the President of the Town Council.

GRABILL TOWN COUNCIL

Wilmer Delagrang
Wilmer Delagrang, President

Attest:
Llewellyn Lederman
Llewellyn Lederman, Clerk-Treasurer

Presented by me to the President of the Town Council of the Town of Grabill, Indiana, on this 14 day of May , 2008, at the hour of 7:00 p.m.

Llewellyn Lederman
Llewellyn Lederman, Clerk-Treasurer

Approved and signed by me on this 14 day of May , 2008.

Wilmer Delagrang
Wilmer Delagrang, President, Town Council

RESOLUTION # 1239-09

Establish Grabill Redevelopment Area TIF Fund

WHEREAS, The Town of Grabill does hereby acknowledge that a Grabill Redevelopment Area was established February 27, 2008, and

WHEREAS, any property tax hereafter levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable real property and allocated to Grabill Development Area to the redevelopment district and, when collected, shall be paid into a special fund for the allocation area that may be used for the redevelopment district only, and

WHEREAS, all funds when collected for the Grabill Redevelopment Area will be put into the TIF fund for the allocation area prescribed in Declaratory Resolution GRDC # 2008-1, and to be used as prescribed by I.C. § 36-7-14-1 ET. Seq

WHEREAS, this resolution shall be in full force and effect from and after its passage and any approvals or publications as may be required by law.

NOW, THEREFORE, be it ordained and passed by the common council of the Town of Grabill.

Approved this 26 day of August 2008, at the hour of 8:30 P.M.

Town Council of Grabill

Wilmer Delagrange
Wilmer Delagrange,
President

Jeff Smead
Jeff Smead, Councilman

Lynn Witt
Lynn Witt, Councilman

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA

RESOLUTION 123509

A RESOLUTION RATIFYING AND APPROVING DECLARATORY RESOLUTION NO. GRDC NO. 2008-1 OF THE GRABILL REDEVELOPMENT COMMISSION AND A RESOLUTION OF THE ALLEN COUNTY PLAN COMMISSION

WHEREAS, on February 27, 2008, the Grabill Redevelopment Commission adopted Declaratory Resolution No. GRDC No. 2008-1, said resolution approving the Grabill Economic Development Area Plan, which Resolution is attached hereto and made a part hereof and marked Exhibit - A"; and **WHEREAS**, on April 17, 2008, the Allen County Plan Commission adopted a Resolution as its written order approving the Grabill Redevelopment Commission's Declaratory Resolution and Economic Development Area Plan, a copy of said Resolution being attached hereto and made a part hereof as Exhibit "B"; and **WHEREAS**, pursuant to I.C. 36-7-14 et seq., the Grabill Redevelopment Commission may not undertake any activities in an Economic Development Area until the Town Council of the Town of Grabill, Indiana approves of the Grabill Redevelopment Commission's Declaratory Resolution and the Allen County Plan Commission's Resolution which serves as its written order; and **WHEREAS**, the Town Council of the Town of Grabill, Indiana has reviewed said Resolutions and desires to approve same.

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

SECTION 1. Declaratory Resolution GRDC No. 2008-1 of the Grabill Redevelopment Commission, attached hereto as Exhibit "A", and a Resolution of the Allen County Plan Commission, attached hereto as Exhibit "B", are hereby approved, ratified and confirmed.

SECTION 2. This Resolution shall be in full force and effect as of the 17th day of December, 2008.

Wilmer Delagrange
Wilmer Delagrange

Lynn Witt
Lynn Witt

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

Jeff Smead
Jeff Smead

ORDINANCE NO. 662-2016

ORDINANCE AUTHORIZING AND PROVIDING FOR THE
ISSUANCE BY

THE TOWN OF GRABILL, INDIANA OF ITS ECONOMIC
DEVELOPMENT

REFUNDING REVENUE BONDS, SERIES 2016 (CEDAR CREEK

RETIREMENT HOME, INC. PROJECT) FOR THE PURPOSE OF

CURRENTLY REFUNDING THE TOWN OF GRABILL ECONOMIC

DEVELOPMENT REVENUE BONDS, SERIES 2008 (CEDAR CREEK

RETIREMENT HOME, INC. PROJECT); AUTHORIZING THE
EXECUTION, DELIVERY AND PERFORMANCE OF A BOND
PURCHASE AND LOAN

AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO
SAID

BONDS; AND APPROVING AND AUTHORIZING OTHER ACTIONS
IN

RESPECT THERETO

WHEREAS, the Town of Grabill, Indiana (the “Issuer”) is authorized and empowered by the Indiana Code §36-7-11.9 and 12 (the “Act”), as supplemented and amended, to finance land, buildings or other improvements suitable for industrial, commercial or manufacturing enterprises for the purposes set forth in the Act; and

WHEREAS Cedar Creek Retirement Home, Inc., an Indiana not-for-profit corporation (the “Borrower”) proposes to currently refund bonds denominated as the Town of Grabill, Indiana Economic Development Revenue Bonds, Series 2008 (Cedar Creek Retirement Home, Inc. Project) which were issued in the original principal amount of \$3,250,000 (the “Series 2008

Bonds”), which Series 2008 Bonds assisted Borrower in financing the expansion and improvement of its existing 52-unit retirement center located on a 7.7 acre parcel of land at 14400 Sunrise Court, near the Town of Grabill, Indiana (the “Project”), complies with the purposes and provisions of IC 36-7-11.9 and 12 and IC 5-1-5, and has been previously deemed to benefit the health and welfare of Allen County and its citizens; and

WHEREAS, in furtherance of the purposes set forth in the Act, the Issuer wishes to refinance a portion of the costs of the Project by the sale and issuance of its economic development refunding revenue bonds, and authorizing such actions as might be required to implement such stated intention; and

WHEREAS, the Grabill Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Council and has approved the forms of and has

transmitted for approval by the Council the Bond Purchase and Loan Agreement (-Loan Agreement”) and the Series 2016 Promissory Note (“Series 2016 Note”); now therefore

BE IT ORDAINED BY THE GRABILL TOWN COUNCIL THAT:

SECTION 1. It is hereby found that the Loan Agreement approved by the Grabill Economic Development Commission and presented to this Council, the issuance and sale of the Issuer’s Economic Development Refunding Revenue Bonds, Series 2016 (Cedar Creek Retirement Home, Inc. Project) (the “Bonds”), the loan of the proceeds of the Bonds to the Borrower for the current refunding of the 2008 Bonds, the payment of the Bonds by the note payments of the Company under the Loan Agreement and the Series 2016 Note, and the securing of said Bonds under the Loan Agreement complies with the purposes and provisions of the Act.

SECTION 2. The substantially final forms of the Loan Agreement and the Series 2016

Note approved by the Grabill Economic Development Commission are hereby approved (herein collectively referred to as the “Financing Agreement” referred to in the Act), and the Financing Agreement shall be incorporated herein by reference and shall be inserted in the minutes of this Council and kept on file by the Clerk/Treasurer. Two (2) copies of the Financing Agreement are on file in the office of the Clerk/Treasurer for public inspection.

SECTION 3. The Issuer shall issue its Bond designated as the “Town of Grabill, Indiana Economic Development Refunding Revenue Bonds, Series 2016 (Cedar Creek Retirement Home, Inc. Project)” in a principal amount not to exceed Two Million Thirty-Three Thousand and 00/100ths Dollars (\$2,033,000.00) (the “Series 2016 Bonds”). The Series 2016 Bonds will mature no later than July 1, 2024 and will have an average maturity, as such term is defined in Section 147(b)(2)(A) of the Internal Revenue Code of 1986, not later than the average maturity of the Series 2008 Bonds. The Series 2016 Bonds are to be issued for the purpose of currently BM 1677668,1 2

refunding the Series 2008 Bonds originally issued in the original principal amount of \$3,250,000

and used to assist the Borrower in financing the construction, expansion and improvement of its existing 52-unit retirement center located on a 7.7 acre parcel of land at 14400 Sunrise Court, near the Town of Grabill, Indiana. The Series 2016 Bonds shall be issued in fully registered form in denominations of \$100,000 or \$1,000 integral multiples in excess thereof or as otherwise provided in the Loan Agreement. The Series 2016 Bonds shall be redeemable as provided in Article IX of the Loan Agreement. The Series 2016 Bonds will bear interest at a rate not to exceed 2.75% per annum. Payments of principal and interest are payable in lawful money of the United States of America at the principal office of the Original Purchaser (as defined in the Loan Agreement) or its successor in trust or by check mailed or delivered to the Original Purchaser as provided in the Loan Agreement. The Series 2016 Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the Town of Grabill, Indiana, nor are the Series 2016 Bonds payable in any manner from revenues raised by taxation.

SECTION 4. The Clerk/Treasurer is authorized and directed to sell the Series 2016

Bonds to iAB Financial Bank or its assigns, as the original purchaser thereof (“Original Purchaser”) at a price of not less than 100% of the principal amount thereof. In addition, iAB

Financial Bank shall be reimbursed from Series 2016 Bond proceeds for its reasonably incurred out-of-pocket expenses.

SECTION 5. The President of the Town Council and the Clerk/Treasurer are authorized and directed to execute, attest, affix or imprint by any means the Town seal to the documents constituting the Financing Agreement approved herein on behalf of the Town and any other document which may be necessary or desirable prior to, on or after the date hereof, to consummate or facilitate the transaction, including, without limitation, the

Series 2016 Bonds authorized herein. The President of the Town Council and the Clerk/Treasurer are hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Agreement which take place after the date of this Ordinance with the review and advice of counsel to the Town, it being the express understanding of this Council that said Financing Agreement is in substantially final form as of the date of this Ordinance. The

approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the Series 2016 Bonds as approved by this Council by this Ordinance without further consideration by this Council. The signatures of the President of the Town Council and the Clerk/Treasurer on the Series 2016 Bonds may be either manual or facsimile signatures. The Clerk/Treasurer is authorized to arrange for delivery of such Series 2016 Bonds to the Original Purchaser, and payment for the Series 2016 Bonds will be made in accordance with the provisions of the Loan Agreement. The Series 2016 Bonds shall be originally dated the date of issuance and delivery thereof.

SECTION 6. It is the intention of this Council that this Ordinance shall constitute the approval of this Council under Section 147(f) of the Internal Revenue Code of 1986, as amended, with respect to the Series 2016 Bonds.

SECTION 7. The Town hereby represents that bonds, warrants and other evidence of indebtedness issued by it or on its behalf during calendar year 2016 will be less than \$10 million principal amount of tax-exempt obligations. The Town Council hereby designates the Series 2016 Bonds as qualified obligations pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986.

SECTION 8. The provisions of this Ordinance and the Loan Agreement relating to the Series 2016 Bonds shall constitute a contract binding between the Town of Grabill, Indiana and the holders of the Series 2016 Bonds, and after the issuance of said Series 2016 Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said Series 2016 Bonds or the interest thereon remains unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the President of the Town Council.

TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA

Wilmer Delagrang
Wilmer Delagrang, President

Jeff Smead
Jeff Smead, Member

Claude E. Schrock
Claude E. Schrock, Member

Attest:

Cynthia Barhydt
Cynthia Barhydt, Clerk/Treasurer

Presented by me to the President of the Town Council of the Town of
Grabill, Indiana, on this 19 day of October, 2016, at the hour of 7:35 p.m.

Cynthia Barhydt

Approved and signed by me on this

19 day of October, 2016.

Wilmer Delagrang
Wilmer Delagrang, President, Town Council

Ordinance Number 18

Relating to School Site Addition Be it ordained by the board of trustees of the Town of Grabill, Indiana that whereas Josheph M. Klopfenstein, the owner of land in the corporate limits of Grabill, Ind, it being a subdivision of the east six hundred twenty six and three tenths (623.3 ft) feet of the north four hundred ninety five and seven tenths (495.7) feet of the northwest quarter section 24 township 3rd range, 13 east in Allen County, Ind. which includes lots 1-2-3-4-5-6-7-8 and in the north 21 feet of lot nine (9) school site addition. The dimensions are marked in feet and decimal points of a foot on the plat. The lots are numbered from one to eight (1 to 8) inclusive and from fourteen to thirty-eight (14 to 38) inclusive.

Surveyed by Orin M Darling Sept 22 1915

Adopted this 23rd day of September 1915

J. S. Klopfenstein

David Witmer

C. O. Benjamin

Board of
Trustees

Attest

Clerk & Treas.

Because this ordinance is *handwritten* - and may be open to some interpretation - pictures of the pages are included: +/- #18: School Site Addition (9/27/1915)

Ordinance No. 19

Editor's Note: This ordinance is Void. It expired after 50 years - in 1966.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #19: Permitting use of Property by Standard Oil
(1/4/1916)

ORDINANCE NO. 141 -72
ORDINANCE APPROVING
THE SALE OF REAL ESTATE

WHEREAS, it has been proposed that the Town of Grabill sell the old fire house and the real estate on which it is located now owned by the Town of Grabill; and, WHEREAS, the Board of Trustees of the Town of Grabill deem it advisable and proper to sell said fire house and real estate described as follows: Part of the West half of the Southeast Quarter of Section 24, Township 32 North, Range 13 East more particularly described as follows: Commencing at the Southwest corner of Lot 88 in Grabill's 12th Addition to the Town of Grabill, Indiana; thence along the South line of Lot 88 extended to the point where it intersects the West line of the 14 foot alley lying West of said Lot 88 for the point of beginning; thence in a Westerly direction along the North line of First Street a distance of 32 feet; thence North 52.1 feet; thence East parallel to the North line of First Street to a point where said line intersects said alley's West line; thence Southwest along the Westerly line of said alley a distance of 54.5 feet to the point of beginning.

WHEREAS, under the provisions of Chapter 129 of the Acts of the General Assembly of Indiana 1905, as amended by Chapter 258 of the Acts of the General Assembly of Indiana, 1957, authority exists for said Board of Town Trustees to convey said real estate, NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRABILL, OF ALLEN COUNTY, INDIANA; and

IT IS HEREBY ORDERED that the aforescribed real estate be sold as set forth in the following provisions:

1. That the Board of Trustees of the Town of Grabill, Indiana publish NOTICE OF SALE in the Cedar Creek Courier, a newspaper published in and of general circulation in said Town of Grabill on the 10th day of August, 1972; 2. That said Notice provide that the Board of Trustees of the Town of Grabill will receive sealed bids for said fire house and real estate until the 18th day of August, 1972;

3. That said bids shall be for no less than the appraised price of Six Thousand Dollars (\$6,000.00);

4. That the Board of Trustees of the Town of Grabill reserve the right to reject any and all bids and to accept modification of bids and to reopen bids if the Board of Trustees determine in its discretion that it will serve the purpose of finding the best use in price for said real estate; 5. That merchantable title will be delivered to said purchaser; bids shall be accompanied by certified check in the amount equal to ten per cent (10%) of the purchase price and offers shall expire no earlier than thirty (30) days from said date; 6. That the party whose bid is accepted shall promptly execute an Agreement furnished by the Town and shall pay balance of said purchase price in cash upon delivery of said deed.

Carlton Sauder
CARLTON SAUDER, as President of
The Board of Trustees

ATTEST:

Alleen Kipfer
ALLEEN KIPFER, Clerk Treasurer

Present by me to the President of the Board of Trustees of the Town of Grabill on the 12th day of July, 1972 at the hour of 10:00 p.m.

Alleen Kipfer
ALLEEN KIPFER, Clerk Treasurer

This ordinance approved and signed by me on the 12th day of July, 1972, at the hour of 10:00 p.m.

Carlton Sauder
CARLTON SAUDER, as President of
The Board of Trustees

CERTIFICATION

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 141-72 which was duly and properly adopted by the Board of Trustees of the Town of Grabill, Allen County, Indiana, in regular session on the 11th day of July, 1972.

Alleen Kipfer
ALLEEN KIPFER, Clerk Treasurer

ORDINANCE NO. 167

AN ORDINANCE ACCEPTING A PARCEL OF LAND TO BECOME
THE PROPERTY OF THE TOWN OF GRABILL

Whereas, the Board of Trustees of the Town of Grabill, deems it advisable and proper to promote the orderly development of the Town of Grabill; to improve the present health, safety, convenience and welfare of the citizens of said Town and to plan for the future development of the Towns' traffic systems; and

Whereas, a part of First Street in the Town of Grabill described as follows, to-wit:

That part of First Street bordered on its West boundary by the East line of Main Street in the Town of Grabill and on its East line by the West line of the alley running immediately West of the railroad right-of-way of the Norfolk and Western Railroad (formerly the Wabash Railroad)

in accordance with I.C. 18-5-10-44 (Burns Indiana Statutes, Section 48-919) and I.C. 18-7-5-46 (Burns Annotated Statutes, Section 53-744) has been vacated by the Allen County Board of Commissioners and the Allen Circuit Court and title has been vested in IRWIN E. LOCHNER and CHARLENE C. LOCHNER; and

Whereas, the Board of Trustees of the Town of Grabill deems it advisable and proper to have a passage of egress and ingress between Main Street and the Wabash Railroad in the Town of Grabill:

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF
TRUSTEES OF THE TOWN OF GRABILL, OF ALLEN COUNTY,
INDIANA:

Section 1. That the Town of Grabill accept from IRWIN E. LOCHNER and CHARLENE C. LOCHNER the following described real estate to-wit:

The North Nineteen (19) feet of Lot Number Seventeen (17) in the Grabill Addition to the Town of Grabill, Indiana.

Section 2. That the Town of Grabill maintain the above described property so that it may be used for an alley allowing egress and ingress between Main Street and the Wabash Railroad.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval by the President of the Board of Trustees.

Ron Shaw
RON SHAW, as President of the Board of
Trustees

Attest: Alleen Kipfer
ALLEEN KIPFER, Clerk-Treasurer

Presented by me to the President of the Board of Trustees of the Town of Grabill on the 14th day of September , 1977 at the hour of 7:00 P.M.

ALLEEN KIPFER, Clerk-Treasurer

This ordinance approved and signed by me on the 14th day of September , 1977 at the hour of 7:00 P.M.

Ron Shaw
RON SHAW, as President of the Board of
Trustees

CERTIFICATION

I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 167 which was duly and properly adopted by the Board of Trustees of the Town of Grabill, Allen County, Indiana, in regular session held on the 14th day of September , 1977.

Alleen Kipfer

ALLEEN KIPFER, Clerk-Treasurer

ORDINANCE NO. 188

AN ORDINANCE ACCEPTING THE CONVEYANCE OF REAL
ESTATE AND DESIGNATING IT AS A PORTION OF FAIRVIEW
DRIVE

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

Section 1. The Town hereby accepts and approves the conveyance dated, March 7, 1978, and a conveyance dated, March 11, 1978, both from John Schmucker and Elizabeth Schmucker, husband and wife, copies of which conveyances are attached hereto and made a part hereof the same as if set forth herein at length; and the real estate set forth in said conveyances is hereby accepted by the Town of Grabill, by its Board of Trustees; and said Town approves and establishes said real estate as a portion of Fairview Drive.

Section 2. 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 Grabill, on the 16th day of July , 19 80 .

TOWN OF GRABILL, INDIANA

Ronald W. Shaw
Ronald W. Shaw, Trustee

Wilbur Secrist
Wilbur Secrist, Trustee

M. Joanne Sauder
M. Joanne Sauder, Trustee

Attest:

Alleen Kipfer

Alleen Kipfer, Clerk-Treasurer

ORDINANCE NO. 193

AN ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL ESTATE FOR PARK PURPOSES FOR THE TOWN OF GRABILL

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana:

SECTION 1. The Town, pursuant to the provisions of the applicable law shall acquire by purchase and appropriation as set forth herein and by contribution and gift as set forth herein from Grabill Country Fair, Inc., for park purposes the following described real estate in Allen County, Indiana, to-wit:

Part of the West Half of the Southeast Quarter of Section 24, Township 32 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit:

Beginning on the North line of said Southeast Quarter at a point situated 342.0 feet South 88 degrees 50 minutes East from the Northwest corner of said Southeast Quarter, said point being also the Northeast corner of Maple Ridge, Section III, as recorded in Plat Book 41, pages 27-30 in the Office of the Recorder of Allen County, Indiana; thence South 88 degrees 50 minutes East on and along said North line, a distance of 988.3 feet to the Northeast corner of the West half of said Southeast Quarter; thence South 00 degrees 06 minutes West, on and along the East line of said West Half, a distance of 1006.2 feet to the Northeast corner of a 30 foot wide strip of land conveyed to the Town of Grabill as recorded in Deed Record 735, pages 537 and 538 in the Office of the Recorder; thence North 88 degrees 50 minutes West, on and along the North line of said 30 foot strip and parallel to the North line of said Southeast Quarter, a distance of 350.0 feet to the

Northwest corner thereof, being a point on the East line of a 4.00 acre tract conveyed to the Town of Grabill on August 21, 1969, and recorded in Deed Record 731, page 430 in the Office of the Recorder of Allen County, Indiana; thence North 00 degrees 06 minutes on and along the East line of said 4.00 acre tract and parallel to the East line of said West Half, a distance of 770.0 feet to the Northeast corner of said 4.00 acre tract; thence North 88 degrees 50 minutes West on and along the North line of said 4.00 acre tract and parallel to the North line of said Southeast Quarter, a distance of 310.0 feet to the Northwest corner of said 4.00 acre tract; thence South 00 degrees 06 minutes West, on and along the West line of said 4.00 acre tract and parallel to the East line of said West Half, a distance of 238.6 feet to the point of intersection of said West line with the centerline of the Witmer Ditch as said ditch centerline defines the Easterly line of said Maple Ridge, Section III; thence North 18 degrees 42 minutes West, on and along said ditch centerline, a distance of 71.0 feet; thence North 06 degrees 07 minutes East, continuing along said ditch centerline a distance of 65.2 feet; thence North 03 degrees 45 minutes West, continuing along said ditch centerline, a distance of 109.1 feet; thence North 21 degrees 20 minutes West continuing along said ditch centerline a distance of 61.1 feet; thence North 48 degrees 40 minutes West, continuing along said ditch centerline, a distance of 51.1 feet; thence North 56 degrees 26 minutes West, continuing along ditch centerline, a distance of 286.2 feet to the point of beginning, containing 10.639 acres of land, more or less.

Section 2. Grabill Country Fair, Inc. is acquiring by its expenditure of \$22,000.00 an undivided 45/100 of said real estate and is giving and conveying said 45/100 of said above described real estate to the Town,

subject to the restrictions that it shall be used, together with the remainder of said real estate for park purposes, and that it shall be used for the Grabill Country Fair, Inc.'s annual event, together with the remainder of said real estate.

Section 3. The Town shall purchase the remainder of said real estate, that is the undivided 55/100 for \$27,500.00.

Section 4. The Town shall use the \$8,000.00 presently in the fund available for said purchase. The remaining sum of \$19,500.00 provided for hereinabove, shall be financed by the issuance of promissory note which shall be issued by the Town pursuant to the provisions of Indiana Code 6-1.1-20-1 ff, upon appropriate petition being filed and approved as provided by law.

Section 5. The Board does hereby appoint Claude E. Schrock, Abner Gerig and Ralph Clifton, three freeholders residing in the Town, who are not interested, directly or indirectly, in said real estate to be so acquired or in real estate which may be injured or may incur local benefits, to appraise the value thereof, pursuant to the provisions of Indian Code 19-7-9-9.

SECTION 6. 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 Grabill on the 14th day of January , 1981.

Ronald W. Shaw
Ronald W. Shaw, President of the
Board of Trustees of the Town of
Grabill, Indiana

ATTEST:

Alleen Kipfer
Alleen Kipfer, Clerk-Treasurer

Passed by me to the President of the Board of Trustees of the Town of Grabill on the 14th day of January , 1981.

Alleen Kipfer
Alleen Kipfer, Clerk-Treasurer

This ordinance approved and signed by me on the 14th day of January ,
1981, at the hour of 9:00 P.M.

Ronald W. Shaw
Ronald W. Shaw, President of the
Board of Trustees of the Town of
Grabill

ORDINANCE NO. 194

Editor's Note: This ordinance is Archived. The Promissory Note has matured.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #194: Funds to Acquire Real Estate for City Park (3/11/1981) - Page 1

 (ARCHIVED) #194: Funds to Acquire Real Estate for City Park (3/11/1981) - Page 2

 (ARCHIVED) #194: Funds to Acquire Real Estate for City Park (3/11/1981) - Page 3

 (ARCHIVED) #194: Funds to Acquire Real Estate for City Park (3/11/1981) - Page 4

 (ARCHIVED) #194: Funds to Acquire Real Estate for City Park (3/11/1981) - Page 5

 (ARCHIVED) #194: Funds to Acquire Real Estate for City Park (3/11/1981) - Page 6

ORDINANCE NO. 195

Editor's Note: This ordinance is Archived. It involves the appropriation of funds to acquire real estate for the City Park.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #195: Appropriation of Funds to Acquire Real Estate for City Park (4/8/1981) - Page 1

 (ARCHIVED) #195: Appropriation of Funds to Acquire Real Estate for City Park (4/8/1981) - Page 2

ORDINANCE NO. 200

AN ORDINANCE ACCEPTING A GIFT OF REAL ESTATE FROM
JERRY A. SAUDER AND WILMA G. SAUDER

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

Section 1: The Town of Grabill, Indiana, does hereby accept the gift of Jerry H. Sauder and Wilma G. Sauder of the following described real estate in Allen County, Indiana, to-wit:

A part of a tract of land situated in the East 1/2 of the Southeast 1/4 of Section 32 North, Range 13 East, Allen County, Indiana, and more particularly described as follows:

Commencing at the intersection of the West line of the East 1/2 of the Southeast 1/4 aforesaid Section and the center of the Leo-Grabill Road; thence Southeasterly along the centerline of the Leo-Grabill Road a distance of 42.5 feet to the place of beginning; thence South and parallel to the West line of the East 1/2 of the Southeast 1/4, a distance of 265 feet; thence West 40 feet to the West line of the East 1/2 of the Southeast 1/4 aforesaid Section line, thence North along the Section line to the intersection of the Railroad property line, thence Northeast following the Railroad property line to the centerline of the Leo-Grabill Road, thence Southeast and along the centerline of the Leo-Grabill Road to the point of beginning, approximately 1/5 acres, more or less.

Section 2: The President of the Board and the Clerk-Treasurer of the Town of Grabill, Indiana, are hereby authorized to record the deed conveying said real estate to the Town.

Section 3: 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 Grabill on the 11th day of August , 1982.

M. Joanne Sauder
M. Joanne Sauder

Raymond E. Miller

Arthur L. Sivits
Arthur L. Sivits
Board of Trustees

ATTEST:

Alleen Kipfer
Alleen Kipfer
Clerk-Treasurer

ORDINANCE NO. 207

An Ordinance approving a lease between Norfolk and Western Railway Company as Lessor and Town of Grabill as Lessee.

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana:

SECTION 1: The Lease between the Norfolk and Western Railway Company, as Lessor and Town of Grabill as Lessee, which is attached hereto and made a part hereof the same as if set forth herein at length is hereby approved.

SECTION 2: M. Joann Sauder, as President of the Board of Trustees, with the witnessing of Alleen Kipfer, the Clerk-Treasurer, is hereby authorized and ordered to execute said Lease.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved the 15th day of December, 1982, by three (3) voting aye and zero (0) voting no.

Recorded the 15th day of December, 1982.

Presented to and approved by me this 15th day of December, 1982.

M. Joanne Sauder
M. Joanne Sauder, as President of
the Board of Trustees of the Town
of Grabill, Indiana.

Attest:

Alleen Kipfer

Alleen Kipfer
Clerk-Treasurer

ORDINANCE NO. 227

Editor's Note: This ordinance is Archived. It adopted a license agreement with Norfolk and Western Railway - in 1985 - and the agreement was not attached.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #227: License Agreement with Norfolk and Western Railway (8/14/1985)

Ordinance No. 242

Editor's Note: This ordinance is Void. It was explicitly repealed by [Ordinance No. 243](#), adopted 7/23/1987.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #242: Lease of Norfolk and Western Property (6/10/1987)

ORDINANCE NO. 243

An Ordinance approving a License Agreement between NORFOLK AND WESTERN RAILWAY COMPANY, as Licensor, and TOWN OF GRABILL, as Licensee, for proposed underground sanitary gravity sewer, etc.

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana:
SECTION 1: The License Agreement between the Norfolk and Western Railway Company, as Licensor, and Town of Grabill, as Licensee, which is attached hereto and made a part hereof the same as if set forth herein at length is hereby approved.

SECTION 2: M. Joanne Sauder, as President of the Board of Trustees, is hereby authorized and ordered to execute said License Agreement.

SECTION 3: [Ordinance No. 242](#) is hereby repealed.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved the 23rd day of July, 1987, by three (3) voting aye and zero (0) voting no.

Recorded the 23rd day of July, 1987.

Presented to and approved by me this 23rd day of July, 1987.

M. Joanne Sauder
M. JOANNE SAUDER, as President of
the Board of Trustees of the Town
of Grabill, Indiana.

Attest:

Alleen Kipfer

Alleen Kipfer
Clerk-Treasurer

Attachments:

☐ +/- License Agreement with N&W Railway (Pipeline Facility)
(7/23/1987) - Page 1

☐ +/- License Agreement with N&W Railway (Pipeline Facility)
(7/23/1987) - Page 2

☐ +/- License Agreement with N&W Railway (Pipeline Facility)
(7/23/1987) - Page 3

☐ +/- Pipe Line Data Sheet - Page 1

☐ +/- Pipe Line Data Sheet - Page 2

☐ +/- Agreement with N&W Railway - Signatures

ORDINANCE NUMBER 260

An Ordinance accepting the conveyance and dedication of portion of Indiana Street by GRABILL LIMITED and the declaring said portion of Indiana Street open and dedicated to the public use and accepted as a part of the street system of the Town

BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana, as follows:

SECTION 1: Attached hereto and made a part hereof the same as if set forth herein at length is a copy of the following documents:

- a. Conveyance and dedication of portion of Indiana Street in the Town of Grabill, Indiana.
- b. Acceptance of conveyance and dedication of portion of Indiana Street in the Town of Grabill, Indiana, by the Town of Grabill.

SECTION 2: The conveyance and dedication of portion of Indiana Street in the Town of Grabill, Indiana, is hereby accepted and it is ordered that the same be recorded in the Records Office of the County of Allen along with the Town's acceptance executed by the President and Clerk-Treasurer.

SECTION 3: Said portion of Indiana Street is hereby declared open and dedicated to the public use and accepted as a part of the street system of the Town of Grabill, Indiana.

SECTION 4: This Ordinance shall be in full force and effect immediately upon its passage.

Passed and approved 6/14 , 1988

Recorded 6/14 , 1988

Presented to and approved by me this the 14th day of June , 1988.

M. Joanne Sauder
M. JOANNE SAUDER
President of Board of Trustees

ATTEST:

By: Mary Ann Carnahan
MARY ANN CARNAHAN
Clerk-Treasurer

Attachments:

☐ +/- Conveyance and Dedication Documents - Indiana Street (5/5/1988) -
Page 1

☐ +/- Conveyance and Dedication Documents - Indiana Street (5/5/1988) -
Page 2

☐ +/- Acceptance of Indiana Street by Town of Grabill (6/14/1988) - Page 1

☐ +/- Acceptance of Indiana Street by Town of Grabill (6/14/1988) - Page 2

ORDINANCE NUMBER 264

An Ordinance accepting the conveyance and dedication of portion of Main Street by GRABILL MOBILE HOME PARK, INC. and the declaring said portion of Main Street open and dedicated to the public use and accepted as a part of the street system of the Town.

BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana, as follows:

SECTION 1: Attached hereto and made a part hereof the same as if set forth herein at length is a copy of the following documents:

- a. Conveyance and dedication of portion of Main Street in the Town of Grabill, Indiana.
- b. Acceptance of conveyance and dedication of portion of Main Street in the Town of Grabill, Indiana, by the Town of Grabill.

SECTION 2: The conveyance and dedication of portion of Main Street in the Town of Grabill, Indiana, is hereby accepted and it is ordered that the same be recorded in the Recorder's Office of the County of Allen along with the Town's acceptance executed by the President and Clerk/Treasurer.

SECTION 3: Said portion of Main Street is hereby declared open and dedicated to the public use and accepted as a part of the street system of the Town of Grabill, Indiana.

SECTION 4: This Ordinance shall be in full force and effect immediately upon its passage.

Passed and approved October 11 , 1988.

Recorded October 11 , 1988.

Presented to and approved by me this the 11th day of October, 1988.

M. Joanne Sauder
M. JOANNE SAUDER
President of Board of Trustees

ATTEST:

By: Mary Ann Carnahan
MARY ANN CARNAHAN
Clerk/Treasurer

ORDINANCE NUMBER 267

An Ordinance accepting the conveyance of portion of David Drive by SAUDERS FARM, INC. and declaring said portion of David Drive open and dedicated to the public use and accepted as a part of the street system of the Town.

BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana, as follows:

SECTION 1: The conveyance by SAUDERS FARM, INC. of the following described real estate in Allen County, Indiana, to-wit:

The Following described real estate in Allen County, Indiana, to-wit:

Part of the East Half of the Southeast Quarter of Section 24, Township 32 North, Range 13 East, Allen County, Indiana, described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 24; thence South 00 deg 00 min 00 sec West (assumed bearing) along the east line of said Section 24, being the centerline of Roth Road, 1265.96 feet to the point of beginning, situated 1378.00 feet North of the southeast corner of said Section 24; thence continuing South 00 deg 00 min 00 sec West along said east line 25.00 feet; thence South 89 deg 18 min 55 sec West 811.00 feet to the east right of way line of David Road as recorded in the plat of Grabill East Industrial Park in Plat Book 46, pages 37 thru 39 in the Office of the Allen County Recorder; thence North 00 deg 00 min 00 sec East on said right of way line 25.00 feet to the north line of a 10 acre tract of land recorded in Deed Record 631, page 184; thence North 89 deg 18 min 55 sec East on said north line 811.00 feet to the point of beginning, containing 0.46 acres more or less and subject to easements and rights of way of record. is hereby accepted.

SECTION 2: Said portion of David Drive which runs in an Easterly-Westerly direction is hereby declared dedicated to the public use; but only such part of it as is presently completed is declared open and accepted as a part of the street system of the Town of Grabill, Indiana.

[Amended by [Ordinance No. 273](#), adopted 12/13/1988.] { view archive
}

SECTION 3: This Ordinance shall be in full force and effect immediately upon its passage.

Passed and approved October 11 , 1988.

Recorded October 11 , 1988.

Presented to and approved by me this the 11th day of October, 1988.

M. Joanne Sauder
M. JOANNE SAUDER
President of Board of Trustees

ATTEST:

Mary Ann Carnahan
MARY ANN CARNAHAN
Clerk-Treasurer

ORDINANCE NUMBER 273

An Ordinance Amending [Ordinance Number 267](#) by inactivating that part of David Drive which has not been completed; and by accepting as a part of the street system of the Town of Grabill a portion of David Street previously completed.

BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana, as follows:

SECTION 1: [Section 2 of Ordinance Number 267](#) is hereby amended to read,

"Said portion of David Drive David Lane (*) which runs in an Easterly-Westerly direction is hereby declared dedicated to the public use; but only such part of it as is presently completed is declared open and accepted as a part of the street system of the Town of Grabill, Indiana."

SECTION 2: Such portion of the Easterly-Westerly part of David Drive David Lane (*) as is not completed except as a stoned street is hereby open and accepted as a part of the street system of the Town of Grabill, Indiana, with the restriction that until it is paved the speed limit thereon shall be limited to 15 per hour.

SECTION 3: Such portion of that part of David Drive David Lane (*) which runs in an Easterly-Westerly direction which has not been developed shall not be used for public purposes and appropriate barrier and dead end signs shall be erected marking same.

SECTION 4: The North-South portion of David Drive is hereby declared open and dedicated to the public use and accepted as a part of the street system of the Town of Grabill, Indiana.

SECTION 5: This Ordinance shall be in full force and effect immediately upon its passage.

* — Editor's Note: The Easerly-Westerly portion of "David Drive" was renamed as "David Lane" by [Ordinance No. 276](#), adopted 2/14/1989.

Passed and approved December 13 , 1988.

Recorded December 13 , 1988.

Presented to and approved by me this the 13th day of December, 1988.

M. Joanne Sauder
M. JOANNE
SAUDER
President of
Board of Trustees

ATTEST:

Mary Ann Carnahan
MARY ANN CARNAHAN
Clerk-Treasurer

ORDINANCE NUMBER 276

An Ordinance Amending [Ordinance Number 273](#) by changing the name of that portion of David Drive which runs in an Easterly-Westerly direction to David Lane.

BE IT ORDAINED by the Board of Trustees of the Town of Grabill, Indiana, as follows:

SECTION 1: [Section 1 of Ordinance Number 273](#) is hereby amended by designating and naming that portion of David Drive which runs Easterly-Westerly, David Lane, instead of David Drive.

SECTION 2: This Ordinance shall be in full force and effect immediately upon its passage.

Passed and approved February 14 , 1989.

Recorded February 14 , 1989.

Presented to and approved by me this the 14th day of February , 1989.

M. Joanne Sauder
M. JOANNE
SAUDER
President of
Board of Trustees

ATTEST:

Mary Ann Carnahan
MARY ANN CARNAHAN
Clerk-Treasurer

ORDINANCE NUMBER 298

An Ordinance providing for the disposal of real estate belonging to the Town of Grabill.

BE IT ORDAINED by the Town Council of the Town of Grabill, Indiana, as follows: SECTION 1: Subject to the provisions set forth hereinafter and the requirements of the applicable law, it is deemed proper that the Town of Grabill dispose of the following described real estate in Allen County, Indiana to-wit: Part of the East Half of the Southeast Quarter of Section 24, Township 32 North, Range 13 East, Allen County, Indiana, described as follows: Commencing at the northeast corner of the Southeast Quarter of said Section 24; thence South 00 deg 00 min 00 sec West (assumed bearing) along the east line of said Section 24, being the center line of Roth Road 1240.96 feet; thence continuing South 00 deg 00 min 00 sec West along said east line 25.00 feet; thence South 89 deg 18 min 55 sec West 861 feet to the point of beginning; thence continuing South 89 deg 18 min 55 sec West 228.81 feet to the east right of way line of the Norfolk and Western Railroad; thence North 18 deg 27 min 19 sec East on said right of way line 132.30 feet; thence North 89 deg 18 min 55 sec East 186.92 feet; thence South 00 deg 00 min 00 sec West 125.00 feet to the point of beginning, containing .60 acres more or less and subject to easements and rights of way of record.

by sale.

SECTION 2: The real estate shall be jointly appraised by two (2) appraisers, each of whom shall be engaged in making appraisals and licensed under IC 25-34-1.

SECTION 3: M. Joanne Sauder as President of the Town Council shall conduct a public hearing pursuant to IC 36-1-11-3 after giving notice under IC 5-3-1; and at the conclusion of said hearing shall determine whether or not she approves the disposal of said real estate.

SECTION 4: If the President of the Town Council shall approve the disposal of the real estate, the Town shall publish a notice in accordance

with IC 5-3-1 setting forth the terms and conditions of the sale including the following:

4.01 Except as stated in 4.11 herein, the sale shall be for no less than 90% of the appraised value determined pursuant to Section 2 herein.

4.02 The specific date when bids will be received.

4.03 The sale will continue from day to day for a period of not more than 30 days.

Each bid shall be accompanied by the bidders' certified or cashier's check in the amount of \$1,000.00. If the bidder shall be unsuccessful said check shall be returned to the unsuccessful bidder. If the bidder is successful said check shall be retained by the Town until the closing of the sale and said successful bidder shall be credited for the amount of said check as a part of the purchase price. If the successful bidder has no right or option to terminate the agreement; and fails to complete the purchase at the time designated by the Town, the Town shall retain as liquidated damages, and not as a penalty, said successful bidder's check; and said successful bidder's rights to said check and to complete said transaction shall then terminate.

4.05 Seller will furnish current survey, conveyance by deed from Town, and title insurance continued to a date after the receipt of bids.

4.06 The property may not be sold to a person who is ineligible under IC 36-1-11-16.

4.07 A bid submitted by a trust as defined in IC 30-4-1-1(a) must identify each:

A. Beneficiary of the trust; and

B. Settlor empowered to invoke or modify the trust.

4.08 All bids shall be open to public inspection.

A bidder may raise the bidder's bid and that raise takes effect after the Town Council has given written notice of that raise to the other bidders.

4.10 The Town, before expiration of the time set out in the notice, may sell the real estate to the highest and best bidder. The highest and best

bidder must have complied with any requirements of the Town.
However, the Town may sell the property for less than ninety percent (90%) of the appraised value of the tract only after giving an additional notice of the sale published in accordance with IC 5-3-1.

4.11 The Town may reject all bids.

SECTION 5: This Ordinance shall be in full force and effect immediately upon its passage.

Passed and approved June 29, 1992.

Recorded June 29, 1992.

Presented to and approved by me this 29th day of June, 1992.

M. Joanne Sauder

M. JOANNE SAUDER
President of Town
Council

ATTEST:

Glenda A. Whittern

GLEND A WHITTERN
Clerk-Treasurer

ORDINANCE NO. 310

Editor's Note: This ordinance is Void. It was corrected by [Ordinance No. 329](#), adopted 7/31/1994.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #310: Warranty Deed to Don Lengacher (2/10/1993)

ORDINANCE NO. 329

An Ordinance Authorizing the Execution and Delivery of a correction Warranty Deed to Don Lengacher

Be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: That the Town Council of the Town of Grabill hereby authorizes its President M. Joanne Sauder to execute a correction Warranty Deed, copy of which is attached to these Minutes, and to deliver said Warranty Deed to Don Lengacher.

Editor's Note: Corrects [Ordinance No. 310](#), adopted 2/10/1993.

SECTION 2: This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed and approved the 31th day of July, 1994, by 3 () voting aye and 0 () voting no.

Recorded the 31th day of July, 1994.

Presented to and approved to me this 31th day of July, 1994.

M. Joanne Sauder
M. JOANNE SAUDER, as President of
the Town Council of the Town
of Grabill, Indiana.

Attest:

Glenda A. Whittern
Glenda Whittern
Clerk/Treasurer

Attachments:

☐ Legal Description and Surveyor's Sketch

RESOLUTION 368

Editor's Note: This resolution is Archived. It refers to a one-time agreement to build a public restroom on town owned property.

Editor's Note: Photographs of the pages of this resolution:

☐ +/- (ARCHIVED) #368R: Downtown Public Restrooms (3/18/1998)

Resolution # 409

Editor's Note: This ordinance is Archived. It is a one-time request for appraisals of a town owned property proposed for sale.

Editor's Note: Photographs of the pages of this resolution:
(ARCHIVED) #409R: Appraisal of Town Property (3/7/2002)

See Also:

[Ordinance No. 415A](#), adopted 6/5/2002, regarding sale of the property.

ORDINANCE NO. 415-A

AN ORDINANCE AUTHORIZING THE SALE OF REAL ESTATE

Be it ordained by the Town of Grabill, County of Allen, State of Indiana, as follows:

PREAMBLE

WHEREAS, state law authorizes the sale of municipally owned utility property; and

WHEREAS, the Town of Grabill has determined that the real estate described herein is no longer needed by it for the operation of its water utility.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, COUNTY OF ALLEN, AS FOLLOWS:

SECTION ONE

The following described property will be offered for sale:

The South Half of Lot 66 in the Ninth Addition to the Town of Grabill
Indiana as recorded in Plat Book 13, page 30 in the Office of the Recorder
of Allen County, Indiana.

SECTION TWO

The manner of sale shall be by the acceptance of bids. Bids must be submitted in writing to the Clerk Treasurer by 5:00 p.m., eastern standard time, on the 26th day of June , 2002.

SECTION THREE

The minimum bid which will be accepted is Sixteen Thousand Dollars (\$16,000.00). The sale price must be paid in full within five (5) business days of the date the successful bidder is notified by the Clerk Treasurer that the bidder is the successful bidder.

SECTION FOUR

Proceeds from the sale shall be paid into the treasury of the Town of Grabill and shall become part of the general fund.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, on the 5th day of June , 2002.

Town Council of the Town of Grabill, Indiana

Wilmer Delagrange

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern

Glenda A Whittern, Clerk Treasurer

See Also:

[Resolution No. 409](#), adopted 3/7/2002, regarding appraisals for the property.

RESOLUTION # 427

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA AUTHORIZING THE PURCHASE OF THE
PROPERTY KNOWN AS 13511 STATE STREET, GRABILL,
INDIANA**

WHEREAS, the Town proposes to purchase certain real estate, and
WHEREAS, the Town has surplus funds for said purchase;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL
OF THE TOWN OF GRABILL, INDIANA, THAT:**

- The Clerk Treasurer is authorized to appoint two (2) licensed appraisers to appraise the fair market value of the property known as 13511 State
1. Street, Grabill, Indiana, and more specifically described on the survey prepared by Sauer Land Surveying, Inc. as Lot 7 in Souder's Addition to the Town of Grabill, according to the recorded plat thereof.
 2. Upon receiving the two (2) appraisals, the Clerk Treasurer shall give a copy of both appraisals to the Town Council.
- The Clerk Treasurer is further authorized to purchase said real estate for a price not greater than the average of the two (2) appraisals and, in no
3. event, for a price greater than Forty-Five Thousand Dollars (\$ 45000.00).

**ADOPTED BY THE TOWN COUNCIL OF GRABILL, Indiana, this
13th day of August, 2003, at 7 P.M.**

Town Council of the Town of Grabill, Indiana

Wilmer Delagrange

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern

Glenda A Whittern, Clerk Treasurer

RESOLUTION NO. 1242-09

**RESOLUTION OF TOWN OF GRABILL TO APPROVE AN
EXCHANGE OF PROPERTY BETWEEN THE TOWN OF
GRABILL AND JAMES AND ROSE ANN HINKLE D/B/A JIM'S
AUTO CARE**

WHEREAS, the Town of Grabill is constructing new street to access the N.E. Allen County Fire Department and an adjoining new development;
WHEREAS, it has been determined that said development and street will benefit Town of Grabill.

WHEREAS, the Town of Grabill needs title to a tract of land currently held by James and Rose Ann Hinkle and James Hinkle is desirous of a trade for land owned by the Town of Grabill. See Memo of Understanding annexed hereto which contains the legal descriptions.

WHEREAS, the Town of Grabill believes the trade is of equivalent value. See Memo of Understanding annexed hereto.

NOW THEREFORE, be it resolved that the Town of Grabill is hereby authorized to enter into a trade agreement with James and Rose Ann Hinkle and the Town President and Clerk/Treasurer are authorized to sign said agreement and to execute any deeds or other documents and do whatever acts are needed to consummate said trade and to pay the costs thereof.

Date: 3'-,,?() Attest by Clerk/Treasurer, Cindy Barhydt Town of Grabill by:
liner De resident

Attachments:

☐ +/- #1242-2009R: Sketch of Properties in Proposed Exchange (9/23/2009)

RESOLUTION NO. 1243-2009

**RESOLUTION OF TOWN OF GRABILL TO APPROVE MEMO OF
UNDERSTANDING BETWEEN TOWN OF GRABILL AND
PIONEER PROPERTIES OF LEO, LLC**

WHEREAS, the Town of Grabill is constructing new street to access the N.E. Allen County Fire Department and an adjoining new development;
WHEREAS, it has been determined that said development and street will benefit Town of Grabill and Pioneer Properties of Leo, LLC.

WHEREAS, the Town of Grabill needs title to a tract of land currently held by Ronald Dale Eichel and Suzann Doris Eichel which has been sold on Land Contract to Pioneer Properties of Leo, LLC. And, Pioneer Properties of Leo, LLC is desirous to trade a small 0.02 acre tract of land owned to the Town of Grabill in exchange for beneficial curbing. See Memo of Understanding annexed hereto which contains the details.

WHEREAS, the Town of Grabill believes the trade is of equivalent value. See Memo of Understanding annexed hereto.

NOW THEREFORE, be it resolved that the Town of Grabill is hereby authorized to enter into the Memo of Understanding with Pioneer Properties of Leo, LLC and the Town President and Clerk/Treasurer are authorized to sign said agreement and to execute any deeds or other documents and do whatever acts are needed to consummate said transaction and to pay the costs thereof.

Date: 10 - 8 - 09

Town of Grabill by:

Wilmer Delagrance

Wilmer Delagrance, President

Lynn Witt

Lynn Witt, Councilman

Cynthia Barhydt
Attest by Clerk/Treasurer
Cindy Barhydt

Jeff Smead
Jeff Smead, Councilman

Attachment:

☐ +/- Uniform Residential Appraisal Report

SEWAGE WORKS

RATES AND CHARGES OVERVIEW

[Ordinance No. 130](#) (6/10/1969) (VOID)

The first "Sewage Rates and Charges" ordinance found in the Grabill Ordinance Book.

[Ordinance No. 199](#) (6/9/1982) (VOID)

Explicitly amends Ordinance No. 130, replacing only the "rates and charges" sections.

[Ordinance No. 246](#) (9/16/1987) (VOID)

Explicitly amends Ordinance No. 199, replacing the entirety with the first modern rates ordinance (definitions, user classifications, etc.)

[Ordinance No. 278](#) (8/8/1989)

Explicitly amends Ordinance No. 246, adding definitions, sections on Confidential Information, Grease and Sand Traps, Penalties for Providing False Information, Enforcement Provisions, and a number of additional Industrial Restrictions.

[Ordinance No. 384](#) (3/10/1999) (VOID)

Explicitly amends Ordinance No. 246, mainly modifying the "rates and charges". **Note that changes implemented by Ordinance No. 278 were not incorporated.**

[Ordinance No. 502](#) (5/15/2002) (VOID)

Explicitly amends Ordinance No. 384, modifying only the "rates and charges".

[Ordinance No. 415](#) (6/26/2002)

Explicitly amends Ordinance No. 502, adding a paragraph "regarding closure of sewer connections and fees and charges related thereto".

[Ordinance No. 505](#) (5/8/2006) (VOID)

Explicitly amends Ordinance No. 502, modifying only the "rates and charges". **Note that the paragraph added by Ordinance No. 415 was not included.**

[Ordinance No. 552](#) (6/14/2006) (VOID)

Explicitly amends Ordinance No. 505, modifying only the "rates and charges".

Ordinance No. 552 omits one paragraph from Ordinance No. 505 regarding Unmetered "Non-Residential Single Family Dwelling Units".

It also does not include modifications from Ordinance No. 278 or Ordinance No. 415.

[Ordinance No. 630-2010](#) (10/11/2010)

Explicitly amends Ordinance No. 552.

The paragraph on Unmetered "Non-Residential Single Family Dwelling Units" (Ord. No. 505) is restored.

The *sprinkling credit* from Ordinance No. 552 (§ 4(e)) was intentionally removed.

Modifications from Ordinance No. 278 and Ordinance No. 415 are not incorporated.

The *base rate* from Ordinance No. 552 (§ 4(d)) was reduced.

ORDINANCE NO. 130

Editor's Notes: This ordinance is Void. The rates were amended by [Ordinance No. 199](#), adopted 6/9/1982. The remaining contents were replaced by [Ordinance No. 246](#), adopted 9/16/1987.

Photographs of the pages of this ordinance:

- ☐ +/- (VOID) #130: Sewage Works Rates and Charges (6/10/1969) - Page 1
- ☐ +/- (VOID) #130: Sewage Works Rates and Charges (6/10/1969) - Page 2
- ☐ +/- (VOID) #130: Sewage Works Rates and Charges (6/10/1969) - Page 3
- ☐ +/- (VOID) #130: Sewage Works Rates and Charges (6/10/1969) - Page 4
- ☐ +/- (VOID) #130: Sewage Works Rates and Charges (6/10/1969) - Page 5
- ☐ +/- (VOID) #130: Sewage Works Rates and Charges (6/10/1969) - Page 6
- ☐ +/- (VOID) #130: Sewage Works Rates and Charges (6/10/1969) - Page 7

ORDINANCE NO. 199

Editor's Notes: This ordinance is Void. It was replaced by [Ordinance No. 246](#), adopted 9/16/1987.

Photographs of the pages of this ordinance:

☐ +/- (VOID) #199: Sewage Works Rates and Charges (6/9/1982) - Page
1

☐ +/- (VOID) #199: Sewage Works Rates and Charges (6/9/1982) - Page
2

ORDINANCE NO. 246

Editor's Notes: This ordinance is Void. It was replaced by [Ordinance No. 384](#), adopted 3/10/1999.

Photographs of the pages of this ordinance:

- ☐ +/- (VOID) #246: Sewage Rates and Charges (9/16/1987) - Page 1
- ☐ +/- (VOID) #246: Sewage Rates and Charges (9/16/1987) - Page 2
- ☐ +/- (VOID) #246: Sewage Rates and Charges (9/16/1987) - Page 3
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- ☐ +/- (VOID) #246: Sewage Rates and Charges (9/16/1987) - Page 5
- ☐ +/- (VOID) #246: Sewage Rates and Charges (9/16/1987) - Page 6
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- ☐ +/- (VOID) #246: Sewage Rates and Charges (9/16/1987) - Page 8
- ☐ +/- (VOID) #246: Sewage Rates and Charges (9/16/1987) - Page 9
- ☐ +/- (VOID) #246: Sewage Rates and Charges (9/16/1987) - Page 10
- ☐ +/- (VOID) #246: Sewage Rates and Charges (9/16/1987) - Page 11
- ☐ +/- (VOID) #246: Sewage Rates and Charges (9/16/1987) - Page 12

ORDINANCE NO.

278

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES COLLECTED BY THE TOWN OF GRABILL, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING [ORDINANCE NO. 246](#), AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town's sewage is treated by the City of Fort Wayne, Indiana; and

WHEREAS, the City of Fort Wayne, has increased its treatment rates:

WHEREAS, it is necessary to establish a new schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works, all in a manner in accordance with guidelines of, the U. S. Environmental Protection Agency, and to pay the principal and interest on revenue bonds in accordance with the applicable bond ordinance; now therefore

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRABILL, INDIANA;

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be

amended to read as follows:

"Laboratory Determinations" all laboratory determinations required to determine the content of sewage for the purposes of this Ordinance shall be made in accordance with the procedures set forth in "Standard Methods for the Examination of Water and Waste Water" (most recent edition) published jointly by the American Water Works Association and the Water Pollution Control Federation, a copy, of which is on file in the Office of the Superintendent of the Waste Water Pollution Control Plant of the City of Fort Wayne.

(a) "Chemical Oxygen Demand (COD)" - a measure of the oxygen equivalent to that portion of the organic matter in a sample of sewage, sewage effluent, polluted waters, or industrial wastes that is susceptible to oxidation by a strong chemical oxidant. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods."

"Waste Surveillance Charge" - a monthly charge collected from users, qualifying as industrial or commercial class users, to defray the cost of evaluating that user's waste by metering, sampling, laboratory analysis, and/or other methods deemed

(c)

necessary.

Section 2. Section 3(d) of [Ordinance No. 246](#) is hereby amended to read as follows:

(d) In order to recover the cost of Monitoring industrial wastes the Town shall charge the user the actual cost of monitoring but (Section 3) not less than \$500.00 per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.

"Section 3 Submission of Data on Industrial Waste.

Any owner who discharges industrial waste into the town's sewerage system either directly or indirectly, shall forthwith fill out and file, with the Town Clerk-Treasurer, an Industrial Waste Questionnaire, the form for which will be furnished by the town in which he shall set out the quantity and characteristics of the wastes discharged into the town's

"-1

sewerage system. Any owner desiring to establish a new connection to the public sewer or to establish a new account with utility for the purpose of discharging industrial or commercial waste shall first fill out and file with the Clerk-Treasurer such a questionnaire which shall set out the actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

"-2 Any Industry who changes or proposes to change manufacturing or pretreatment processes shall first notify the TOWN, in writing, and submit a new questionnaire for review by the Town.

When special circumstances render it an unreasonable burden to comply with the time schedule determined by the Utility for the correction of any industrial waste discharge problem, an extension of

"-3

time, not to exceed 90 days, may be granted by the Town Board upon presentation in writing of an application for such relief."

Section. 4. Confidential Information.

Information and data furnished to the Town by a discharger shall be made available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate as per 40 CFR 2.203 and 330 IAC 5-1.58 that the release of such information would divulge information, methods of production entitled to protection as trade secrets, or proprietary information of the discharger. However, under no circumstances may the volume nor the components of the discharge, be considered confidential. All requests, by the discharger, for confidentiality of information shall be made in accordance to and governed by the provisions of 330 IAC 5 and 40 CFR 2.

Section 5. Grease and Sand Traps.

Whenever the Town Board determines that interceptors or traps are needed to protect the sewerage collection system or the Sewage Treatment Plant from grease, oil, sand, or similar substances occurring in the user's sewage and so notifies the user, then such traps shall be promptly installed by the user, on owner's lines, at owner's expense and shall be so maintained by owner that none of such substances can be carried over into the public

sewers. All traps or interceptors shall meet the Town's standards as to construction, location, and installation.

Section 6. Waste Sampling.

-1 Any Industrial user shall be subject to:

- A test each calendar quarter by the Town or its agent, of the user's discharge for the purpose of determining its strength and character,
 - a. including, but not limited to, all of the components listed in subsection 8 herein.

- The Town's requiring it to have an independent and competent laboratory, monthly collect, test, and report to the Town the strength and character of its discharge, including, but not limited to, all the components listed in Section 8 herein.
- b.

Periodic inspections by the Town for the purpose of determining compliance with compliance limitations, solvent management plans or spill prevention plans, identifying dilution streams, or to

c.

categorize regulated processes. These inspections may consist of monitoring waste streams, inspection of the premises, inspection and/or copying of production records, pretreatment operating records, and other records or data deemed necessary by the inspector for the purpose stated above.

- The installation, operation, and maintenance of the sampling facilities shall be the responsibility of the owner discharging the wastes and shall be subject to the approval of the Town. Access to the sampling facilities shall be granted, at all times, to the Town's representatives.
- 2

Where an owner's operations have security measures in force which require proper identification and clearance before entry onto said owner's property is granted, such owner or owners shall make the necessary arrangements with their security personnel that upon

-3

showing of proper identification personnel from the Town shall be permitted to enter, without delay, for the purpose of observing or monitoring of wastes being discharged at a given point or points or that owner or owners shall install suitable control manholes outside of the security area or areas, which at all times will be immediately available to Town personnel.

Section 7. Waste Analysis Procedures and Charges.

Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods" or "Guidelines Establishing Test Procedures for Analysis of Pollutants," as set forth in the Code of Federal Regulations 40 CFR 136.

Charges to Users.

- 1 Alternate methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Town and the User. In the event of a dispute between the Town and the User as to the characteristics, strength, toxic nature or other particulars of the sample taken and analyzed by the Town, either party may request that the sample in dispute

be analyzed by a mutually acceptable referee whose charges shall be paid by the party requesting the analysis. Analyses made by the Town shall be charged to the User according to the Utility's standard work order billing procedure.

-2 At the Town's election, the Town's analyses shall be binding in determining strength-of waste surcharges and other matters dependent upon the character and concentration of wastes and shall constitute the basis for billing in the calendar quarter that such test is taken by the Town; and shall constitute the basis for billing until the next such analysis shall be made. Provided, however, if the Town elects it may use the Industrial User's independent and competent laboratory report as the basis for billing for such calendar quarter, or fraction thereof.

Section 8. In order that the rates and charges may be

justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also

on strength and character of the stronger-than-normal domestic sewage and shall determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the Town may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point, as defined in the Sewer Use Ordinance, available to the Town at all times.

Normal sewage domestic waste strength should not exceed

a biochemical oxygen demand of 300 milligrams per liter of fluid,
chemical oxygen demand of 600 milligrams per liter of fluid,
suspended solids in excess of 300 milligrams per liter of fluid,

- (a) phosphorus in excess of 10 milligrams per liter of fluid, ammonia-nitrogen in excess of 25 milligrams per liter of fluid; and fats, oils, and greases shall not exceed 100 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

Rate Surcharge Based Upon Suspended Solids

- (1) There shall be an additional charge of 5.85 cents per pound of suspended solids for suspended solids received in excess of 300 milligrams per liter of fluid.

Rate Surcharge Based Upon BOD

- (2) There shall be an additional charge of 6.49 cents per pound of biochemical oxygen demand for BOD received in excess of 300 milligrams per liter of fluid.

Rate Surcharge Based Upon COD

- (3) There shall be an additional charge of 3.25 cents per pound of chemical oxygen demand for COD received in excess of 600 milligrams per liter of fluid.

Rate Surcharge Based Upon Phosphorus

- (4) There shall be an additional charge of 52.75 cents per pound of phosphorus received in excess of 10 milligrams per liter of fluid.

Rate Surcharge Based Upon Ammonia-Nitrogen

There shall be an additional charge of 16.01 cents per pound of ammonia-nitrogen received in excess of 25 milligrams per liter of

- (5)

fluid.

The determination of Suspended Solids and five-day Biochemical Oxygen and Chemical Oxygen demand, Phosphorus and Ammonia-Nitrogen contained in the waste shall be in accordance with the current (b) edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Section 9. Any firm, corporation, or person who knowingly makes any false statement representation, or certification in any application, report, or other documents required by the municipal ordinance or other applicable regulations; or and firm, corporation, or person who knowingly causes the Town to receive a false sampling report, either by the Town's own agents or by the independent laboratory provided for hereinabove, shall be deemed to have committed a Class B infraction, and upon conviction thereof be subject to a fine of up to \$1,000.00 per infraction as provided by Indiana Code 34-432-4. Each day that such violation(s) or noncompliance continues shall constitute a separate offense.

Section 10. The provisions of this Ordinance shall be enforced by the Town Board and such agents as they may appoint

for such purposes. Whenever said Board or any such agent shall deem it appropriate to charge a landowner, firm, corporation, or person with a violation(s) of this Ordinance, it shall issue to such landowner, firm, corporation, or person a Notice of Violation, and/or Summons, which shall be processed according to the provisions of Indiana Code 34-4-32-1.

Section 11. 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 12. The rates and charges as herein set forth shall become effective on the first full billing period occurring after ordinance becomes effective.

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, approval, and recording, as provided by law.

Passed and adopted by the Board of Trustees of the Town of Grabill,
Indiana, on the

8th day of

August , 1989.

M. Joanne Sauder
M. JOANNE SAUDER, Trustee

Jeffrey W. Gray
JEFFREY W. GRAY, Trustee

R. E. Miller
R. E. MILLER, Trustee

ATTEST:

Mary Ann Carnahan

MARY ANN CARNAHAN, Clerk-Treasurer

ORDINANCE NO. 384

Editor's Notes: This ordinance is Void. It was replaced by [Ordinance No. 502](#), adopted 5/15/2002.

Photographs of the pages of this ordinance:

 (VOID) #384: Sewage Works Rates and Charges (3/10/1999) - Page 1

 (VOID) #384: Sewage Works Rates and Charges (3/10/1999) - Page 2

 (VOID) #384: Sewage Works Rates and Charges (3/10/1999) - Page 3

 (VOID) #384: Sewage Works Rates and Charges (3/10/1999) - Page 4

 (VOID) #384: Sewage Works Rates and Charges (3/10/1999) - Page 5

 (VOID) #384: Sewage Works Rates and Charges (3/10/1999) - Page 6

 (VOID) #384: Sewage Works Rates and Charges (3/10/1999) - Page 7

 (VOID) #384: Sewage Works Rates and Charges (3/10/1999) - Page 8

 (VOID) #384: Sewage Works Rates and Charges (3/10/1999) - Page 9

 (VOID) #384: Sewage Works Rates and Charges (3/10/1999) - Page

ORDINANCE NO. 502

Editor's Notes: This ordinance is Void. It was replaced by [Ordinance No. 505](#), adopted 3/8/2006.

Photographs of the pages of this ordinance:

-  (VOID) #502: Sewage Works Rates and Charges (5/15/2002) - Page 1
-  (VOID) #502: Sewage Works Rates and Charges (5/15/2002) - Page 2
-  (VOID) #502: Sewage Works Rates and Charges (5/15/2002) - Page 3
-  (VOID) #502: Sewage Works Rates and Charges (5/15/2002) - Page 4
-  (VOID) #502: Sewage Works Rates and Charges (5/15/2002) - Page 5
-  (VOID) #502: Sewage Works Rates and Charges (5/15/2002) - Page 6
-  (VOID) #502: Sewage Works Rates and Charges (5/15/2002) - Page 7
-  (VOID) #502: Sewage Works Rates and Charges (5/15/2002) - Page 8
-  (VOID) #502: Sewage Works Rates and Charges (5/15/2002) - Page 9
-  (VOID) #502: Sewage Works Rates and Charges (5/15/2002) - Page

ORDINANCE NO. 415

**AN ORDINANCE AMENDING ORDINANCE NO. 502 REGARDING
CLOSURE OF SEWER CONNECTIONS AND FEES AND
CHARGES RELATED THERETO**

WHEREAS, the Town Council recognizes that users or former users of the sewers of the Town of Grabill may, or already have, cease discharging sewage, waste, water or other liquids into the sewage system; and **WHEREAS**, the complete severance and removal of the sewer connection for such premises may be economically impractical because of the location of such connections; **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, THAT;**

Ordinance No. 502 is hereby amended by the addition of subparagraph (e) to Section 3, as follows:

The rates and charges provided for herein will no longer be assessed to those property owners who can demonstrate to the satisfaction of the Town Engineer, or other person designated by the Town Council, that a (e) sewer connection has been permanently closed or sealed and no longer discharges sanitary sewage, industrial waste, water or other liquids, either directly or indirectly, into the sewage system of the Town of Grabill.

ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this
26 day of June , 2002, at 7:00 P.m.

Town Council of the Town of Grabill, Indiana

Wilmer Delagrang

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern
Clerk Treasurer

ORDINANCE NO. 630-2010

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES COLLECTED BY THE TOWN OF GRABILL, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING [ORDINANCE NO. 552](#), AND OTHER MATTERS CONNECTED THEREWITH.

Editor's Note: This ordinance was rewritten and replaced by [Ordinance No. 643-2014](#), adopted 12/--/2014.

WHREAS, the Town has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner; and,

WHEREAS, the Town Council of the Town now finds that the existing rates and charges for the use of and service rendered by said sewage works of said Town are too low and are insufficient to enable the Town to operate and maintain its sewage works; and,

WHEREAS, it is necessary to establish a new schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the sewage works; now therefore,

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

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (a) "Council" shall mean the Town Council of the Town of Grabill, Indiana, or any duly authorized officials acting in its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance

- (c) "Town" shall mean the Town of Grabill, Indiana, acting by and through the Town Council
- (d) "Debt Service Costs" shall mean the average annual principal and interest payments on all revenue bonds or other long-term capital debt
- "Excessive Strength Surcharge" shall mean an additional charge which
- (e) is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage"
- "Industrial Wastes" shall mean the wastewater discharges from
- (f) industrial, trade, or business processes as distinct from employee wastes or wastes from sanitary conveniences
- (g) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewage Use Ordinance
- (h) "NH₃-N" shall have the same meaning as defined in the [Sewer Use Ordinance](#)
- "Normal Domestic Sewage" (for the purpose of determining
- (i) surcharges) shall mean wastewater or sewage having an average daily concentration as follows
 - BOD - not more than 300 mg/l
 - S.S - not more than 300 mg/l
 - Phosphorus - not more than 10 mg/l
 - Ammonia-nitrogen - not more than 15mg/l
- As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.
- "Operation and Maintenance Costs" shall include all costs, direct and indirect, necessary to provide adequate wastewater collection,
- (j) transport, and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State, and local requirements (those costs include replacement)
- "Other Service Charges" shall mean tap charges, connection charges,
- (k) area charges, and other identifiable charges other than User Charges, debt service charges, and excessive strength surcharges
- "Person" shall mean any and all persons, natural or artificial, including
- (l) any individual, firm, company, municipal or private corporation., association, governmental agency, or other entity

- (m) Phosphorus" shall have the same meaning as defined in the [Sewer Use Ordinance](#)

"Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories, or appurtenances which are

- (n) necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed

- (o) "S.S." (or suspended solids) shall have the same meaning as defined in the [Sewer Use Ordinance](#)

- (p) "Shall" is mandatory; "May" is permissive

- (q) "Sewage" shall have the same meaning as defined in the [Sewer Use Ordinance](#)

["Sewer Use Ordinance"](#) shall mean a separate and companion

- (r) enactment to this Ordinance, which regulates the connection to and use of public and private sewers

"User Charge" shall mean a charge levied on users of the wastewater

- (s) treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 95-500.

"User Class" shall mean the division of wastewater treatment

- (t) customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System)

Residential User - shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User - shall mean any establishment involved in a commercial enterprise, business, or service which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User - shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a

determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User - shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User - shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

Editor's Note: See [Ordinance No. 278](#), for additional definitions of "Laboratory Determinations", "Chemical Oxygen Demand (COD)", and "Waste Surveillance Charge".

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

(a) The various classes of users of the treatment works for the purposes of this Ordinance shall be as follows:

Class I - Residential

Class II - Commercial

Class III - Governmental

Class IV - Institutional

Class V - Industrial

Section 3. For the use of and the services rendered by the sewage works, 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 sewage system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sewage system of the Town of Grabill. Such rates and charges include User Charges, capital charges, excessive

strength surcharges, and other service charges, which rates and charges shall be payable as hereinafter provided, and shall be in an amount determinable as follows:

The 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 base charge based on the size of the water meter installed, except as herein otherwise provided. In addition to the flow charge, each user shall pay an additional usage charge based on the cost of the wholesale sewage treatment factor calculation as shown on [Appendix A](#). For the purpose (a) of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed monthly (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

All Users — (Effective upon passage of this ordinance)

1) Flow charge - per 1,000 gallons of usage per month.

\$ 8.10

Plus

2) Base rate - as follows:

5/8" - 3/4" water meter	\$ 16.10
1" water meter	36.70
1 1/2" water meter	82.10
2" water meter	139.70
3" water meter	318.25
4" water meter	565.25
6" water meter	1,265.65

- (b) For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

Monthly Rate

Residential: — (Effective upon passage of this ordinance)

\$ 65.75

Single family residence/unit

Unmetered "Non-Residential Single Family Dwelling Units" shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

- (c) For the services rendered to the Town of Grabill, said Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

- (d) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring, but not less than \$200.00, per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this Ordinance.

Editor's Note: See [Ordinance No. 278](#), for revisions to paragraph (d) that were not incorporated and carried forward in other Sewage Rates

and Charges ordinances.

- (e) Each user connecting to the sewage works shall pay a tap fee as follows:

5/8" — 3/4" tap	\$1,000
1" and larger tap	Cost but not less than \$1,000

- (-) Editor's Note: See [Ordinance No. 415](#), regarding permanent closure of a sewage connection.

Editor's Note: See [Ordinance No. 278](#), for additions to Section 3 regarding "Submission of Data on Industrial Wastes".

Section 4. The quantity of water discharged into the sewage system and obtained from sources other than the utility that serve the Town shall be determined by the Town in a manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as hereinafter provided in this section, the Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sewage system.

- In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, or other liquids into the Town's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town and the water used thereon or therein is not measured by a water meter, or if measured by a water meter not acceptable to the Town, then the amount of water used shall be
- (a) otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this Ordinance, the owner or other interested party shall at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the Town for the determining of sewage discharge.
- (b) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the Town's sewage system, either directly or indirectly, is a user of water supplied

by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water 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 order to ascertain the rates or charges, the owner or other interested party shall, at his expense, install and maintain weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the Town for the determining of sewage discharge.

- In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the Town's sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in
- (c) each case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

- In the event two (2) or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids, into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times base rates per month of \$16.10, effective upon passage of this ordinance. In the case of mobile home courts, the number of dwelling
- (d) units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through a meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

Editor's Note: [Ordinance No. 552](#), adopted 6/14/2006, set the base rate to \$42.55 as of January 1, 2007.

- In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the Town's sewage system, either directly or indirectly, and uses water in excess of 25,000 gallons per month, 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
- (e) not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, 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.

- Where a metered water supply is used for fire protection as well as for
- (f) other uses, the Town may, at its discretion, make adjustments in the user charge as may be equitable.

Section 5. In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the Town may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point, as defined in the [Sewer Use Ordinance](#), available to the Town at all times.

- Normal domestic waste strength should not exceed a biochemical oxygen demand of 300 milligrams per liter of fluid, suspended solids in excess of 300 milligrams per liter of fluid, phosphorus in excess of ten
- (a) milligrams per liter of fluid, or ammonia-nitrogen in excess of 25 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

Rate Surcharge Based Upon Suspended Solids

- (1) There shall be an additional charge of 9.43 cents per pound of suspended solids for suspended solids received in excess of 300 milligrams per liter of fluid.

Rate Surcharge Based Upon BOD

- (2) There shall be an additional charge of 19.55 cents per pound of biochemical oxygen demand for BOD received in excess of 300 milligrams per liter of fluid.

Rate Surcharge Based Upon Phosphorus

- (3) There shall be an additional charge of 132.71 cents per pound of phosphorus received in excess of ten milligrams per liter of fluid.

Rate Surcharge Based Upon Ammonia-Nitrogen

- (4) There shall be an additional charge of 28.62 cents per pound of ammonia- nitrogen received in excess of 25 milligrams per liter of fluid.

- The determination of Suspended Solids and five-day Biochemical Oxygen Demand, Phosphorus, and Ammonia-Nitrogen contained in the waste shall be in accordance with the current edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes", as written by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.
- (b)

Section 6. Such rates and charges shall be prepared, billed, and collected by the Town in the manner provided by law and ordinance.

The rates and charges for all users shall be prepared and billed monthly.

- (a) At the end of each year, each user shall be given a notice of rates charged for operation, maintenance, and replacement for that user for the previous year.

The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The

- (b) owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

Charges for sewage service levied pursuant to this Ordinance shall be due and payable on or before the due date stated on the bill. Any charge

- (c) for sewage service not paid by the due date shall be delinquent; and may be collected as provided by Indiana Code, Sections 36-9-23-31 through 36-9-23-34, including but not limited to, a penalty of 10% of the delinquency.

Section 7. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various user classes, the Town shall cause a study to be made within a reasonable period of time following the first two years of operation, following the date on which the Ordinance first goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works, and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements, and capital improvements to the waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly

operate the wastewater treatment facility and all appurtenances attached thereto; and (b) will maintain proportionality among the user classes of rates and charges of sewage services.

Said studies shall be conducted by officers or employees of the Town, or by a firm of certified public accountants, or a firm of consulting engineers, which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the Town shall determine to be best under the circumstances. The Town shall, upon completion of said study, revise and adjust rates and charges, as necessary, in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

Section 8. The Town shall make and enforce by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the Town's sewage system and pumping stations, for the construction and use of house sewers and connections to the sewage treatment works, for the construction and use of house sewers and connections to the sewage system, and for the regulation, collection, rebating, and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage system which, in its direction, are deemed harmful to the operation of the sewage treatment works of the Town, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) Permit issued to the sewage works.

Section 9. Sewage collection by the Town of Grabill presently shall flow to Fort Wayne Municipal Sewage Works for treatment. Fort Wayne Municipal Sewage Works shall bill the Town of Grabill for treatment of said Town's sewage. A charge for transportation and treatment is not addressed in this Section, but shall be based on negotiation between all parties concerned and in compliance with Public Law 92-500.

Section 10. 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. The Council is hereby further authorized to enter into special rate contracts with users of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs.

Section 12. That the rules and regulations promulgated by the Town, after approval by the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Town Council and that any decision concerning the sewage system or user charges of the Town Council may be appealed to the circuit court of the County under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 13. The rates and charges as herein set forth shall become effective after the adoption of this Ordinance.

Section 14. 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 15. 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 Town Council of the Town of Grabill, Indiana,
on the

11 day of

Oct , 2010.

Wilmer Delagrange

Jeffrey D. Smead

ATTEST:

Cynthia Barhydt
Clerk-Treasurer

GRABILL (INDIANA) MUNICIPAL SEWAGE WORKS

Appendix A

Sewage Tracking Adjustment

The Grabill Municipal Sewage Works pays for sewage treatment, at wholesale, from the Fort Wayne Municipal Sewage Works, Fort Wayne, Indiana. To provide for coverage of costs, the Grabill Municipal Sewage Works adopts a Sewage Tracking adjustment factor to automatically adjust sewage charges occasioned by changes made by the Fort Wayne Municipal Sewage Works. The adjustment shall be a pass through of the increase

charge assessed by the Fort Wayne Municipal Sewage Works as calculated below:

Sewage Treatment Tracker

\$1.83 per 1,000 gallons

Attachments:

+/-

Letter from Umbaugh - Rate Study - Page 1

+/-

- Page 2

+/-

- Page 3

+/-

- Page 4

ORDINANCE NO. 643-2014

AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES COLLECTED BY THE TOWN OF GRABILL, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING AND RESTATING ORDINANCE NO. 630-2010 AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Town has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner; and,

WHEREAS, the Town of Grabill, Indiana (“Town of Grabill”) has previously adopted [Ordinance No. 630-2010](#) titled AN ORDINANCE ESTABLISHING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF GRABILL, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING [ORDINANCE No. 552](#), AND OTHER MATTERS CONNECTED THEREWITH; and

WHEREAS, the Town Council of the Town has authorized a study of the rates and charges of the sewage works as a result of increases by the City of Fort Wayne, Indiana (“City”) in the rates and charges charged to the Town in accordance with that certain Water Pollution Control Treatment Agreement between the Town and the City dated August 1, 2005, as amended; and,

WHEREAS, the rate study was completed by professional advisors retained by the Town and such professionals have presented copies of the rate study to the Town Council; and,

WHEREAS, the Town Council has concluded from a review of said rate study that the proposed and existing charges for the sewage works services of said Town are insufficient for the Town to properly recover such revenues for sewage services and therefore it is in the best interest of the Town of Grabill to amend and restate [Ordinance No. 630-2010](#) pursuant to the terms herein; and,

WHEREAS, after review of the study and due consideration, the Town Council deems the rates established by this Ordinance are reasonable and just for the sewage works services provided and will produce sufficient revenue to maintain costs, operating charges, upkeep, repairs, and other authorized costs and expenditures

authorized by Indiana law, and to otherwise maintain the utility in a sound physical and financial condition to render adequate and efficient services; and,

WHEREAS, it is necessary to establish a new schedule of rates and charges so as to produce sufficient revenue to pay expenses of maintenance and operation, and to provide funds for necessary replacements and improvements to the Town's sewage works.

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

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (a) "Council" shall mean the Town Council of the Town of Grabill, Indiana, or any duly authorized officials acting in its behalf.
- (b) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the [Sewer Use Ordinance](#)
- (c) "Town" shall mean the Town of Grabill, Indiana, acting by and through the Town Council.

- (d) “Debt Service Costs” shall mean the average annual principal and interest payments on all revenue bonds or other long-term capital debt.
“Excessive Strength Surcharge” shall mean an additional charge which is
- (e) billed to users for treating sewage wastes with an average strength in excess of “normal domestic sewage”.
- “Industrial Wastes” shall mean the wastewater discharged from industrial,
- (f) trade, or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- (g) “NPDES (National Pollutant Discharge Elimination System) Permit” shall have the same meaning as defined in the [Sewer Use Ordinance](#)
- (h) “NH₃-N” shall have the same meaning as defined in the [Sewer Use Ordinance](#)
“Normal Domestic Sewage” (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD – not more than 300 mg/l

S.S. – not more than 300 mg/l

- (i) Phosphorus – not more than 10 mg/l

Ammonia-Nitrogen – not more than 25 mg/l

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences as distinct from wastes from industrial processes.

- “Operation and Maintenance Costs” shall include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport, and treatment
- (j) on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State, and local requirements (those costs include replacement).
- (k) “Other Service Charges” shall mean tap charges, connection charges, area charges, and other identifiable charges other than User Charges, debt service

charges, and excessive strength surcharges.

“Person” shall mean any and all persons, natural or artificial, including any

- (l) individual, firm, company, municipal or private corporation, association, governmental agency, or other entity.

- (m) “Phosphorus” shall have the same meaning as defined in the [Sewer Use Ordinance](#)

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

- (o) “S.S.” (or suspended solids) shall have the same meaning as defined in the [Sewer Use Ordinance](#)

- (p) “Shall” is mandatory; “May” is permissive.

- (q) “Sewage” shall have the same meaning as defined in the [Sewer Use Ordinance](#)
- (r) [“Sewer Use Ordinance”](#) shall mean Ordinance No. 239 adopted by the Town on the 13th day of May, 1987, as may be amended from time to time and which serves as a separate and companion enactment to this Ordinance and further regulates the connection to and use of public and private sewers.

“User Charge” shall mean a charge levied on users of the wastewater treatment

- (s) works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 95-500.

- (t) “User Class” shall mean the division of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).

Residential User – shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User – shall mean any establishment involved in a commercial enterprise, business, or service which, based upon a determination by the

Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User – shall mean any establishment involved in a commercial enterprise, business, or service which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User – shall mean any Federal, State, or local governmental user of the wastewater treatment works.

Industrial User – shall mean any manufacturing or processing facility that discharges industrial waste to a wastewater treatment works.

Editor's Note: See [Ordinance No. 278](#), for additional definitions of "Laboratory Determinations", "Chemical Oxygen Demand (COD)", and "Waste Surveillance Charge".

Section 2. Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

(a) The various classes of users of the treatment works for the purposes of this

Ordinance shall be as follows:

Class I - Residential
Class II - Commercial
Class III - Governmental
Class IV - Institutional
Class V - Industrial

Section 3. For the use of and the services rendered by the sewage works, 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 sewage system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sewage system of the Town of Grabill. Such rates and charges include User Charges, capital charges, excessive strength surcharges, and other service charges, which rates and charges shall be payable as hereinafter provided, and shall be in an amount determinable as follows:

- (a) The 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 base charge based on the size of the water meter installed, except as herein otherwise provided. In addition to the flow charge, each user shall pay an additional usage charge based on the cost of the wholesale sewage treatment factor calculation as shown on [Appendix A](#). For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed monthly (or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined is as follows:

All Users – (Effective January 1, 2015)

(1) Flow charge – per 1,000 gallons per month \$ 10.87

Plus

(2) Base rate – as follows:

\$16.50

37.60

84.05

5/8" – 3/4"	water meter	
1"		143.05

	water meter	
1 1/2"		325.90

	water meter	

2"		
	water meter	

3"		
	water meter	

4"		
	water meter	

6"		
	water meter	

578.80

1,296.05

For users of the sewage works that are unmetered water users or accurate meter

readings are not available, the monthly charge shall be determined as an average of single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined is as follows:

(b)

Monthly Rate

Residential: - (Effective January 1, 2015)

Single-family residence/unit \$ 70.85

Unmetered “Non-Residential Single-Family Dwelling Units” shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage and meter size.

For the services rendered to the Town of Grabill, said Town shall be subject to

(c) the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(d) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring, but not less than \$200.00, per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this Ordinance.

Editor's Note: See [Ordinance No. 278](#), for revisions to paragraph (d) that were not incorporated and carried forward in other Sewage Rates and Charges ordinances.

Each user connecting to the sewage works shall pay a tap fee as follows:

- (e) 5/8" – 3/4" tap \$1,000.00
1" and larger tap Cost but not less than \$1,000.00

- The rates and charges provided for herein shall no longer be assessed and charged to any property or premises that can demonstrate to the satisfaction of the Town's engineer, or other person designated by the Town, that a sewer connection has been permanently closed or sealed and no longer discharges sanitary sewage, industrial waste, water or other liquids or discharges, either directly or indirectly, into the sewage works system of the Town.
- (f)

Editor's Note: Added by [Ordinance No. 415](#).

Editor's Note: See [Ordinance No. 278](#), for additions to Section 3 regarding "Submission of Data on Industrial Wastes".

(g) Saddle Creek Sanitary Sewer Connection Fee.

Except for users of the Existing Saddle Creek Lots, each user connecting to the Saddle Creek Sewer Infrastructure shall pay the Saddle Creek Sanitary Sewer Connection Fee in the amount of \$1,170.00 per Equivalent Residential Unit ("ERU"), or fraction thereof, in accordance with the following chart:

	Number of ERUs	Connection Fee
Residential Users		
Dwelling, Single-family detached	1.0	\$1,170.00
Dwelling, Single-family detached	1.0	\$1,170.00
Condominiums/unit	1.0	\$1,170.00
Dwelling, Multiple-family First Dwelling Unit		
First Dwelling Unit	1.0	\$1,170.00
Each Additional Dwelling Unit	1.0	\$1,170.00
Mobile home court/space available for rent	1.0	\$1,170.00

Commercial and Institutional Users

Retail, general and without food/drink service

First 3 employees

1 \$1,170.00

0.25 \$292.50

Each additional employee

Restaurant, bar, or any food/drink service establishment

1 \$1,170.00

First 2 employees 0.25 \$292.50

Each additional employee

Office, general

1 \$1,170.00

First 3 employees 0.25 \$292.50

Each additional employee

Office, medical/dental/vet/personal services
(barber)

1 \$1,170.00

First 2 employees 0.25 \$292.50

Each additional employee

Laundromats/washer

1 \$1,170.00

Hotel, motel, bed and breakfast

1.5 \$1,755.00

First rentable room

0.5 \$585.00

Each additional rentable room

Auto/service stations, fuel sales, repair, rental

1 \$1,170.00

First 3 employees

0.25 \$292.50

Each additional employee

2.5 \$2,925.00

Each car/board wash bay

Auto/service stations, fuel sales, repair, rental
(with food/drink service)

2 \$2,340.00

First 2 employees

0.25 \$292.50

Each additional employee

2.5 \$2,925.00

Each car wash bay

Place of worship, club, lodge, community center
(with food/drink service)

1 \$1,170.00

0.25 \$292.50

First 150 members		
Each additional 50 members, or fraction thereof		
Place of worship, club, lodge, community center (without food/drink service)	1	\$1,170.00
First 200 members	0.25	\$292.50
Each additional 50 members, or fraction thereof		

Industrial Users

Manufacturing-unmetered	1	\$1,170.00
First 3 employees	0.1	\$117.00
Each additional employee		

The “Saddle Creek Sewer Infrastructure” consists of (i) one (1) sanitary lift station, and (ii) approximately 4,326 linear feet of 6" diameter force main, all of which are connected to the Town’s existing sanitary sewer connection point located at the existing Page Road, Allen County, Indiana lift station (via the sanitary sewer gravity mains) and installed along Witmer Road to the intersection of Page Road and Witmer Road and then north along Page Road, Allen County, Indiana connecting to the off-site

sanitary sewer gravity mains at 13524 Page Road, Allen County, Indiana or in the Marjorie Drive right-of-way. The location and route for the Saddle Creek Sewer Infrastructure are shown on [Schedule \(g\)](#) attached hereto and incorporated herein by this reference.

The Saddle Creek Sanitary Sewer Connection Fee shall expire, terminate and be of no further force and effect upon the 10-year anniversary of the date of adoption of this Ordinance unless earlier terminated in accordance with Section 3 of the Contract for the Reimbursement and Transfer of Sanitary Sewer Infrastructure.

In no event shall the Saddle Creek Sanitary Sewer Connection Fee be assessed against, charged to or otherwise collected from the 102 residential lots located within the Development and known as Saddle Creek Estates and the Villas at Saddle Creek Estates (the “Existing Saddle Creek Lots”).

Editor's Note: Subsection (g) added by [Ordinance No. 1300-2017](#), adopted 11/8/2017.

Section 4. The quantity of water discharged into the sewage system and obtained from sources other than the utility that serve the Town shall be determined by the Town in a manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except, as hereinafter provided in this

section, the Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but

which are also shown to the satisfaction of the Town that such quantities do not enter the sewage system.

- In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, or other liquids into the Town's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town and the water used thereon or therein is not measured by a water meter, or
- (a) if measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this Ordinance, the owner or other interested party shall at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the Town for the determining of sewage discharge.
- In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water, or other liquids into the Town's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the
- (b) Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates and charges, the owner or other interested party shall, at his expense, install and maintain weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the Town for the determining of sewage discharge.
- In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the Town's sewage system, either directly or indirectly, are users of water and the quantity of water
- (c) is measured by a single water meter, then in each case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.
- (d) In the event two (2) or more dwelling units such as mobile homes, apartments, or housekeeping rooms discharging sanitary sewage, water, or other liquids, into

the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times the base rate per month of \$16.50, effective January 1, 2015. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through a meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the Town's sewage system, either

- (e) directly or indirectly, and uses water in excess of 25,000 gallons per month, 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 sewage system, then the owner or other interested party shall, at his expense, 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.

- (f) Where a metered water supply is used for fire protection as well as for other uses, the Town may, at its discretion, make adjustments in the user charges as may be equitable.

Section 5. In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the Town may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point, as defined in the [Sewer Use Ordinance](#), available to the Town at all times.

Normal domestic waste strength should not exceed a BOD of 300 milligrams per liter of fluid, suspended solids in excess of 300 milligrams per liter of fluid, phosphorus in excess of ten milligrams per liter of fluid, or ammonia-nitrogen in excess of 25 milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

Rate Surcharge Based Upon Suspended Solids

- (1) There shall be an additional charge of 15.21 cents per pound of suspended solids for suspended solids received in excess of 300 milligrams per liter of fluid.

(a) Rate Surcharge Based Upon BOD

- (2) There shall be an additional charge of 11.64 cents per pound of biochemical oxygen demand for BOD received in excess of 300 milligrams per liter of fluid.

Rate Surcharge Based Upon Phosphorus

- (3) There shall be an additional charge of 149.90 cents per pound of phosphorus received in excess of ten milligrams per liter of fluid.

Rate Surcharge Based Upon Ammonia-Nitrogen

- (4) There shall be an additional charge of 26.59 cents per pound of ammonia-nitrogen received in excess of 25 milligrams per liter of fluid.

The determination of Suspended Solids and five-day Biochemical Oxygen Demand, Phosphorus, and Ammonia-Nitrogen contained in the waste shall be in accordance with the current edition of “Standard Methods for the Examination of

(b)

Water, Sewage, and Industrial Wastes” as written by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

Section 6. Such rates and charges shall be prepared, billed, and collected by the Town in the manner provided by law and ordinance.

(a) The rates and charges for all users shall be prepared and billed monthly.

The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billing shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are

(b) occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

Charges for sewage service levied pursuant to this Ordinance shall be due and payable on or before the due date stated on the bill. Any charge for sewage

(c) service not paid by the due date shall be delinquent, and may be collected as provided by Indiana Code, Sections 36-9-23-31 through 36-9-23-34, including but not limited to, a penalty of 10% of the delinquency.

Section 7. In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various user classes, the Town shall cause a study to be made within a reasonable period of time following the first two years of operation, following the date on which the Ordinance first goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works, and the replacements, debt service requirements, and capital improvements to the waste treatment systems.

Thereafter, on a biennial basis, within a reasonable period of time following the normal accounting period, the Town shall cause a study to be made for the purpose of reviewing (a) the sufficiency of the revenues to properly operate the wastewater treatment facility and all appurtenances attached thereto; and (b) will maintain proportionality among the user classes of rates and charges of sewage services.

Said studies shall be conducted by officers or employees of the Town, or by a firm of certified public accountants, or a firm of consulting engineers, which firms have experience in such studies, or by such combination of officers, employees, certified

public accountants, or engineers as the Town shall determine to be best under the circumstances. The Town shall, upon completion of said study, revise and adjust rates and charges, as necessary, in accordance therewith in order to maintain the proportionality and sufficiency of the rates.

Section 8. The Town shall make and enforce by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the Town's sewage system and pumping stations, for the construction and use of house sewers and connections to the sewage treatment works, for the construction and use of house sewers and connections to the sewage system, and for the regulation, collection, rebating, and refunding of such rate and charges. No free service shall be provided to any user of the wastewater treatment facility.

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewage system which, in its direction, are deemed harmful to the operation of the sewage treatment works of the Town, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) Permit issued to the sewage works.

Section 9. Sewage collection by the Town of Grabill presently shall flow to Fort Wayne Municipal Sewage Works for treatment. Fort Wayne Municipal Sewage Works shall bill the Town of Grabill for treatment of said Town's sewage. A charge for transportation and treatment is not addressed in this Section, but shall be based on negotiation between all parties concerned and in compliance with Public Law 92-500.

Section 10. 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. The Council is hereby further authorized to enter into special rate contracts with users of the sewage works where clearly definable cost to the sewage works can be determined, and such special rates shall be based on such costs.

Section 12. That the rules and regulations promulgated by the Town, after approved by the Town Council shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the

sewage system and user charge system to the Town Council and that any decision concerning the sewage system or user charges of the Town Council may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

Section 13. The rates and charges as herein set forth shall become effective January 1,

2015.

Section 14. 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 15. This Ordinance shall be in full force and effective January 1, 2015 following its passage, approval, recording, and publication as provided by law.

Passed and adopted by the Town Council of the Town of Grabill, Indiana, on the _____ day of December, 2014.

Wilmer Delagrange
Wilmer Delagrange,
President

Jeffrey Smead
Jeffrey Smead

Candace DeCamp

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

GRABILL (INDIANA) MUNICIPAL SEWAGE WORKS

Appendix A

Sewage Tracking Adjustment

The Grabill Municipal Sewage Works pays for sewage treatment, at wholesale, from the Fort Wayne Municipal Sewage Works, Fort Wayne, Indiana. To provide for coverage of costs, the Grabill Municipal Sewage Works adopts a Sewage Tracking adjustment factor to automatically adjust sewage charges occasioned by changes made by the Fort Wayne Municipal Sewage Works. The adjustment shall be a pass through of the increased charge assessed by the Fort Wayne Municipal Sewage Works.

Sewage Treatment Tracker \$ 0.94 per 1,000 gallons

Editor's Note: The Sewage Treatment Tracker rate was modified by [Ordinance No. 655-2015](#), adopted on 12/9/2015 with the new rate becoming effective on January 1, 2016. The previous rate was “**\$ 0.00 per 1,000 gallons.**”

ORDINANCE NO. 655-2015

AN ORDINANCE RATIFYING AND APPROVING AUTOMATIC SEWAGE TRACKING ADJUSTMENT AS PERMITTING BY APPENDIX A OF ORDINANCE NO. 643-2014.

WHEREAS, the Town of Grabill, Indiana (“Town of Grabill”) has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner; and,

WHEREAS, the Town of Grabill has previously adopted [Ordinance No. 643-2014](#) titled AN ORDINANCE ESTABLISHING A SCHEDULE OF RATES AND CHARGES COLLECTED BY THE TOWN OF GRABILL, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE SEWAGE WORKS OF SAID TOWN, AMENDING AND RESTATING [ORDINANCE NO. 630-2010](#) AND OTHER MATTERS CONNECTED THEREWITH; and,

WHEREAS, to provide for coverage of costs and cost increases by the City of Fort Wayne Municipal Sewage Works, [Appendix A of Ordinance No. 643-2014](#) includes a sewage tracking adjustment factor to automatically adjust sewage charges occasioned by changes made by the Fort Wayne Municipal Sewage Works; and,

WHEREAS, based upon increases in fees and charges by the City of Fort Wayne Municipal Sewage Works to be effective January, 1, 2016, the Town Council of the Town of Grabill has authorized a study of the rates and charges of the sewage works for purposes of calculating the sewage tracking adjustment factor; and,

WHEREAS, the rate study was completed by professional advisors retained by the Town of Grabill and such professionals have presented copies of the tracking factor calculation report to the Town Council; and,

WHEREAS, the Town Council has concluded from a review of said report that the proposed and existing charges for the sewage works services of said

Town of Grabill are insufficient for the Town of Grabill to properly recover such revenues for sewage services and therefore it is in the best interest of the Town of Grabill to amend and restate [Ordinance No. 630-2010](#) pursuant to the terms herein; and,

WHEREAS, after review of the study and due consideration, the Town Council deems the sewage tracking adjustment is reasonable and just for the sewage works services provided and will produce sufficient revenue to maintain costs, operating charges, upkeep, repairs, and other authorized costs and expenditures authorized by Indiana law, and to otherwise maintain the utility in a sound physical and financial condition to render adequate and efficient services; and,

WHEREAS, although the sewage tracking adjustment automatically adjusts sewage charges, the Town Council deems it prudent to (i) provide public notice of such adjustment, (ii) allow property owners, rate payers, and other interested parties in or served or to be served by the Municipal Sewage Works of the Town of Grabill, Indiana to appear and be given an opportunity to testify and express their views orally and in writing with respect to the sewage tracking adjustment factor and calculations, and (iii) for the Town Council to formally ratify, adopt and approve such sewage tracker adjustment.

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

Section 1. As of the effective date of this Ordinance, the sewage rates and charges charged by the Municipal Sewage Works of the Town of Grabill, Indiana shall be increased by the automatic sewage tracking adjustment calculated to be \$0.94 per 1,000 gallons, as such adjustment is permitting by [Appendix A of Ordinance No. 643-2014](#).

Section 2. 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 3. The increase to the rates and charges as herein set forth shall become effective January 1, 2016.

Section 4. 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 5. This Ordinance shall be in full force and effective January 1, 2016 following its passage, approval, recording, and publication as provided by law.

Passed and adopted by the Town Council of the Town of Grabill, Indiana, on the 9th day of December, 2015.

Wilmer Delagrange
Wilmer Delagrange, President

Jeffrey Smead
Jeffrey Smead

Candace DeCamp
Candace DeCamp

ATTEST:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer

ORDINANCE NO. 1300-2017

AN ORDINANCE AMENDING ORDINANCE NO. 643-2014

FOR THE PURPOSE OF ESTABLISHING THE SADDLE CREEK

SEWER CONNECTION FEE

WHEREAS, the Town of Grabill, Indiana (the “Town”) has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23 et. seq., as amended, and other applicable provisions of Indiana law (collectively, the “Act”), for the purpose of providing for the collection, treatment and disposal of sewage in and outside the Town; and

WHEREAS, the current schedule of rates and charges for the sewage works is set forth in [Ordinance No. 643-2014](#), adopted by the Town Council of the Town (the “Council”) on December 4, 2014, as supplemented by the Sewer Use [Ordinance No. 239](#) adopted by the Town on the 13th day of May, 1987, each of which may be amended from time to time (collectively, the “Prior Ordinances”);

WHEREAS, the Town has entered into a Contract for the Reimbursement and Transfer of Sanitary Sewer Infrastructure whereby the Town has agreed to reimburse the developer for certain costs and expenses incurred by such developer for the construction and installation of sanitary sewer force mains located outside or “off-site” of the developer’s 102 lot residential housing development known as Saddle Creek Estates on approximately 38 acres in an area generally located on the north side of the 12100 to 12500 blocks of Witmer Road west of Page Road, Allen County, Indiana from newly established area connection fees collected from property owners who utilize and benefit from such sanitary sewer mains in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, THAT;

Section 1. [Ordinance No. 643-2014](#) is hereby amended by the addition of subparagraph (g) to [Section 3](#), as follows:

(g) Saddle Creek Sanitary Sewer Connection Fee.

Except for users of the Existing Saddle Creek Lots, each user connecting to the Saddle Creek Sewer Infrastructure shall pay the Saddle Creek Sanitary Sewer Connection Fee in the amount of \$1,170.00 per Equivalent Residential Unit (“ERU”), or fraction thereof, in accordance with the following chart:

	Number of ERUs	Connection Fee
Residential Users		
Dwelling, Single-family detached	1.0	\$1,170.00
Dwelling, Single-family detached	1.0	\$1,170.00
Condominiums/unit	1.0	\$1,170.00
Dwelling, Multiple-family First Dwelling Unit		
First Dwelling Unit	1.0	\$1,170.00
Each Additional Dwelling Unit	1.0	\$1,170.00
Mobile home court/space available for rent	1.0	\$1,170.00
Commercial and Institutional Users		
Retail, general and without food/drink service		
First 3 employees	1	\$1,170.00
	0.25	\$292.50
Each additional employee		
Restaurant, bar, or any food/drink service establishment		
	1	\$1,170.00
First 2 employees	0.25	\$292.50
Each additional employee		
Office, general		
	1	\$1,170.00
First 3 employees	0.25	\$292.50
Each additional employee		
Office, medical/dental/vet/personal services (barber)		
	1	\$1,170.00
First 2 employees	0.25	\$292.50
Each additional employee		

Laundromats/washer	1	\$1,170.00
Hotel, motel, bed and breakfast	1.5	\$1,755.00
First rentable room	0.5	\$585.00
Each additional rentable room		
Auto/service stations, fuel sales, repair, rental	1	\$1,170.00
First 3 employees	0.25	\$292.50
Each additional employee	2.5	\$2,925.00
Each car/board wash bay		
Auto/service stations, fuel sales, repair, rental (with food/drink service)	2	\$2,340.00
First 2 employees	0.25	\$292.50
Each additional employee	2.5	\$2,925.00
Each car wash bay		
Place of worship, club, lodge, community center (with food/drink service)	1	\$1,170.00
First 150 members	0.25	\$292.50
Each additional 50 members, or fraction thereof		
Place of worship, club, lodge, community center (without food/drink service)	1	\$1,170.00
First 200 members	0.25	\$292.50
Each additional 50 members, or fraction thereof		
Industrial Users		
Manufacturing-unmetered	1	\$1,170.00
First 3 employees	0.1	\$117.00
Each additional employee		

The “Saddle Creek Sewer Infrastructure” consists of (i) one (1) sanitary lift station, and (ii) approximately 4,326 linear feet of 6" diameter force main, all of which are connected to the Town’s existing sanitary sewer connection point located at the existing Page Road, Allen County, Indiana lift station (via the sanitary sewer gravity mains) and installed along Witmer Road to the intersection of Page Road and Witmer Road and then north along Page Road, Allen County, Indiana connecting to the off-site

sanitary sewer gravity mains at 13524 Page Road, Allen County, Indiana or in the Marjorie Drive right-of-way. The location and route for the Saddle Creek Sewer

Infrastructure are shown on [Schedule \(g\)](#) attached hereto and incorporated herein by this reference.

The Saddle Creek Sanitary Sewer Connection Fee shall expire, terminate and be of no further force and effect upon the 10-year anniversary of the date of adoption of this Ordinance unless earlier terminated in accordance with Section 3 of the Contract for the Reimbursement and Transfer of Sanitary Sewer Infrastructure.

In no event shall the Saddle Creek Sanitary Sewer Connection Fee be assessed against, charged to or otherwise collected from the 102 residential lots located within the Development and known as Saddle Creek Estates and the Villas at Saddle Creek Estates (the “Existing Saddle Creek Lots”).

Section 2. The provisions of all other Town ordinances, rules, regulations and policies in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 3. No part of this Ordinance shall be interpreted to conflict with federal, state or local laws, and all reasonable efforts shall be made to harmonize same. Should any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Introduced and filed on the 4th day of October, 2017.

DULY PASSED AND ADOPTED this

8th day of

November, 2017, by the Town Council of the Town of Grabill, Allen County, Indiana, having been passed by a vote of

3 in favor and

0 opposed.

TOWN OF GRABILL, INDIANA
BY ITS COUNCIL

Wilmer Delagrang
Wilmer Delagrang

Jeff Smead
Jeff Smead

Claude E. Schrock
Claude E. Schrock

ATTEST:

Cynthia Barhydt
Cynthia Barhydt

Clerk-Treasurer, Town of Grabill, Indiana

ORDANANCE NO. 94

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana that any persons finding it necessary to make a tap into any Town or County sewers within the corporate limits of the Town of Grabill must obtain the approval of the Town Board to make such tap-ins.

Be it further ordained that the Board of Trustees must grant such requests.

Be it further ordained that the Board of Trustees will order such tap-ins to be made by Authorized Personnel and the work will be supervised by the Town's Street and Sewer Superintendant to insure that the connections are properly made to avoid future trouble with the Town's sewer system as a result of such said tap-ins.

Done at Grabill, Indiana this 6th day of April. 1959.

TRUSTEES

(Philip A. Schlatter
(
(
(Ralph E. Clifton
(
(
(Edwin Zimmer

ATTEST:

Marjorie L. Neuenschwander
Clerk - Treasurer

ORDINANCE NO. 131

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 239](#), adopted 5/13/1987.

Editor's Note: Photographs of the pages of this ordinance:

- ☐ +/- (VOID) #131: Sewer Rules and Regulations (6/10/1969) - Page 1
- ☐ +/- (VOID) #131: Sewer Rules and Regulations (6/10/1969) - Page 2
- ☐ +/- (VOID) #131: Sewer Rules and Regulations (6/10/1969) - Page 3
- ☐ +/- (VOID) #131: Sewer Rules and Regulations (6/10/1969) - Page 4
- ☐ +/- (VOID) #131: Sewer Rules and Regulations (6/10/1969) - Page 5
- ☐ +/- (VOID) #131: Sewer Rules and Regulations (6/10/1969) - Page 6
- ☐ +/- (VOID) #131: Sewer Rules and Regulations (6/10/1969) - Page 7
- ☐ +/- (VOID) #131: Sewer Rules and Regulations (6/10/1969) - Page 8
- ☐ +/- (VOID) #131: Sewer Rules and Regulations (6/10/1969) - Page 9
- ☐ +/- (VOID) #131: Sewer Rules and Regulations (6/10/1969) - Page 10

ORDINANCE NO. 219

Editor's Note: This ordinance is Void. The intent, Tap-on and Connection Fees for Sewer Connections, was re-written in [Ordinance No. 239, Section 4](#), adopted 5/13/1987.

Editor's Note: Photographs of the pages of this ordinance:

+/- (VOID) #219: Wastewater Tap and Connection Fees (3/14/1984)

ORDINANCE NO. 247

AN ORDINANCE AMENDING [ORDINANCE NO. 239](#) RELATING TO REGULATING THE CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE TOWN OF GRABILL, INDIANA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

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

Section 1. [Ordinance No. 239](#) is hereby amended as follows:

[Section 5 \(g\) of Ordinance No. 239](#) is hereby amended by being deleted and being replaced by the following:

- "(g) All waters or wastes which are discharged to the public sewers are subject to, as a minimum, the restrictions and limitations thereto, as specified in the "City of Fort Wayne, Indiana, Sewer Use and Rate Ordinances", as now codified in Chapter 24 of its Code, and any amendments which may be hereafter made thereto, and the Rules and Regulations of the Fort Wayne Water Pollution Control Utility as promulgated by the Board of Public Works of that city and any amendments thereto which may hereafter be promulgated, all of which are made a part hereof by reference."
- A.
- B. [Section 14 of said Ordinance No. 239](#) is hereby amended by designating the existing paragraph as "(1)"; and by adding the following additional subparagraphs of Section 14, to-wit:

"(2) The Town of Grabill shall, in accordance with the statutes of the State of Indiana, and subject to the provisions and requirements of this Ordinance, as amended, make and enforce appropriate rules and regulations for the safe, economical, and efficient management and operation of the town's sewage utility, for the construction and use of

sewers, building sewers, appurtenances, and connections to the sewage system; for the regulation, collection, and refunding of rates and charges for sewage service; and for the implementation of the provisions of this Ordinance, as amended."

"(3) The violation of the Rules and Regulations set forth in [Section 5 \(g\)](#) of this Ordinance and the Rules and Regulations of the Town as provided for in [Section 14 \(2\)](#), as amended, shall constitute a violation of the provisions of this Ordinance and be subject to the penalty provisions set out in [Section 18 of Ordinance No. 239](#).

Section 2. The inspection, enforcement, penalty, and damage provisions-set out in [Ordinance No. 239](#) are reaffirmed and shall be applicable to said Ordinance, as herein amended.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publications provided by law.

Passed and adopted by the Board of Trustees of the Town of Grabill on the 16th day of September , 1987.

M. Joanne Sauder
M. JOANNE SAUDER, Board Member

Jeff Gray
JEFF GRAY, Board Member

R. E. Miller
R. E. MILLER, Board Member

ATTEST:

Alleen Kipfer
ALLEEN KIPFER
Clerk-Treasurer

ORDINANCE NO. 248

An Ordinance adopting Public Sewer Utility Rules and Regulations.

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana:

SECTION 1: The Town Board does hereby adopt the Public Sewer Utility Rules and Regulations which are attached hereto and made a part hereof the same as if set forth herein at length.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved the 16th day of September, 1987, by 3 (X) voting aye and 0 () voting no.

Recorded the 16th day of September, 1987.

Presented to and approved by me this 16th day of September, 1987.

M. Joanne Sauder

M. JOANNE SAUDER, as President of
the Board of Trustees of the Town
of Grabill, Indiana.

Attest:

Alleen Kipfer
Alleen Kipfer
Clerk/Treasurer

ORDINANCE NO. 255

AN ORDINANCE AMENDING [ORDINANCE NO. 239](#), AS AMENDED BY ORDINANCE NO. 247, RELATING TO REGULATING THE CONNECTION TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM OF THE TOWN OF GRABILL, INDIANA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

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

Section 1. [Ordinance No. 239](#) is hereby amended as follows:

- A. [Section 2\(b\) of the Ordinance No. 239](#) is hereby amended by being deleted and being replaced by the following:

"(b)

- No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff,
"(i) subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any sanitary sewer; and,

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as

"

- (ii) 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."

- B. [Section 2\(h\) of the Ordinance No. 239](#) is hereby amended by being deleted and being replaced by the following:

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so,

- "(h) provided that said public sewer is within three hundred (300) feet of the property line. Any subdivision plat proposed after the enactment of this ordinance shall be required to have, at the

developer's expense, sanitary sewer systems therein connected to the public sanitary sewer before any building therein shall be occupied.

- C. [Section 4\(b\)\(1\) of the Ordinance 239](#) is hereby amended by being deleted and being replaced by the following:

- "(1) For residential, governmental, institutional, and commercial service, and"

- D. [Section 5\(c\)\(1\) of the Ordinance 239](#) is hereby amended by being deleted and being replaced by the following:

With sufficient cause, require users to submit information on
"(1) wastewater quantities characteristics and obtain prior approval for
discharge."

Section 2. The inspection, enforcement, penalty, and damage provisions set out in [Ordinance No. 239](#) are reaffirmed and shall be applicable to said Ordinance, as amended.

Section 3. This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publications provided by law.

Passed and adopted by the Board of Trustees of the Town of

Grabill on the
9th day of
February , 1988.

M. Joanne Sauder
M. JOANNE SAUDER, Board Member

Jeff Gray
JEFF GRAY, Board Member

R. E. MILLER, Board Member

ATTEST:

Alleen Kipfer
ALLEEN KIPFER, Clerk/Treasurer

Ordinance No. 129

An Ordinance concerning the construction and operation by the Town of Grabill, Indiana, of sewage works, the issuance of revenue bonds to apply on the cost thereof, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said bonds, and other matters connected therewith WHEREAS, the Board of Trustees of the Town of Grabill has heretofore approved plans, specifications and estimates and determined to establish, construct, equip, own, operate and maintain the sewage works provided for therein, under and pursuant to Chapter 284 of the Acts of the General Assembly of the State of Indiana for the year 1967, and all acts supplemental thereto, and has determined to finance the cost of such works to be borne by the Town by the issuance of revenue bonds under the provisions of said Act; and WHEREAS, the plans, specifications and estimates prepared by the engineer employed by the Town for the sewage works have been submitted to all governmental authorities having jurisdiction, particularly the Stream Pollution Control Board of the State of Indiana and the State Board of Health, and have been approved by the aforesaid governmental authorities; and WHEREAS, the Town finds that bids for the construction of said works have been received; that said bids are subject to the Town's determination to construct said works and subject to the Town's obtaining funds to pay for said works; that on the basis of said bids the cost of said works, as defined in Section 1 of the governing act, including one (1) year's capitalized interest and as estimated by the engineer, will be in the amount of Three Hundred Eighty-six Thousand Nine Hundred Dollars (\$386,900); and (• • •)

Editor's Note: The complete bond ordinance and pertinent attachments:

+/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 1

+/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 2

- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 3](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 4](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 5](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 6](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 7](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 8](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 9](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 10](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 11](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 12](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 13](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 14](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 15](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 16](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 17](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 18](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 19](#)
- [+/- #129: Sewage Works Revenue Bond \(5/19/1969\) - Page 20](#)

- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 21
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 22
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 23
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 24
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 25
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 26
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 27
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 28
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 29
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 30
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 31
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 32
- ☐ +/- #129: Sewage Works Revenue Bond (5/19/1969) - Page 33

ORDINANCE NUMBER 132

AN ORDINANCE Awarding the sale of Two Hundred Forty-eight Thousand Dollars (\$248,000) Sewage Works Revenue Bond issue to Farmer's Home Administration

WHEREAS, on the 19th day of May 1969 the Town of Grabill approved the execution of a Loan Agreement with Farmer's Home Administration, United States Department of Agriculture relating to the sale of Public Sewage Revenue Bonds in the amount of Two Hundred Forty-eight Thousand Dollars (\$248,000) as specified in the letter of conditions from the Farm Home Administration to the Town of Grabill dated March 6, 1969; and

WHEREAS, pursuant to the provisions of [Ordinance Number 129](#) the Town of Grabill, Indiana and to the provisions of Chapter 284 of the Act of 1967, Burns 48-4301 ff (1968 Supp.) and pursuant to notice published in the Fort Wayne Journal-Gazette and the Fort Wayne News-Sentinel said sale was held on July 3, at 1:00 P.M. EDT; and

WHEREAS, the Farm Home Administration submitted its bid to purchase said bonds for the sum of Two Hundred Forty-eight Thousand Dollars (\$248,000) and pursuant to the other provisions of the Loan Agreement dated May 19, 1969, and the provisions of [Ordinance Number 129](#) including the provision that interest shall be at the rate of five per cent (5%) per annum; and

WHEREAS, no other bid was received for the purchase of said bonds.

NOW, THEREFORE, Be it ordained by the Board of Trustees of the Town of Grabill, Indiana, as follows:

Section 1. That the Town of Grabill, Indiana by and through its Board of Trustees does hereby award the sale of said bonds to Farmer's Home Administration and does hereby adopt and confirm as a part of said award the provisions of a Loan Agreement dated May 19, 1969 and does hereby incorporate said provisions by reference the same as if set forth herein at length.

Section 2. Raymond E. Miller, President and Alleen Kipfer, Secretary-Treasurer are hereby authorized and ordered to execute all documents required to complete the sale of said bonds and the delivery of said bonds to said purchaser in such form as shall be consistent with the provisions of this ordinance, the laws of the State of Indiana, and the agreements heretofore entered into by and between the Town and the Farmer's Home Administration.

Section 3. This ordinance shall be in full force and effect immediately upon its passage and approval.

Passed and approved this 3rd day of July, 1969.

Recorded this 3rd day of July, 1969.

Presented to and approved by me this the 3rd day of July, 1969.

Raymond E. Miller
Raymond E. Miller, President

Attest:

Alleen Kipfer
Alleen Kipfer
Town Clerk-Treasurer

Ordinance No. 256

Editor's Note: This ordinance was amended by [Ordinance No. 258](#), adopted 5-23-1988.

An Ordinance concerning the refunding by the Town of Grabill, Indiana, of its Sewage Works Revenue Bond of 1969; authorizing the issuance of Sewage Works Refunding Revenue Bonds of 1988 for such purpose; providing for the collection, segregation and distribution of the revenues of said sewage works and the safeguarding of the interests of the owners of the Sewage Works Refunding Revenue Bonds of 1988; other matters connected therewith; and repealing ordinances inconsistent herewith.

WHEREAS, the Town issued its Sewage Works Revenue Bonds of 1969, ("Sewage Revenue Bonds") under date of July 18, 1969, in the amount of \$248,000, which are now outstanding in the amount of \$188,000; and WHEREAS, the Farmers Home Administration, U.S. Department of Agriculture ("FmHA") is the owner of the Sewer Revenue Bonds; and WHEREAS, FmHA has developed a loan repurchase program ("Program") which enables the Town to refund its Sewer Revenue Bonds and achieve a savings; and WHEREAS, I.C. 5-1-5 authorizes the refunding of such Sewer Revenue Bonds in order to effect a savings and such refunding is permitted by [Ordinance No. 129](#) authorizing the 1969 Sewage Works Revenue Bonds; and WHEREAS, the Town hereby determines to participate in the Program, to execute and issue therefor its "Sewage Works Refunding Revenue Bonds of 1988" (the "Refunding Bonds"), in the form and with terms as hereinafter provided, for the purpose of effecting a savings and providing, together with certain funds currently held in funds and accounts created in Ordinance No. 129 (the "Issuer's Funds") as set forth in Exhibit "A" attached hereto, for the payment of the purchase price of the Sewer Revenue Bonds, as determined under the FmHA guidelines for the Program, and costs of issuance, thereby providing for the redemption of the Sewer Revenue Bonds; and WHEREAS, the Refunding Bonds to be issued pursuant to this ordinance will constitute a charge against the Net Revenues of the sewage works, and are to be issued subject to the provisions (• • •)

Editor's Note: The complete bond ordinance and pertinent attachments:

- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 1](#)
- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 2](#)
- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 3](#)
- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 4](#)
- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 5](#)
- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 6](#)
- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 7](#)
- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 8](#)
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- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 11](#)
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- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 14](#)
- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 15](#)
- [+/- #256: Sewage Works Revenue Bonds \(5/10/1988\) - Page 16](#)

- +/- #256: Sewage Works Revenue Bonds (5/10/1988) - Page 17
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- +/- #256: Sewage Works Revenue Bonds (5/10/1988) - Page 32
- +/- #256: Sewage Works Revenue Bonds (5/10/1988) - Page 33

#256: Exhibit "A" - Amortization

ORDINANCE NO. 258

An Ordinance amending [Ordinance No. 256](#) and concerning the refunding by the Town of Grabill, Indiana, of its Sewage Works Revenue Bond of 1969; authorizing the issuance of Sewage Works Refunding Revenue Bonds of 1988 for such purpose; providing for the collection, segregation and distribution of the revenues of said sewage works and the safeguarding of the interests of the owners of the Sewage Works Refunding Revenue Bonds of 1988; other matters connected therewith; and repealing ordinances inconsistent herewith.

WHEREAS, the Town issued its Sewage Works Revenue Bonds of 1969, ("Sewage Revenue Bonds") under date of July 18, 1969, in the amount of \$248,000, which are now outstanding in the amount of \$188,000; and WHEREAS, the Farmers Home Administration, U.S. Department of Agriculture ("FmHA") is the owner of the Sewer Revenue Bonds; and WHEREAS, FmHA has developed a loan repurchase program ("Program") which enables the Town to refund its Sewer Revenue Bonds and achieve a savings; and WHEREAS, I.C. 5-1-5 authorizes the refunding of such Sewer Revenue Bonds in order to effect a savings and such refunding is permitted by [Ordinance No. 129](#) authorizing the 1969 Sewage Works Revenue Bonds; and WHEREAS, the Town hereby determines to participate in the Program, to execute and issue therefor its "Sewage Works Refunding Revenue Bonds of 1988" (the "Refunding Bonds"), in the form and with terms as hereinafter provided, for the purpose of effecting a savings and providing, together with certain funds currently held in funds and accounts created in [Ordinance No. 129](#) (the "Issuer's Funds") as set forth in Exhibit "A" attached hereto, for the payment of the purchase price of the Sewer Revenue Bonds, as determined under the FmHA guidelines for the Program, and costs of issuance, thereby providing for the redemption of the Sewer Revenue Bonds; and WHEREAS, the Refunding Bonds to be issued pursuant to this ordinance will constitute a charge against the Net Revenues of the sewage works, and are to be issued subject to the provisions (• • •)

Editor's Note: The complete bond ordinance and pertinent attachments:

☐ +/- #258: Sewage Revenue Bonds (5/23/1988) - Amending No. 256 - Page
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☐ +/- #258: Sewage Revenue Bonds (5/23/1988) - Amending No. 256 - Page
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☐ +/- #258: Sewage Revenue Bonds (5/23/1988) - Amending No. 256 - Page
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☐ +/- #258: Sewage Revenue Bonds (5/23/1988) - Amending No. 256 - Page
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☐ +/- #258: Sewage Revenue Bonds (5/23/1988) - Amending No. 256 - Page
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☐ +/- #258: Sewage Revenue Bonds (5/23/1988) - Amending No. 256 - Page
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+/- #258: Sewage Revenue Bonds (5/23/1988) - Amending No. 256 - Page
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+/- #258: Sewage Revenue Bonds (5/23/1988) - Amending No. 256 - Page
32

#258: Indiana Bond Bank - Savings Report

ORDINANCE NO. 551

An Ordinance of the Town of Grabill authorizing the issuance of sewage works revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the sewage works of said Town, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith WHEREAS, the Town of Grabill ("Town") has heretofore established, constructed and financed its sewage works, and now owns and operates said sewage works pursuant to IC 36-923; and WHEREAS, the Town Council finds that certain additions, extensions and improvements to said works are necessary; that preliminary plans, specifications and estimates have been prepared and filed by the engineers employed by the Town for the construction of said improvements and extensions (as more fully set forth in Exhibit A hereto and made a part hereof) ("Project"), which preliminary plans and specifications have been submitted to all governmental authorities having jurisdiction, particularly the Indiana Department of Environmental Management, and have been or will be approved by the aforesaid governmental authorities and are incorporated herein by reference and open for inspection at the office of the Clerk-Treasurer as required by law; and WHEREAS, the Town will advertise for and will receive bids for the construction of the Project; said bids will be subject to the Town's determination to construct the Project and subject to the Town obtaining funds to pay for the Project; that on the basis of said engineer's estimates, the cost of the Project, as defined in IC 36-9-1-8, including estimated incidental expenses, is in the estimated amount not to exceed One Million Four Hundred Thirty Thousand Dollars (\$1,430,000); and (• • •)

Editor's Note: The complete bond ordinance and pertinent attachments:

+/- #551: Sewage Works Revenue Bonds (5/24/2006) - Page 1

- [+/- #551: Sewage Works Revenue Bonds \(5/24/2006\) - Page 2](#)
- [+/- #551: Sewage Works Revenue Bonds \(5/24/2006\) - Page 3](#)
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- [+/- #551: Sewage Works Revenue Bonds \(5/24/2006\) - Page 5](#)
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- +/- #551: Sewage Works Revenue Bonds (5/24/2006) - Page 36
- +/- #551: Sewage Works Revenue Bonds (5/24/2006) - Page 37

- ☐ +/- #551: Sewage Works Revenue Bonds (5/24/2006) - Page 38
- ☐ +/- #551: Sewage Works Revenue Bonds (5/24/2006) - Page 39
- ☐ +/- #551: Sewage Works Revenue Bonds (5/24/2006) - Page 40
- ☐ +/- #551: Sewage Works Revenue Bonds (5/24/2006) - Page 41
- ☐ +/- #551: Sewage Works Revenue Bonds (5/24/2006) - Page 42
- ☐ +/- #551: Sewage Works Revenue Bonds (5/24/2006) - Page 43
- ☐ +/- #551: Sewage Works Revenue Bonds (5/24/2006) - Page 44
- ☐ +/- #551: Sewage Works Revenue Bonds (5/24/2006) - Exhibit A,
Description of Project
- ☐ +/- #551: Excerpts from Minutes of Special Meeting - Page 1
- ☐ +/- #551: Excerpts from Minutes of Special Meeting - Page 2
- ☐ +/- #551: Excerpts from Minutes of Special Meeting - Page 3
- ☐ +/- #551: Excerpts from Minutes of Special Meeting - Page 4
- ☐ +/- #551: Excerpts from Minutes of Special Meeting - Page 5
- ☐ +/- #551: Notice of Determination to Construct (...) - Page 1
- ☐ +/- #551: Notice of Determination to Construct (...) - Page 2
- ☐ +/- #551: Financing Letter (Umbaugh) - Page 1
- ☐ +/- #551: Financing Letter (Umbaugh) - Page 2

#551: Project Timeline - Page 1

#551: Project Timeline - Page 2

#551: Estimated Project Costs and Funding

#551: Debt Service Schedule - Page 1

#551: Debt Service Schedule - Page 2

Ordinance 35

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #35: Permisson to Attach to Sewer - Lautz Auto Co.
(5/17/1922)

Ordinance No. 68

Be it ordained by the Board of Trustees of the Town of Grabill, that any new sewers being constructed within the Town of Grabill, shall be constructed with the cost of said sewer being assessed to the property owners being serviced by this sewer in equal proportion according to the amount of property held by each property owner and being serviced by said sewer.

Be it further ordained that after the completion of such new sewers, the maintenance and repair of said sewers shall become the responsibility of the Town of Grabill and shall be paid for out of town funds.

Done at Grabill, Indiana this 2nd day of October, 1956.

(Philip Schlatter
(
(
Trustees (Ralph Clifton
(
(
(Edwin Zimmer

ATTEST:

Hubert L. Neuenschwander

Clerk-Treasurer

ORDINANCE NO. 122-68-1

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (ARCHIVED) #122-68-1: Sewage Works Construction Documents
(11/27/1968) - Page 1

☐ +/- (ARCHIVED) #122-68-1: Sewage Works Construction Documents
(11/27/1968) - Page 2

ORDINANCE NUMBER 126

AN ORDINANCE Providing for the use of the Town's streets and alleys in connection with the proposed public sewer system.

* * * * *

WHEREAS, the Town of Grabill, Indiana, by and through its Board of Trustees, in due form, heretofore determined that it was desirable that the Town of Grabill, Indiana, build, own, and operate a public sewer system; and

WHEREAS, the Farmers Home Administration has required in connection with the financing of said sewer that there be a dedication of streets and alleys for use in connection with said sewer project

NOW, THEREFORE, Be it ordained by the Board of Trustees of the Town of Grabill, Indiana, as follows:

Section 1. That the plans and specifications of the Town's engineers Clyde E. Williams and Associates, Inc. which plans and specifications are on file in the office of the Town Clerk-Treasurer are hereby incorporated by reference and made a part hereof the same as if set forth herein at length.

Section 2. That the Board of Trustees does hereby dedicate so much of its streets and alleys as said plans and specifications show are needed for use in connection with said proposed public sewer project to be used for said public sewer project.

Section 3. This ordinance shall be in full force and effect immediately upon its passage and approval.

Passed and approved this 17 day of April, 19 69.

Recorded this 17 day of April, 19 69.

Presented to and approved by me this 17 day of April, 19 69.

Raymond E. Miller
Raymond E. Miller, President

Attest:

Alleen Kipfer
Alleen Kipfer
Town Clerk-Treasurer

Ordinance No. 127

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance: ☐ +/-
(ARCHIVED) #127: Waste Water Contract for Engineering (4/25/1969) -
Page 1

☐ +/- (ARCHIVED) #127: Waste Water Contract for Engineering
(4/25/1969) - Page 2

☐ +/- (ARCHIVED) #127: Waste Water Contract for Engineering
(4/25/1969) - Page 3

☐ +/- (ARCHIVED) #127: Waste Water Contract for Engineering
(4/25/1969) - Page 4

☐ +/- (ARCHIVED) #127: Waste Water Contract for Engineering
(4/25/1969) - Page 5

☐ +/- (ARCHIVED) #127: Waste Water Contract for Engineering
(4/25/1969) - Page 6

☐ +/- (ARCHIVED) #127: Waste Water Contract for Engineering
(4/25/1969) - Page 7

☐ +/- (ARCHIVED) #127: Waste Water Contract for Engineering
(4/25/1969) - Page 8

☐ +/- (ARCHIVED) #127: Waste Water Contract for Engineering
(4/25/1969) - Page 9

☐ +/- (ARCHIVED) #127: Waste Water Contract for Engineering
(4/25/1969) - Page 10

☐ +/- (ARCHIVED) #127: Waste Water Contract for Engineering
(4/25/1969) - Page 11

☐ +/- (ARCHIVED) #127: Waste Water Contract for Engineering
(4/25/1969) - Page 12

ORDINANCE NUMBER 128

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance: ☐ +/-
(ARCHIVED) #128: Sewage Works Contract for Legal Counsel
(4/25/1969) - Page 1

☐ +/- (ARCHIVED) #128: Sewage Works Contract for Legal Counsel
(4/25/1969) - Page 2

☐ +/- (ARCHIVED) #128: Sewage Works Contract for Legal Counsel
(4/25/1969) - Page 3

☐ +/- (ARCHIVED) #128: Sewage Works Contract for Legal Counsel
(4/25/1969) - Page 4

☐ +/- (ARCHIVED) #128: Sewage Works Contract for Legal Counsel
(4/25/1969) - Page 5

☐ +/- (ARCHIVED) #128: Sewage Works Contract for Legal Counsel
(4/25/1969) - Page 6

ORDINANCE NUMBER 133

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #133: Waste Water Contract - Sanitary Sewers
(8/13/1969) - Page 1

 (ARCHIVED) #133: Waste Water Contract - Sanitary Sewers
(8/13/1969) - Page 2

ORDINANCE NUMBER 134

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #134: Waste Water Contract - Treatment Plant
(3/13/1969) - Page 1

 (ARCHIVED) #134: Waste Water Contract - Treatment Plant
(3/13/1969) - Page 2

ORDINANCE NUMBER 135

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance: ☐ +/-
(ARCHIVED) #135: Waste Water Contract - Inspector (8/25/1969) - Page 1

☐ +/- (ARCHIVED) #135: Waste Water Contract - Inspector (8/25/1969) -
Page 2

☐ +/- (ARCHIVED) #135: Waste Water Contract - Inspector (8/25/1969) -
Page 3

☐ +/- (ARCHIVED) #135: Waste Water Contract - Inspector (8/25/1969) -
Page 4

ORDINANCE NUMBER 231

An Ordinance Approving a Contract between the Town of Grabill and the City of Fort Wayne, Indiana, relating to the treatment of sewage.

BE IT ORDAINED, by the Board of Trustees of the Town of Grabill, Indiana, as follows: 1. That a certain Contract captioned "Water Pollution Control Plant Treatment Agreement Between The City Of Fort Wayne, Indiana And The Town of Grabill, Indiana", and which Contract is attached hereto and made a part hereof the same as if set forth herein at length is hereby approved and the Board of Trustees and its Clerk-Treasurer are authorized and ordered to execute said Contract for and on behalf of the Town of Grabill.

2. This Ordinance shall be in full force and effect immediately upon its passage and approval.

Passed and approved February March 3 , 1986.

Recorded February March 3 , 1986.

Presented to and approved by me this 3rd day of February March, 1986.

M. Joanne Sauder
M. JOANNE SAUDER, President

ATTEST:

Alleen Kipfer
ALLEEN KIPFER, Town
Clerk-Treasurer

Ordinance Number 232

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 362](#), adopted 4/15/1997.

Editor's Note: Photographs of the pages of this ordinance: ☐ +/- (VOID)
#232: Sewage Transport Agreement with Leo-Cedarville R.S.D. (3/3/1986)
- Page 1

☐ +/- (VOID) #232: Sewage Transport Agreement with Leo-Cedarville
R.S.D. (3/3/1986) - Page 2

☐ +/- (VOID) #232: Sewage Transport Agreement with Leo-Cedarville
R.S.D. (3/3/1986) - Page 3

☐ +/- (VOID) #232: Sewage Transport Agreement with Leo-Cedarville
R.S.D. (3/3/1986) - Page 4

☐ +/- (VOID) #232: Sewage Transport Agreement with Leo-Cedarville
R.S.D. (3/3/1986) - Page 5

☐ +/- (VOID) #232: Sewage Transport Agreement with Leo-Cedarville
R.S.D. (3/3/1986) - Page 6

ORDINANCE NO. 253

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #253: Extension of Sewer Lines - Eagle-Picher
(1/12/1988)

REGIONAL SEWER DISTRICT WASTEWATER TRANSPORTATION
AGREEMENT BETWEEN THE TOWN OF GRABILL AND THE LEO-
CEDARVILLE REGIONAL SEWER DISTRICT

This Agreement made and entered into this the 15th day of April, 1997, by and between the Town of Grabill in Allen County, Indiana, by and through its Board of Trustees (hereinafter referred to as Grabill) and the Leo-Cedarville Regional Sewer District in Allen County, Indiana by and through its Board of Trustees (hereinafter referred to as Leo-Cedarville).

WITNESSETH THAT:

WHEREAS, Grabill and Leo-Cedarville had constructed wastewater collection systems within their district, and WHEREAS, both Leo-Cedarville and Grabill have previously executed an agreement with the City of Fort Wayne for the treatment of wastewater collected and transported by it.

WHEREAS, it is found that it is desirable for the wastewater collected by Grabill to be transported by Leo-Cedarville to Fort Wayne for treatment.

NOW, THEREFORE, it is hereby agreed by and between the parties hereto that Leo-Cedarville will accept and transport the wastewater and sewage of Grabill in proper manner subject to the following covenants and conditions:

- Grabill agrees to extend its sewer or sewers so as to connect into the Leo-Cedarville sewer collection system at a point as shown on the plans and specifications prepared by the engineers for Grabill attached hereto as Exhibit C. Leo-Cedarville agrees to accept and transport in
1. the proper manner all wastewater and sewage transported from Grabill to the connection with the Fort Wayne sewage system where it will be treated by Fort Wayne pursuant to an agreement between Grabill and Fort Wayne.
2. Grabill and Leo-Cedarville shall install its meter and sampling point in accordance with plans and specifications prepared by the engineers for

Grabill and Leo-Cedarville, and approved by Leo-Cedarville so as to allow for the sampling of, and to record the volume of wastewater conveyed from Grabill to Leo-Cedarville, and the combined wastewater conveyed from Grabill to Leo-Cedarville, and the combined wastewater flow of Grabill, Leo-Cedarville, and Maysville Regional Sewer District. It is agreed that the Leo-Cedarville meters have already been constructed and are operating. All cost associated with the physical connection of the sewer of Grabill, the meter, including but not limited to, the calibration of and maintenance of the same, shall be paid by Grabill. All costs of master metering the Leo-Cedarville collection system shall be pro-rated according to flow, as set forth hereinafter.

3. The duly authorized representative of both Grabill and Leo-Cedarville shall have the right of access at all reasonable times, upon request, to inspect and observe the operation of the meters provided for in the proceeding paragraph hereof. The expense of operating and maintaining such meters shall be addressed in later sections of this agreement.

- Grabill and Leo-Cedarville agree to construct and maintain a sewage collection system including sewers, lift stations and other structures, as may be required to deliver the flow of wastewater and sewage from both Grabill and Leo-Cedarville to the treating authority. Grabill and Leo-Cedarville agree to use all necessary precautions and diligence to
4. exclude from sewage transported to the treating authority and any waste that would interfere with the operation of the treating authority's use ordinance. It is agreed that the Leo-Cedarville system has already been constructed and is operational. Grabill further agrees not to have its discharge into the system exceed four hundred (400) gallons per minute.

- Grabill and Leo-Cedarville agree to adopt sewer use ordinances as required by Public Law 92-500 and said ordinances shall be compatible
5. with the treating authority's use ordinance as required by Public Law 92-500.
6. Grabill and Leo-Cedarville will enact, retain, and enforce an ordinance which prohibits the introduction of surface water and ground water

inflow into its sewage system and will otherwise enforce such prohibition.

Grabill agrees to report to Leo-Cedarville once each month the characteristics of discharge of sewage into the Grabill system, which is subsequently received by Leo-Cedarville. In the event Grabill should

7. for any reason fail to provide Leo-Cedarville with required reports and data as provided for hereinabove, Leo-Cedarville shall make an estimate of the charges due from Grabill and bill Grabill therefore as provided for in this agreement.

8. Leo-Cedarville reserves the right to verify the report submitted by Grabill pertaining to the characteristics of discharge of sewage.

Grabill agrees to pay to Leo-Cedarville for the transportation of liquid

9. waste and sewage from Grabill an amount or amounts determined as follows:

Operation and Maintenance Costs

Grabill shall pay to Leo-Cedarville for the transportation of liquid waste and sewage from Grabill an amount as determined on [Exhibit A](#) hereof, (Calculation of Operation and Maintenance Charge), to be computed after the first month of operation and every month thereafter.

- a. The operation and maintenance cost formula shall be reviewed not more than annually nor less than every two years and shall be adjusted according to conditions and circumstances existing at the time of any such adjustment. Leo-Cedarville shall, once each month, following the submission of reports and data as heretofore provided in this agreement, invoice Grabill for such operation and maintenance costs, charges and such amounts shall be due from Grabill to Leo-Cedarville on the tenth day following receipt of such invoice by Grabill.

b. Capital Costs

- (1) In recognition of the local costs incurred by Leo-Cedarville in the construction of its sewage collection system, Grabill agrees to pay to Leo-Cedarville the sum of \$1,924.00 annually. Calculation of this amount is shown on [Exhibit B](#) hereof, (Calculation of Capital Cost). Such amount shall be payable in installments the fifteenth of February,

1989, and shall continue for a period of thirty-two (32) years, whereupon liability for such payment by Grabill shall cease.

- Local costs (total cost less grant funds received) necessary for future improvement to Leo-Cedarville sewage collection system commonly used by Grabill and Leo-Cedarville shall be shared by Grabill and Leo-Cedarville on a basis of each District's use of the sewage collection system measured by the average annual amount of sewage flowing through said system. Such future capital costs and responsibility of each party hereto therefore shall be negotiated and agreed upon between the parties at such time as improvements become necessary. This paragraph is restricted to non-expansion improvements. Expansions are covered under paragraph 17 hereafter.
- (2)

- In the event Grabill shall transport wastewater and sewage to the Leo-Cedarville system in excess of 84 million gallons per year before such system is increased in capacity, and in the event Leo-Cedarville collection system has capacity sufficient to accept such increased amount of sewage, then Grabill agrees to pay to Leo-Cedarville a surcharge appropriate to the additional sewage system capacity used by Grabill on account of this increased amount of sewage. Prior to permitting an annual maximum flow in excess of 84 million per year, Grabill and Leo-Cedarville shall reach agreement as to the amount of such surcharge and the terms and conditions of its payment.
- (3)

- Grabill and Leo-Cedarville agree to comply with all applicable provisions of the Federal Water Pollution Control Act, and the Indiana statutes relating to pollution abatement, as well as any rules, regulations and ordinances enacted by the City of Fort Wayne and the treating authority. Further, Grabill will implement any requirements of the U.S. Environmental Protection Agency with respect to conditions and limitations of grants sought by Leo-Cedarville that are applicable to Grabill and being within the jurisdiction of Leo-Cedarville.
- 10.

- It is also understood and agreed that this agreement is subject to the approval of the Indiana Stream Pollution Control Board, the Indiana State Board of Health, the Environmental Protection Agency and any other regulatory agencies having jurisdiction. In the event any of these boards or agencies do not approve this agreement in its entirety, this agreement shall have no force and effect.
- 11.

In the event any dispute should arise between the parties to this contract as to any terms and conditions thereof, including any dispute as to the amounts payable hereunder, Grabill and Leo-Cedarville shall agree upon an arbitrator who shall hear and resolve the dispute and whose

12. decision shall be final and binding upon both parties. The expense of such arbitration shall be borne jointly and equally by both Grabill and Leo-Cedarville. It is intent of the parties hereto that any arbitrator selected pursuant hereto shall have experience and expertise in the particular area of disagreement.

This agreement shall commence on the date that Leo-Cedarville first accepts for transportation wastewater, and sewage from Grabill, said date to be endorsed as an addendum to this agreement and signed by

13. both parties hereto. This agreement shall continue for a period of thirty-two (32) years thereafter or until all bonds issued by Grabill and Leo-Cedarville to finance the construction of their sewers and sewage collection system are paid in full, whichever period is longer.

This agreement shall continue in full force and effect for an indeterminate number of ten-year terms after the initial thirty-two (32) year term subject to the same terms and conditions, unless either of the parties hereto shall notify the other in writing of the intention to terminate the same at least twelve months prior to the expiration of the original terms, or any additional ten year term, of its desire to

14. renegotiate the terms thereof by reason of governmental changes or requirements, changes in physical conditions, rates, costs, or expense of any kind applicable within the twelve-month period prior to the expiration of the original terms or additional terms. Any such renegotiation shall reflect, in good faith, changes in terms and conditions based on the reasons hereinabove set forth.

15. When all three (3) communities (Maysville, Grabill, and Leo-Cedarville) are on line and metering is available, the first year's metered flow of each community shall be used to establish a benchmark. Then, if expansion shall become necessary at a later date due to increased flow, the increase in each community's flow over the years, could be used as one of the factors to determine the percentage attributable to each. It is recognized that other factors could contribute

towards making expansion necessary and feasible and would come into consideration in such discussions.

- The parties further agree that they will seek to hold at least an annual meeting among themselves for the purpose of discussing such matters
16. as are of vital concern to all parties, including the amount of flow, problems relating to cost, and consideration of future needs.
17. This Agreement is expressly made binding upon successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereunto affixed their names and seals on the date and date first above written.

LEO-CEDARVILLE REGIONAL
SEWER DISTRICT

BY: Galen Acra

BY: Linon Bender

TOWN OF GRABILL

BY: Bruce Schwartz

BY: M. Joanne Sauder

BY: Douglas E. Hiatt

BY: Wilmer Delagrange

BY: _____

BY: Gregory Smitley

BY: _____

BY: _____

(Editor's Note: Apologies to those whose names may have been misspelled. No typewritten versions were found.)

SCHEDULE A

GRABILL PAYMENT REQUIRED

Grabill agrees to pay to Leo-Cedarville for the transportation of liquid waste and sewage from Grabill an amount or amounts determined as follows:

a. Operation and Maintenance Costs

Grabill shall pay to Leo-Cedarville for the transportation of liquid waste and sewage from Grabill an amount as determined on [Exhibit "A"](#) hereof, (calculation of Operation and Maintenance Charge), to be computed after the first month of operation and every month thereafter.

The operation and maintenance cost formula shall be reviewed not more than annually nor less than every two years and shall be adjusted according to conditions and circumstances existing at the time of any such adjustment. Leo-Cedarville shall, once each month, following the submission of agreement, invoice Grabill for such operation and maintenance costs, charges and such amounts shall be due from Grabill to Leo-Cedarville on the tenth day following receipt of such invoice by Grabill.

b. Capital Costs

In recognition of the regional costs incurred by Leo-Cedarville in the construction of its sewage collection system, Grabill agrees to pay to Leo-Cedarville the sum of \$1,924.00 annually. Calculation of this amount is shown on [Exhibit "B"](#) hereof, (Calculation of Capital
(1) Cost). Such amount shall be payable in annual installments commencing the _____ day of _____ 19 _____; and shall continue for a period of forty years, whereupon liability for such payment by Grabill shall cease.

- Regional costs (total cost less grant funds received) necessary for future improvement to the Leo-Cedarville sewage collection system shall be shared by Grabill, Maysville and Leo-Cedarville on a basis of each District's use of the sewage collection system measured by
- (2) the average annual amount of sewage flowing through said system. Such future capital costs and responsibility of each party hereto therefore shall be negotiated and agreed upon between the parties at such time as improvements become necessary.

+/- #362: Exhibit "A": Calculation of Operation and Maintenance Charge

+/- #362: Exhibit "B": Calculation of Capital Cost

RESOLUTION # 405

THE TOWN COUNCIL OF GRABILL does hereby sign and accept the Water Pollution Control Treatment Agreement with the City of Fort Wayne signed this 28th day of March , 2001.

Town Council

By: M. Joanne Sauder
M Joanne Sauder, Council President

By: Gregory Smitley
Gregory Smitley, Council Member

By: Wilmer Delagrang
Wilmer Delagrang, Council Member

Attest:

Glenda A. Whittern
Glenda A Whittern
Clerk Treasurer

RESOLUTION NO. 504

Editor's Note: This resolution has expired. It involved a loan with a 5 year term - beginning in 2003.

Editor's Note: Photographs of the pages of this resolution: ☐ (EXPIRED)
#504R: Sewage Works Capital Improvements (5/15/2002) - Page 1

☐ (EXPIRED) #504R: Sewage Works Capital Improvements (5/15/2002)
- Page 2

SIGNATORY AUTHORIZATION RESOLUTION
TOWN OF GRABILL, INDIANA
RESOLUTION NO. 508

WHEREAS, the Town of Grabill, Indiana, herein called the community, has plans for a municipal water pollution control project to meet State and Federal regulations, such as NPDES discharge limitations, and the community intends to proceed with the construction of such works:
WHEREAS, the Town of Grabill, Indiana has adopted this Resolution, dated April 12, 2006

Now, THEREFORE, BE IT RESOLVED by the Town Council, the governing body of said community, that:

- Ice Miller be authorized to make application for an SRF Loan and provide the State Revolving Fund Loan Program such information, data
1. and documents pertaining to the loan process as may be required, and otherwise act as the authorized representative of the community.
- The community agrees to comply with the Indiana Department of
2. Environmental Management, State of Indiana and Federal requirements as they may pertain to the SRF.
3. The two certified copies of the resolution be prepared and submitted as part of the community's Preliminary Engineering Report.

ADOPTED this 12th day of April , 2006.

THE TOWN OF GRABILL, INDIANA
BY AND THROUGH ITS TOWN COUNCIL

AUTHORIZED SIGNATORY

BY: Wilmer Delagrange

Greg Liechty

Candace DeCamp

ATTEST: Glenda A. Whittern

Attachments:

- ☐ +/- Farmland Conversion Impact Rating
- ☐ +/- Chapter 5: Evaluation of Environmental Impacts - Page 1
- ☐ +/- Chapter 5: Evaluation of Environmental Impacts - Page 2
- ☐ +/- Chapter 5: Evaluation of Environmental Impacts - Page 3
- ☐ +/- Figure 5.2 Wetlands Map
- ☐ +/- Figure: Proposed Pump Station and Existing Force Main (FIRM Panel 70)
- ☐ +/- Figure: Existing Force Main (FIRM Panel 70)

 Figure: Proposed Force Main and Existing Force Main (FIRM Panel 115)

 Figure: Proposed Force Main and Zone X (FIRM Panel 110)

 Figure: Proposed Force Main and Zone AE (FIRM Panel 110)

 Figure: Proposed Force Main and Zones AE and X (FIRM Panel 110)

**TOWN OF GRABILL, INDIANA
GRABILL TOWN COUNCIL**

RESOLUTION NO. 1271-2014

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
GRABILL, INDIANA ACKNOWLEDGING, ACCEPTING AND
APPROVING THE MEMORANDUM OF UNDERSTANDING FOR
THE PURCHASE OF SANITARY SEWER IMPROVEMENTS AND
THE AGREEMENT FOR PURCHASE AND SALE OF SANITARY
SEWER FACILITIES PETITION LOCATED ON, IN AND UNDER
REAL ESTATE LOCATED AT 13221 STATE STREET, GRABILL,
INDIANA**

WHEREAS, The Amandus Group, LLC, an Indiana limited liability company (the “Amandus Group”) constructed and is the owner of certain sanitary sewer improvements located on the real property located at 13221 State Street, Grabill, Indiana (the “Real Estate”) including, but not limited to, approximately 115 to 130 linear feet of 8" sewer main line and two (2) 4' manholes (collectively, the “Sewer Improvements”);

WHEREAS, the Town has entered into negotiations with The Amandus Group to purchase that portion of the Sewer Improvements located solely on the Real Estate in order to support the development and construction of area capital improvement projects that require or would benefit from the use of such Sewer Improvements;

WHEREAS, The Amandus Group has agreed to sell, transfer and convey that portion of the Sewer Improvements located on the Real Estate to the Town and grant to the Town a permanent and non-exclusive Sanitary Sewer Easement Agreement on the Real Estate for the Town’s access, maintenance, repair and reconstruction of the Sanitary Sewer Improvements; and

WHEREAS, pursuant to such agreement, the Town desires to acknowledge, accept and approve the Memorandum of Understanding by and between the

Town and The Amandus Group, the Agreement for Purchase and Sale of Sanitary Sewer Facilities by and between the Town and The Amandus Group, and the Sanitary Sewer Easement Agreement thereby purchasing and publically dedicating the Sanitary Sewer Improvements to the Town's care and maintenance pursuant to the care and maintenance provided by the Town to other public utilities located within the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, ALLEN COUNTY, STATE OF INDIANA, THAT:

Section 1. The Town Council of the Town of Grabill, Allen County, Indiana, hereby acknowledges, accepts, and approves the [Memorandum of Understanding](#) by and between the Town and The Amandus Group, the Agreement for Purchase and Sale of Sanitary Sewer Facilities by and between the Town and The Amandus Group, and the Sanitary Sewer Easement Agreement and further agrees to implement the care and maintenance of such Sanitary Sewer Improvements as the Town currently maintains its existing utilities.

Section 2. Any monies necessary for the purchase of the Sanitary Sewer Improvements and the provision of services described herein shall be budgeted and appropriated from the applicable funds pursuant to state law, and the Town's budget procedure.

Passed by the Town Council of the Town of Grabill, Allen County, State of Indiana, this 21 day of May, 2014.

**TOWN COUNCIL, TOWN OF GRABILL
ALLEN COUNTY, STATE OF INDIANA**

Wilmer Delagrang
Town Council Member

Jeff Smead
Town Council Member

Candace DeCamp

Town Council Member

Constituting all of the members of the Town
Council, Town of Grabill, Indiana

ATTESTED BY:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Allen County,
State of Indiana

**MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN
OF GRABILL, INC. AND THE AMANDUS GROUP, LLC FOR THE
PURCHASE OF SANITARY SEWER IMPROVEMENTS**

THIS MEMORANDUM OF UNDERSTANDING (this “MOU”) is made this _____ day of May, 2014, by and between the Town of Grabill, Indiana, an Indiana municipality (hereinafter referred to as the “Town”), and The Amandus Group, 1,1,C, an Indiana limited liability company (hereinafter referred to as “Amandus Group”).

WHEREAS, Amandus Group constructed and is the owner of certain sanitary sewer improvements located on the real property located at 13221 State Street, Grabill, Indiana (the “Real Estate”) including, but not limited to, approximately 115 to 130 linear feet of 8" sewer main line and two (2) 4' manholes (collectively, the “Sewer Improvements”), and

WHEREAS, the Town desires to purchase that portion of the Sewer Improvements located solely on the Real Estate in order to support the development and construction of area capital improvement projects that require or would benefit from the use of such Sewer Improvements, and

WHEREAS, Amandus Group has agreed to sell, transfer and convey that portion of the Sewer Improvements located on the Real Estate to the Town and grant to the Town a permanent and non-exclusive Sanitary Sewer Easement Agreement on the Real Estate for the Town's access, maintenance, repair and reconstruction of the Sanitary Sewer Improvements, and

WHEREAS, the Town has promised and agrees that it will perpetually maintain and care for the Sewer Improvements upon the sale, transfer and conveyance of the Sewer Improvements by Amandus Group to the Town, and

WHEREAS, the purpose of this MOU is to spell out the specific contingencies and conditions precedent to the sale, transfer and conveyance of the Sewer Improvements by Amandus Group and the payment by the Town for such Sewer Improvements.

NOW, THEREFORE, the Town and Amandus Group for the consideration hereafter named, agree as follows:

1. The Town shall prepare and deliver to Amandus Group an Agreement for Purchase and Sale of Sanitary Sewer Improvements (the "Purchase Agreement"). The purchase price for the purchase of the Sewer Improvements shall be Ten Thousand and 00/100 Dollars (\$10,000.00) (the "Purchase Price"). Upon execution of this MOU, the Town agrees to submit payment of the Purchase Price to Amandus Group to hold in escrow pending the satisfaction of the conditions to closing of the Purchase Agreement as more specifically set forth below.
2. Upon the closing of the Purchase Agreement, Amandus Group agrees to execute and deliver a Sanitary Sewer Easement Agreement whereby Amandus Group will grant, warrant, and convey to the Town a permanent, non-exclusive sanitary sewer easement over, under, across and through the Real Estate in a location and dimension that is approximately 15' off and parallel to the existing right-of-way on the Real Estate as more particularly depicted on the attached sketch of easement attached hereto as Exhibit B.

3. The closing of the Purchase Agreement and the termination of the Amandus Group's escrow of the Purchase Price shall be contingent upon (i) the Town obtaining written confirmation from the owners and operators of the Dollar General store located in Grabill, Indiana agreeing to pay the Town a tap fee of not less than Four Thousand and 00/100 Dollars (\$4,000.00) to connect to the Sewer Improvements following the closing of the Purchase Agreement, and (ii) the passage of a resolution by the Town Council of the Town of Grabill, Indiana (the "Town Council") on May 21, 2014 duly authorizing and approving the tap fee charge and amount. Amandus Group acknowledges and agrees that the Purchase Price shall be returned to the Town in the event a resolution duly approving and authorizing the tap fee is not passed by the Town Council.

4. The closing of the Purchase Agreement and the termination of the Amandus Group's escrow of the Purchase Price shall be contingent upon the passage of a resolution by the Town Council on May 21, 2014 duly authorizing and approving the Purchase Agreement and payment of the Purchase Price. Amandus Group acknowledges and agrees that the Purchase Price shall be returned to the Town in the event a resolution duly approving and authorizing the Purchase Agreement is not passed by the Town Council.

5. Upon the closing of the Purchase Agreement, all ownership, right, title and interest in and to the Sewer Improvements located on the Real Estate shall transfer to the Town by way of a Bill of Sale attached as an exhibit to the Purchase Agreement.

6. Upon the execution of this MOU through the closing of the Purchase Agreement, Amandus Group agrees to maintain and keep in good order, operation, and repair, at Amandus Group's expense, the Sewer Improvements that Amandus Group has constructed. Upon the execution of this MOU through the closing of the Purchase Agreement, Amandus Group promises and agrees that it will take all reasonable efforts to cooperate with the Town and third parties with respect to the Sewer Improvements.

7. This MOU constitutes the entire agreement of the parties and it supersedes all prior written and oral statements, including any prior representation, statement, conditions, or warranty. This MOU may not be amended except by written agreement signed by the parties.

8. This MOU shall become valid upon execution by the Town and Amandus Group and shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding the day and year first written above.

TOWN OF GRABILL, INDIANA

THE AMANDUS GROUP, LLC

By: _____
Wilmer Delagrang
Its: Town Council President

By: _____
Steven J. Kohrman
Its: Authorized Member

GRABILL TOWN COUNCIL

RESOLUTION NO. 1277-2015

RESOLUTION OF THE GRABILL TOWN COUNCIL ACKNOWLEDGING AN OVERCHARGE IN SOLID WASTE CHARGES AND APPROVING REFUND TO TOWN RESIDENT

WHEREAS, the Town Council of the Town of Grabill (the “Town Council”) is the governing body of the Town of Grabill, Allen County, State of Indiana (the “Town”); and

WHEREAS, the Town, through an independent third party trash collection provider, offers solid waste and trash collection services to the residents of the Town by charging a monthly fee (“Solid Waste Fee”) to the residents of the Town;

WHEREAS, upon a review and informal audit of the ledger maintained by the Town with respect to the historical Solid Waste Fees charged and collected by the Town, the Clerk-Treasurer identified an overcharge in the Solid Waste Fee billed and collected from a resident of the Town which overcharge and overbilling commenced on December, 2007; and

WHEREAS, based upon such ledger maintained by the Town with respect to the historical Solid Waste Fees charged and collected by the Town, a copy of which is attached to this Resolution, Paula Van Lue, a resident of the Town, was charged twice the amount of the applicable Solid Waste Fee beginning December, 2007 through and including December, 2014.

WHEREAS, the Town Council desires to acknowledge the Solid Waste Fee overcharge and approve the payment and refund of the overcharge amount to Paula Van Lue; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, ALLEN COUNTY, STATE OF INDIANA, THAT:

Section 1. The foregoing recitals or (“whereas clauses”) are findings by the Town Council and are incorporated into this Resolution by this reference.

Section 2. The Town Council acknowledges the Solid Waste Fee overcharge to resident Paula Van Lue and accepts the calculation of the Solid Waste Fee overcharge amount in the sum of \$573.76 which is supported by the ledger and spreadsheets attached to this Resolution as Exhibit A.

Section 3. The Town Council hereby authorizes the Clerk-Treasurer of the Town to appropriate, pay and refund Paula Van Lue the sum of \$573.76 representing the Solid Waste Fee overcharge amount.

Section 4. The sections, paragraphs, sentences, clauses and phrases of this Resolution are separable, and if any section, paragraph, sentence, clause or phrase of this Resolutions shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Resolution.

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

* * * * *

Passed by the Town Council of the Town of Grabill, Allen County, State of Indiana, this 7th day of October, 2015.

TOWN COUNCIL, TOWN OF GRABILL ALLEN COUNTY, STATE OF INDIANA

Wilmer Delagrang
Wilmer Delagrang, President

Candace DeCamp
Candace Decamp

Jeff Smead

Constituting a majority of the members of the Town Council

ATTESTED BY:

Cynthia Barhydt
Cynthia Barhydt, Clerk-Treasurer
Town of Grabill, Allen County,
State of Indiana

RELEASE AGREEMENT

This RELEASE AGREEMENT (this “Agreement”), dated effective the _____ day of October, 2015 (“Effective Date”), is by and between the Town of Grabill, Indiana, an Indiana municipality (“Town”) and Paula Van Lue (“Resident”) and together with the Town, each a “Party” and collectively, the “Parties”.

WHEREAS, the Town, through an independent third party trash collection provider, offers solid waste and trash collection services to the Resident by charging a monthly fee (“Solid Waste Fee”);

WHEREAS, upon a review and informal audit of the ledger maintained by the Town with respect to the historical Solid Waste Fees charged and collected by the Town, the Clerk-Treasurer identified an overcharge in the Solid Waste Fee billed and collected from the Resident which overcharge and overbilling commenced on December, 2007; and

WHEREAS, based upon such review and informal audit it was determined that the Resident was charged twice the amount of the applicable Solid Waste Fee beginning December, 2007 through and including December, 2014.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. Solid Waste Fee Refund. As consideration of the release by the Resident contained herein, the Town agrees to refund and pay the Resident the amount of Five Hundred Seventy-Three and 76/100 Dollars (\$573.76) (the “Refund Amount”) following the effective date of this Agreement.
2. Release of the Town. In consideration of the payment of the Refund Amount by the Town to the Resident, Resident does hereby release, acquit and forever discharge the Town and its Town Council members, managers, agents, employees, servants, attorneys and representatives, as well as the respective successors and assigns of any and all of them (hereafter collectively called the “Town’s Released Parties”) from any and all claims, demands, actions, causes of action, suits, contracts, agreements, obligations, accounts, defenses and liabilities of any kind or character whatsoever, known or unknown, suspected or unsuspected, in contract or in tort, at law or in equity, which Resident ever had, now has, or might hereafter have against any of the Town’s Released Parties, for or by reason of any overcharge, overbilling or billing by the Town to the Resident.
3. Derogatory Statements. The Parties agree that neither of them will make any derogatory, defamatory or otherwise negative statements or comments, either verbally, in writing or in any other form of communication or media, to any other person or entity regarding the other Party.

4. Agreement Confidential. The Parties shall maintain the confidentiality of the terms, conditions and provisions of this Agreement and shall not communicate or disclose any information concerning any term, condition or provision of this Agreement to anyone, except their respective officers, employees, agents and attorneys, as necessary, and further that such persons shall be made aware of this confidentiality provision and agree to be bound by it. The provision of this section however shall not be applicable in case of legal/statutory requirements applicable to the Town.

5. Successors and Assigns. All the terms and provisions of this Agreement shall inure to the benefit of and be binding upon all successors and assigns of the parties hereto. Neither Party may assign all or any portion of its rights or obligations hereunder without the prior written consent of the other Party.

6. Third Parties. Nothing herein expressed or implied is intended or shall be construed to confer upon or give any person other than the Parties and their respective successors and assigns, any benefit, right or remedy under or by reason of any term, provision, condition, undertaking, warranty, representation or agreement contained in this Agreement.

7. Entire Agreement. This Release Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and neither Party shall be bound to the other in any manner by any agreement, warranty, representation or guarantee except as specifically set forth herein.

IN WITNESS WHEREOF, each of the parties has executed this Release Agreement effective as of the Effective Date on the respective dates signed below.

TOWN OF GRABILL, INDIANA

Date signed: _____

By: Wilmer Delagrang

Wilmer Delagrang, Town Council President

Date signed: _____

Paula Van Lue

RESOLUTION -121
TOWN OF GRABILL, INDIANA

Editor's Note: This resolution is Archived. It deals with a one-time Grant Application for Water Pollution Control (Waste Treatment).

Editor's Note: Photographs of the pages of this resolution:

 (ARCHIVED) #121R: Water Pollution Control Grant Application
(4/10/1968)

RESOLUTION

Editor's Note: This resolution is Archived.

Editor's Note: Photographs of the pages of this resolution:

 (ARCHIVED) Sewage Works Improvements Grant Application
(4/10/1968)

ORDINANCE NO. 123

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #123: Sewage Works Grant (12/11/1968)

ORDINANCE NO. 124

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #124: Sewage Works Grant (12/11/1968)

RESOLUTION NO. 223

Editor's Note: This resolution is Archived.

Editor's Note: Photographs of the pages of this resolution:



(ARCHIVED) #223R: CDGB funds for Sewage Works
Rehabilitation (1/16/1985)

RESOLUTION NO. 230

Editor's Note: This resolution is Archived.

Editor's Note: Photographs of the pages of this resolution:



(ARCHIVED) #230R: CDGB funds for Sewage Works
Rehabilitation (1/8/1986)

RESOLUTION 237

Editor's Note: This resolution is Archived.

Editor's Note: Photographs of the pages of this resolution:



(ARCHIVED) #237R: CDGB funds for Sewage Works
Rehabilitation (1/14/1987)

ORDINANCE NO. 251

Editor's Note: This ordinance is Archived. It provided signatory authorization for contract documents related to the Sanitary Sewer Extension (1987).

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #251: Signatory Authorization (9/16/1987)

Resolution No. 266

Editor's Note: This resolution is Archived.

Editor's Note: Photographs of the pages of this resolution:

 (ARCHIVED) #266R: Grant application for Water & Sewage Extensions (9/13/1988) - Page 1

 (ARCHIVED) #266R: Grant application for Water & Sewage Extensions (9/13/1988) - Page 2

Resolution # 411

Editor's Note: This resolution is Archived.

Editor's Note: Photographs of the pages of this resolution:



(ARCHIVED) #411R: Contract for Waste Water Rates Study
(4/10/2002)

RESOLUTION NO. 507

Editor's Note: This resolution is Archived.

Editor's Note: Photographs of the pages of this resolution:

 (ARCHIVED) #507R: Acceptance of PER for Sewage Works
(4/12/2006)

ORDINANCE NO. 81

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 83](#), adopted 3/31/1958.

At the time of this publication, the current Waterworks Rates Ordinance was [Ordinance No. 629-2010](#), adopted 10/11/2010.

Editor's Note: Photographs of the pages of this ordinance: ☐ (VOID) #81: Waterworks Rates and Charges (1/15/1958) - Page 1

☐ (VOID) #81: Waterworks Rates and Charges (1/15/1958) - Page 2

☐ (VOID) #81: Waterworks Rates and Charges (1/15/1958) - Page 3

☐ (VOID) #81: Waterworks Rates and Charges (1/15/1958) - Page 4

☐ (VOID) #81: Waterworks Rates and Charges (1/15/1958) - Page 5

☐ (VOID) #81: Waterworks Rates and Charges (1/15/1958) - Page 6

☐ (VOID) #81: Waterworks Rates and Charges (1/15/1958) - Page 7

ORDINANCE NO. 84

Editor's Note: This ordinance is Void. The Rates and Charges section was replaced by [Ordinance No. 159](#), adopted 8/13/1975. The Rules and Regulations sections were restated in [Ordinance No. 174](#), adopted 3/15/1978.

At the time of this publication, the current Waterworks Rates Ordinance was [Ordinance No. 629-2010](#), adopted 10/11/2010.

Editor's Note: Photographs of the pages of this ordinance: ☐ (VOID) #84: Waterworks Rates and Charges (3/31/1958) - Page 1

☐ (VOID) #84: Waterworks Rates and Charges (3/31/1958) - Page 2

☐ (VOID) #84: Waterworks Rates and Charges (3/31/1958) - Page 3

☐ (VOID) #84: Waterworks Rates and Charges (3/31/1958) - Page 4

☐ (VOID) #84: Waterworks Rates and Charges (3/31/1958) - Page 5

☐ (VOID) #84: Waterworks Rates and Charges (3/31/1958) - Page 6

☐ (VOID) #84: Waterworks Rates and Charges (3/31/1958) - Page 7

ORDINANCE NO. 159

Editor's Note: This ordinance is Void. The amended materials, referring to billing and penalties, were picked up in later Waterworks Rates and Charges Ordinances.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #159: Waterworks Rates and Charges - Amendment
(8/13/1975)

☐ +/- (VOID) #159: Attachment: Schedule of Rates and Charges
(8/13/1975) - Page 1

☐ +/- (VOID) #159: Attachment: Schedule of Rates and Charges
(8/13/1975) - Page 2

ORDINANCE NO. 173

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 178](#), adopted 5/31/1978.

At the time of this publication, the current Waterworks Rates Ordinance was [Ordinance No. 629-2010](#), adopted 10/11/2010.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #173: Waterworks Rates and Charges (2/17/1978) - Page 1

☐ +/- (VOID) #173: Waterworks Rates and Charges (2/17/1978) - Page 2

☐ +/- (VOID) #173: Waterworks Rates and Charges (2/17/1978) - Page 3

☐ +/- (VOID) #173: Waterworks Rates and Charges (2/17/1978) - Page 4

ORDINANCE NO. 178

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 261](#), adopted 6/28/1988.

At the time of this publication, the current Waterworks Rates Ordinance was [Ordinance No. 629-2010](#), adopted 10/11/2010.

Editor's Note: Photographs of the pages of this ordinance: ☐ (VOID)
#178: Waterworks Rates and Charges (5/31/1978) - Page 1

☐ (VOID) #178: Waterworks Rates and Charges (5/31/1978) - Page 2

☐ (VOID) #178: Waterworks Rates and Charges (5/31/1978) - Page 3

☐ (VOID) #178: Waterworks Rates and Charges (5/31/1978) - Page 4

ORDINANCE NO. 252

Editor's Note: This ordinance is Void. The new rates were approved and adopted by [Ordinance No. 261](#), adopted 6/28/1988.

At the time of this publication, the current Waterworks Rates Ordinance was [Ordinance No. 629-2010](#), adopted 10/11/2010.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #252: Water Works Rates, Charges and Rules Changes
(12/9/1987) - Page 1

 (VOID) #252: Water Works Rates, Charges and Rules Changes
(12/9/1987) - Page 2

 (VOID) #252: Water Works Rates, Charges and Rules Changes
(12/9/1987) - Page 3

Ordinance No. 261

Editor's Note: This ordinance is Void. It was replaced by [Ordinance No. 385](#), adopted 3/10/1999.

At the time of this publication, the current Waterworks Rates Ordinance was [Ordinance No. 629-2010](#), adopted 10/11/2010.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #261: Water Works Rates and Charges (6/28/1988) - Page 1

☐ +/- (VOID) #261: Water Works Rates and Charges (6/28/1988) - Page 2

☐ +/- (VOID) #261: Water Works Rates and Charges (6/28/1988) - Page 3

ORDINANCE NO. 385

Editor's Note: This ordinance is Void. It was replaced by the current Waterworks Rates ordinance, [Ordinance No. 441-A](#), adopted 11/10/2004. At this time of this publication, the current Waterworks Rates Ordinance was [Ordinance No. 629-2010](#), adopted 10/11/2010.

Editor's Note: Photographs of the pages of this ordinance: ☐ +/- (VOID)
#385: Waterworks Rates and Charges (3/10/1999) - Page 1

☐ +/- (VOID) #385: Waterworks Rates and Charges (3/10/1999) - Page 2

☐ +/- (VOID) #385: Waterworks Rates and Charges (3/10/1999) - Page 3

ORDINANCE NO. 441-A

Editor's Note: This ordinance is Void. It was replaced by the current Waterworks Rates ordinance, [Ordinance No. 629-2010](#), adopted 10/11/2010.

While this ordinance was amended by [Ordinance No. 627-2010](#), adopted 7/28/2010, the changes to wholesale water rates are incorporated in [Ordinance No. 629-2010](#), adopted 10/11/2010.

Editor's Note: Photographs of the pages of this ordinance: ☐ +/- (VOID)
#441-A: Waterworks Rates and Charges (11/10/2004) - Page 1

☐ +/- (VOID) #441-A: Waterworks Rates and Charges (11/10/2004) - Page 1

☐ +/- (VOID) #441-A: Waterworks Rates and Charges (11/10/2004) - Page 1

ORDINANCE NO. 627-2010

AN ORDINANCE AMENDING [ORDINANCE NO. 441-A](#) ESTABLISHING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF GRABILL, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE WATERWORKS OF SAID TOWN.

Editor's Note: While this ordinance amends Ordinance No. 441-A to change Wholesale Water Rates, that ordinance has been replaced by [Ordinance No. 629-2010](#), adopted 10/11/2010. The new ordinance incorporates the amendments made by this ordinance.

WHEREAS, the Town of Grabill, Indiana ("Town of Grabill") has previously adopted [Ordinance 441-A](#) titled AN ORDINANCE ESTABLISHING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF GRABILL, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE WATERWORKS OF SAID TOWN;

WHEREAS, the Town Council of the Town of Grabill has authorized a study of the wholesale water rate; and,

WHEREAS, the accounting firm of H. J. Umbaugh & Associates, Certified Public Accountants, LLP, has now completed said study and has presented initial copies of said study to the Town Council; and,

WHEREAS, the Town Council has concluded from a review of said study that the proposed and existing charges for wholesale water service of said Town are insufficient for the Town to properly recover such revenues for wholesale water service and therefore it is in the best interest of the Town of Grabill to amend [Ordinance 441-A](#) pursuant to the terms herein;

WHEREAS, after review of the study and due consideration, the Town Council deems the rates established by this Ordinance are reasonable and just for the services provided and will produce sufficient revenue to maintain costs, operating charges, upkeep, repairs, and other authorized

costs and expenditures authorized by Indiana law, and to otherwise maintain the utility in a sound physical and financial condition to render adequate and efficient services,

NOW, THEREFORE, be it ordained by the Town Council of the Town of Grabill, Indiana that Section 1 of [Ordinance 441-A](#) shall be amended as follows:

Section 1.

Wholesale Water Service — Wholesale customers who receive water (D) from the Town shall be billed based upon the amount of water used at the rates as follows:

	Rate Per
	<u>1,000 Gallons</u>
All usage	\$ 2.13

PASSED AND ADOPTED by the Town Council of the Town of Grabill, Indiana on this 28 day of July, 2010.

Wilmer Delagrang
Wilmer
Delagrang,
President

Jeff Smead
Jeff Smead,
Member

Lynn Witt,
Member

ATTEST:

Cindy Barhydt
Cindy Barhydt, Clerk-Treasurer

Attachments:

☐ +/- Notice of Public Hearing on Proposed Rates

☐ +/- Letter (email) from Attorney (re: Rate Ordinance)

ORDINANCE NO. 629-2010

AN ORDINANCE ESTABLISHING THE SCHEDULE OF RATES AND CHARGES TO BE COLLECTED BY THE TOWN OF GRABILL, INDIANA, FROM THE OWNERS OF PROPERTY SERVED BY THE WATERWORKS OF SAID TOWN.

WHEREAS, the Town Council of the Town of Grabill has authorized a study of rates and charges of the Town's waterworks in order to assess the adequacy of said rates and charges; and,

WHEREAS, the accounting firm of UMBAUGH, Certified Public Accountants, LLP, has now completed said study and has presented initial copies of said study to the Town Council; and,

WHEREAS, it is concluded from a review of said study that the proposed rates and charges for said Town are appropriate for the Town to properly recover revenues to pay the operation, repair and maintenance as well as the debt service of said Town; and,

WHEREAS, the current existing rates were adopted by [Ordinance No. 441-A](#) and are contained herein;

NOW, THEREFORE, be it ordained by the Town Council of the Town of Grabill, Indiana, that the waterworks rates and charges shall be and hereby are established as follows:

Section 1. For the use of and the services rendered by the waterworks, rates and charges shall be collected from the owner of each and every lot, parcel of real estate, or building that is connected with the Town's water system, which rates and charges are payable as hereinafter provided, and shall be in an amount determinable as follows:

The water 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 may (A) be measured by the water meter therein used, except as otherwise provided by Town ordinance. Water service rates based upon the amount of water used shall be as follows:

<u>Quantity of Water Metered Monthly</u>	<u>Rate Per 1,000 Gallons</u>	
	<u>Phase I</u>	<u>Phase II</u>
	(Effective upon passage)	(Effective 4/1/2011)
First 2,000 gallons	\$4.21	\$4.85
Next 8,000 gallons	3.58	4.13
Over 10,000 gallons	2.57	2.96
Wholesale Water Customers — All usage	\$2.13	\$2.13

Minimum Monthly Charge - Each user shall pay a minimum charge in
(B) accordance with the following applicable size of meter installed which the user
will be entitled to the quantity of water set out in the above schedule of rates:

		<u>Minimum Monthly Rates</u>	
<u>Size of Meter</u>	<u>Minimum Gallons Allowed</u>	<u>Phase I</u>	<u>Phase II</u>
		(Effective upon passage)	(Effective 4/1/2011)
5/8" - 3/4"	2,020	\$8.50	\$9.80
1"	4,980	19.10	22.00
1 1/2"	12,560	43.70	50.30
2"	16,830	54.65	62.95
3"	38,070	109.25	125.80
4"	66,030	181.05	208.60
6"	126,420	336.25	387.35

(C) **Fire Protection Service**

Private hydrants - per hydrant - per annum	\$481.27	\$554.35
Municipal hydrants:		
Monthly municipal hydrant charge:		

<u>Size of Meter</u>	<u>Phase I</u>	<u>Phase II</u>
	(Effective upon passage)	(Effective 4/1/2011)
5/8" - 3/4"	\$5.20	\$6.00
1"	13.00	14.95
1 1/2"	25.95	29.90

2"	41.50	47.80
3"	77.80	89.65
<u>Private Fire Protection</u>	<u>Phase I</u>	<u>Phase II</u>
Fire sprinkler connection - per annum:	(Effective upon passage)	(Effective 4/1/2011)
4" connection	\$155.80	\$179.45
6" connection	358.25	412.65
8" connection	638.65	735.65
10" connection	996.85	1,148.20
<u>Non-Recurring Charges</u>	<u>Phase I</u>	<u>Phase II</u>
Tap fees:	(Effective upon passage)	(Effective 4/1/2011)
5/8" - 3/4"	\$750.00	\$750.00
1" & larger tap	Cost but not less than	Cost but not less than
	\$750.00	\$750.00
Bad check charge	\$10.00	\$10.00

(D) **Saddle Creek Water Connection Fee.**

Except for users of the Existing Saddle Creek Lots, each user connecting to the Saddle Creek Water Infrastructure shall pay the Saddle Creek Water Connection Fee in the amount of \$996.00 per Equivalent Residential Unit ("ERU"), or fraction thereof, in accordance with the following chart:

	Number of ERUs	Connection Fee
Residential Users		
Dwelling, Single-family detached	1.0	\$990.00
Dwelling, Single-family detache	1.0	\$996.00
Condominiums/unit	1.0	\$996.00
Dwelling, Multiple-family First Dwelling Unit	1.0	\$996.00
First Dwelling Unit	1.0	\$996.00
Each Additional Dwelling Unit		\$996.00

Mobile home court/space available for rent	1.0	\$996.00
Commercial and Institutional Users		
Retail, general and without food/drink service		
First 3 employees	1	\$996.00
	0.25	\$249.00
Each additional employee		
Restaurant, bar, or any food/drink service establishment		
First 2 employees	1	\$996.00
	0.25	\$249.00
Each additional employee		
Office, general		
First 3 employees	1	\$996.00
	0.25	\$249.00
Each additional employee		
Office, medical/dental/vet/personal services (barber)		
First 2 employees	1	\$996.00
	0.25	\$249.00
Each additional employee		
Laundromats/washer	1	\$996.00
Hotel, motel, bed and breakfast		
First rentable room	1.5	\$1,494.00
	0.5	\$498.00
Each additional rentable room		

Auto/service stations, fuel sales, repair, rental
First 3 employees

	1	\$996.00
Each additional employee	0.25	\$249.00
	2.5	\$2,490.00

Each car/board wash bay

Auto/service stations, fuel sales, repair, rental
(with food/drink service)
First 2 employees

	2	\$1,992.00
Each additional employee	0.25	\$249.00
	2.5	\$2,490.00

Each car wash bay

Place of worship, club, lodge, community center
(with food/drink service)
First 150 members

1	\$996.00
0.25	\$249.00

Each additional 50 members, or fraction thereof

Place of worship, club, lodge, community center
(without food/drink service)
First 200 members

1	\$996.00
0.25	\$249.00

Each additional 50 members, or fraction thereof

Industrial Users

Manufacturing-unmetered
First 3 employees

1	\$996.00
0.1	\$99.60

Each additional employee

The “Saddle Creek Water Infrastructure” consists of approximately 2,895 linear feet of 10" diameter water main and installed along Witmer Road to the intersection of Page Road and Witmer Road and then north along Page Road, Allen County, Indiana connecting to the Town’s existing water main at the intersection of Page Road and Grabill Road, Allen County, Indiana. The location and route for the Saddle Creek Water Infrastructure are shown on [Schedule \(D\)](#), attached hereto and incorporated herein by this reference.

The Saddle Creek Water Connection Fee shall expire, terminate and be of no further force and effect upon the 10-year anniversary of the date of adoption of this Ordinance unless earlier terminated in accordance with Section 3 of the Contract for the Reimbursement and Transfer of Waterworks Infrastructure.

In no event shall the Saddle Creek Water Connection Fee be assessed against, charged to or otherwise collected from the 102 residential lots located within the Development and known as Saddle Creek Estates and the Villas at Saddle Creek Estates (the “Existing Saddle Creek Lots”).

Editor's Note: Subsection (D) added by [Ordinance No. 1301-2017](#), adopted 11/8/2017.

Section 2. All bills for water service shall be rendered as a net bill. If a net bill is not paid within seventeen (17) days after the bill is mailed, it shall become a delinquent bill and a late payment charge shall be added in the amount of ten percent (10%) of the first Three Dollars (\$3.00) and three percent (3%) of the excess of Three Dollars (\$3.00).

Section 3. All creditworthiness of an applicant or customer and the requirement of a deposit shall be pursuant to 170 IAC 6-1-15, which is hereby incorporated by reference and made a part hereof the same as if set forth herein at length.

Section 4. Disconnection of service shall be pursuant to 170 IAC 6-1-16, which is hereby incorporated by reference and made a part hereof the same as if set forth herein at length.

Section 5. In the event of an involuntary disconnection, there shall be a reconnection charge of Twenty-five Dollars (\$25.00) and prior to such reconnection the Clerk may also require compliance with Sections 2, 3, and 4 of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its passage.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

PASSED AND ADOPTED by the Town Council of the Town of Grabill on this
11 day of
Oct , 2010.

Wilmer Delagrange

Jeffrey D. Smead

ATTEST:

Cynthia Barhydt
Clerk-Treasurer

Attachments:

+/-

Letter (email) from Umbaugh to State Revolving Funds (SRF) - Page 1

+/-

- Page 2

+/-

Letter (email) from SRF to Grabill

+/-

Letter from Umbaugh - Rate Study - Page 1

+/-

- Page 2

+/-

- Page 3

+/-

- Page 4

ORDINANCE NO. 93

Editor's Note: This ordinance is Void. It was explicitly superceded by [Ordinance No. 108](#), adopted 10/9/1962.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #93: Waterworks Tap-in Charge (2/2/1959)

ORDINANCE NO. 108

Editor's Note: This ordinance is Void. Tap-in Charges are covered by the current Rates and Charges ordinance.

At the time of this publication, the current Waterworks Rates Ordinance was [Ordinance No. 629-2010](#), adopted 10/11/2010.

Editor's Note: Photographs of the pages of this ordinance: +/- (VOID)
#108: Waterworks Tap-in Charge (10/9/1962)

ORDINANCE NUMBER #137

Editor's Note: This ordinance is Void. Tap-in Charges, Deposit, and Reconnect Fees are covered by the current Rates and Charges ordinance.

At the time of this publication, the current Waterworks Rates Ordinance was [Ordinance No. 629-2010](#), adopted 10/11/2010.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #137: Waterworks Tap-in Charge, Deposit, and Reconnect Fee (10/12/1969)

ORDINANCE NO. 1301-2017

AN ORDINANCE AMENDING ORDINANCE NO. 629-2010

FOR THE PURPOSE OF ESTABLISHING THE SADDLE CREEK

WATER CONNECTION FEE

WHEREAS, the Town of Grabill, Indiana (the “Town”) has established, acquired, and financed its municipal waterworks utility pursuant to Indiana Code 8-1.5-4 et. seq., as amended, and other applicable provisions of Indiana law (collectively, the “Act”), for the purpose of providing for the treatment and distribution of water in and outside the Town; and

WHEREAS, the current schedule of rates and charges for the waterworks is set forth in [Ordinance No. 629-2010](#), adopted by the Town Council of the Town (the “Council”) on October 11, 2010 (the “Prior Ordinance”);

WHEREAS, the Town has entered into a Contract for the Reimbursement and Transfer of Waterworks Infrastructure whereby the Town has agreed to reimburse the developer for certain costs and expenses incurred by such developer for the construction and installation of water mains located outside or “off-site” of the developer’s 102 lot residential housing development known as Saddle Creek Estates on approximately 38 acres in an area generally located on the north side of the 12100 to 12500 blocks of Witmer Road west of Page Road, Allen County, Indiana from newly established area connection fees collected from property owners who utilize and benefit from such water mains in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, THAT;

Section 1. [Ordinance No. 629-2010](#) is hereby amended by the addition of subparagraph (D) to [Section 1](#), as follows:

(D) Saddle Creek Water Connection Fee.

Except for users of the Existing Saddle Creek Lots, each user connecting to the Saddle Creek Water Infrastructure shall pay the Saddle Creek Water Connection Fee in the amount of \$996.00 per Equivalent Residential Unit (“ERU”), or fraction thereof, in accordance with the following chart:

	Number of ERUs	Connection Fee
Residential Users		
Dwelling, Single-family detached	1.0	\$990.00
Dwelling, Single-family detache	1.0	\$996.00
Condominiums/unit	1.0	\$996.00
Dwelling, Multiple-family First Dwelling Unit	1.0	\$996.00
First Dwelling Unit	1.0	\$996.00
Each Additional Dwelling Unit		
Mobile home court/space available for rent	1.0	\$996.00
Commercial and Institutional Users		
Retail, general and without food/drink service		
First 3 employees	1	\$996.00
	0.25	\$249.00
Each additional employee		
Restaurant, bar, or any food/drink service establishment		
First 2 employees	1	\$996.00
	0.25	\$249.00
Each additional employee		
Office, general		
First 3 employees	1	\$996.00
	0.25	\$249.00
Each additional employee		
Office, medical/dental/vet/personal services (barber)		
First 2 employees	1	\$996.00
	0.25	\$249.00
Each additional employee		
Laundromats/washer	1	\$996.00
Hotel, motel, bed and breakfast	1.5	\$1,494.00
First rentable room	0.5	\$498.00

Each additional rentable room

Auto/service stations, fuel sales, repair, rental
First 3 employees

	1	\$996.00
Each additional employee	0.25	\$249.00
	2.5	\$2,490.00

Each car/board wash bay

Auto/service stations, fuel sales, repair, rental
(with food/drink service)
First 2 employees

	2	\$1,992.00
Each additional employee	0.25	\$249.00
	2.5	\$2,490.00

Each car wash bay

Place of worship, club, lodge, community center
(with food/drink service)
First 150 members

1	\$996.00
0.25	\$249.00

Each additional 50 members, or fraction thereof

Place of worship, club, lodge, community center
(without food/drink service)
First 200 members

1	\$996.00
0.25	\$249.00

Each additional 50 members, or fraction thereof

Industrial Users

Manufacturing-unmetered	1	\$996.00
First 3 employees	0.1	\$99.60

Each additional employee

The “Saddle Creek Water Infrastructure” consists of approximately 2,895 linear feet of 10" diameter water main and installed along Witmer Road to the intersection of Page Road and Witmer Road and then north along Page Road, Allen County, Indiana connecting to the Town’s existing water main at the intersection of Page Road and Grabill Road, Allen County, Indiana. The location and route for the Saddle Creek Water Infrastructure are shown on [Schedule \(D\)](#), attached hereto and incorporated herein by this reference.

The Saddle Creek Water Connection Fee shall expire, terminate and be of no further force and effect upon the 10-year anniversary of the date of adoption of this Ordinance unless earlier terminated in accordance with Section 3 of the Contract for the Reimbursement and Transfer of Waterworks Infrastructure.

In no event shall the Saddle Creek Water Connection Fee be assessed against, charged to or otherwise collected from the 102 residential lots located within the Development and known as Saddle Creek Estates and the Villas at Saddle Creek Estates (the “Existing Saddle Creek Lots”).

Section 2. The provisions of all other Town ordinances, rules, regulations and policies in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 3. No part of this Ordinance shall be interpreted to conflict with federal, state or local laws, and all reasonable efforts shall be made to harmonize same. Should any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Introduced and filed on the 4th day of October, 2017.

DULY PASSED AND ADOPTED this

8th day of

November, 2017, by the Town Council of the Town of Grabill, Allen County,
Indiana, having been passed by a vote of

3 in favor and

0 opposed.

TOWN OF GRABILL, INDIANA
BY ITS COUNCIL

Wilmer Delagrange
Wilmer Delagrange

Jeff Smead
Jeff Smead

Claude E. Schrock
Claude E. Schrock

ATTEST:

Cynthia Barhydt
Cynthia Barhydt

Clerk-Treasurer, Town of Grabill, Indiana

ORDINANCE NO. 109

Editor's Note: This ordinance is Void. Metered connections are now standard.

At the time of this publication, the current Waterworks Rates Ordinance was [Ordinance No. 629-2010](#), adopted 10/11/2010.

Editor's Note: Photographs of the pages of this ordinance:  (VOID)
#109: Waterworks - All Tap-ins through Metered Connections (10/9/1962)

ORDINANCE NO. 174

AN ORDINANCE PROVIDING RULES AND REGULATIONS GOVERNING THE USE AND SERVICE OF THE WATERWORKS SYSTEM OF THE TOWN OF GRABILL, INDIANA AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, the Board of Trustees of the Town of Grabill, Indiana, did on February 17, 1978, adopt [Ordinance No. 173](#), sometimes hereinafter referred to as the Rate Ordinance; and

WHEREAS, said [Ordinance No. 173](#) contained language of repeal which might be construed to impliedly repeal the rules and regulations established in [Ordinance No. 84](#); and

WHEREAS, the Board of Trustees now finds that it is necessary and desirable to continue substantially all of the rules and regulations set forth herein:

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRABILL, INDIANA:

Section 1. In the case of temporary users, the Clerk-Treasurer shall be authorized to demand payment in advance for the amount of water estimated to be required by such temporary user, in cases where such temporary use will be for a period of less than one (1) week. In cases where such temporary use will be required for a period in excess of one (1) week, then the Clerk-Treasurer shall be authorized to require a deposit equal to the amount of water to be used the first week of such temporary use and thereafter to require a deposit in advance from week to week.

Section 2. In cases where water is being sold to a customer under a special contract, the Clerk-Treasurer shall collect the charges in accordance with the provisions of such contract or contracts.

Section 3. All users shall be governed by the following rules:

(a) In the event service charges are not paid on or before the 15th day of the second succeeding calendar month following the month service is rendered and furnished, the water service of the users so in default shall be discontinued after three (3) days written notice that the water service will be discontinued because of such default. A service charge of Five Dollars (\$5.00) shall be collected for reinstating any service after the same has been discontinued for non-payment of charges. The Clerk-Treasurer is hereby authorized and directed to cause the Superintendent of the waterworks system, or other employee in charge thereof, to shut off and reinstate water service in accordance with the provisions of this Ordinance.

(b) Service pipes intended to supply two (2) or more distinct premises or tenants must be provided with a separate stop-cock for each tenant on the outside of each of such premises. Where only one (1) stop-cock is used, the owner of the service shall pay the water charges for the parties who are thus supplied, and on the failure of any one of said parties to pay the water rates when due, or to comply with the rules and regulations of the waterworks system, the supply of water shall be withheld without any liability on the part of the Town to any of said parties.

(c) Consumers shall not turn the water on and off at the curb-cock.

(d) Any changes necessary to be made in the location of the curb-box will be made the expense of the property owner. Notice will be given to the owner or to his agent, and if the work is not done within a reasonable length of time, the Town will do the work and shall charge the cost thereof to the property owner; and if such charge be not paid on or before the next following due date for the payment of water rent, the water service will be discontinued until full payment is made, after three days written notice that the water service will be discontinued because of such failure to pay.

(e) All property owners are strictly prohibited from furnishing water or allowing the same to be taken from their faucets or fixtures by persons other than tenants of such property owners, unless such owners obtain written permits therefor from the Clerk-Treasurer.

(f) Contractors using water for building purposes, and other temporary users, must obtain a permit therefor from the Clerk-Treasurer.

(g) No person shall take water from any fire hydrant except for fire purposes.

(h) In all cases where service is connected direct to boilers or other hot water fixtures which are likely to cause a back water pressure, a check valve must be installed on the service pipe line to prevent injury to meters, and all damage caused to meters by back pressure shall be paid for by the consumer residing where such damages occur.

(i) No two (2) or more separate premises shall be supplied from one (1) service. A separate service shall be installed for each separate premise.

(j) All permits for water supply may be cancelled at the option of the Town, and service thereafter discontinued, for the following reasons: The wasting of or improper use of water through the use of defective or improper fixtures, or in any other manner; for refusal or neglect to pay water bills promptly, or any other charges accruing, in the manner and at the time herein provided; for interference or tampering with the curb-stop, water meter, meter-box, meter seal, or any service or appliance of the waterworks system used for controlling or regulating the supply of water; for failure to apply for a water permit in the case of change of ownership or tenancy of real estate supplied by the waterworks system; for using water for sprinkling purposes without having a permit to do so; or for in any manner defrauding the waterworks department of the Town.

(k) All services must be metered. The size of the meter to be used shall be determined by the Superintendent of the waterworks system, or by such other person who may be in charge of the waterworks system.

(l) All changes in service pipes and fixtures that may be necessary to set the meter properly to avoid freezing and to make all water used on any premises pass through the meter shall be made at the expense of the property owner and the consumer, and the cost thereof shall be paid before the water is turned on.

(m) Where meters are set in basements or cellars, the consumer will be required to keep the surroundings of the meter clean and easy to access, and protect the meter from freezing or other injury.

(n) In case any meter shall become defective and fail to register correctly the amount of water passing through the same, the owner or the consumer of the water shall be charged at the rate of average consumption of water registered by such meter before the same became defective, on a monthly basis.

(o) Any person, firm or corporation vacating premises without paying all water charges up to the time of such vacation, shall not thereafter be supplied with water from the said waterworks system until all of such delinquent charges are paid in full.

(p) That there shall be required of each new customer or other person whose credit standing shall have become doubtful by reason of late or delinquent payments, a deposit equal to two months' estimated usage of water and sewage. Said sum shall be retained as a meter deposit to guarantee payment. The Clerk-Treasurer shall make the estimate, and shall have the power to waive or return the deposits when such are considered unnecessary for the purpose of securing the payment of such account.

(q) Whenever there shall be a shutoff for non-payment, the the Clerk may also require a security deposit in an amount equal to two months' estimated usage.

Section 4 Except for [Ordinance No. 173](#), all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 5. 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 Grabill, Indiana, this the 8th day of March , 1978.

Ronald W. Shaw
Ronald W. Shaw

Wilbur S. Secrist
Wilbur S. Secrist

M. Joanne Sauder

M. Joanne Sauder

BOARD OF TRUSTEES OF THE
TOWN OF GRABILL, INDIANA

ATTEST:

Alleen Kipfer
Alleen Kipfer, Clerk-Treasurer

☐ +/- #174: Affidavit of Clerk-Treasurer (3/15/1978)

Ordinance No. 78

Editor's Note: This ordinance is Archived. It adopts a supplemental agreement.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #78: Supplemental Agreement with Cincinnati Municipal Bond Corp (10/10/1957)

Ordinance No. 80

AN ORDINANCE authorizing and providing for the issuance of \$167,000 Water Revenue Bonds of the Town of Grabill, Indiana, under the provisions of Chapter 76, Acts of the General Assembly of Indiana, 1913, as amended, for the purpose of establishing and constructing a municipal water works, prescribing the form of said proposed bonds and providing for the payment of the principal and interest thereof.

* * * * *

WHEREAS pursuant to proper petition signed by qualified voters of said Town equal in number to more than five per cent of the voters of said Town as shown by the total vote cast for all candidates for the office of municipal clerk at the last preceding municipal election therefor in and for the Town of Grabill, in Allen County, Indiana, this Board of Trustees did, by ordinance duly adopted on May 13, 1957, order that at a special election to be held on June 25, 1957, there be submitted the proposition of establishing and constructing a municipal water works plant and system and thereafter operating and maintaining the same, the cost of establishing and constructing said plant and system to be paid by the issuance of revenue bonds payable solely out of the earnings of such plant and system without the incurring of any indebtedness therefor within the meaning of the constitutional limitations; and WHEREAS notice of said election and of the submission of said proposition thereat was duly given in manner and form required by law and said election was legally held and conducted on June 25, 1957, and at said election 118 ballots were cast on said proposition, of which 94 votes were cast "Yes" and 24 votes were cast "No" and no ballots were defectively marked, and it has been and is hereby found and declared that the vote cast in favor of said proposition was more than a majority of the total number of votes cast for (• • •)

Editor's Note: The complete bond ordinance and pertinent attachments:

- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 1
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 2
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 3
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 4
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 5
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 6
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 7
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 8
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 9
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 10
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 11
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 12
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 13
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 14
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 15
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 16
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 17
- ☐ +/- #80: Waterworks Revenue Bond (1/15/1958) - Page 18

+/- #80: Waterworks Revenue Bond (1/15/1958) - Page 19

+/- #80: Waterworks Revenue Bond (1/15/1958) - Page 20

+/- #80: Waterworks Revenue Bond (1/15/1958) - Page 21

+/- #80: Waterworks Revenue Bond (1/15/1958) - Page 22

+/- #80: Waterworks Revenue Bond (1/15/1958) - Page 23

ORDINANCE NO. 83

AN ORDINANCE authorizing and providing for the issuance of \$162, 000 Water Revenue Bonds of the Town of Grabill, Indiana, under the provisions of Chapter 76, Acts of the General Assembly of Indiana, 1913, as amended, for the purpose of establishing and constructing a municipal waterworks, prescribing the form of said proposed bonds and providing for the payment of the principal and interest thereof.

WHEREAS pursuant to proper petition signed by qualified voters of said Town equal in number to more than five per cent of the voters of said Town as shown by the total vote cast for all candidates for the office of municipal clerk at the last preceding municipal election therefor in and for the Town of Grabill, in Allen County, Indiana, this Board of Trustees did, by ordinance duly adopted on May 13, 1957, order that at a special election to be held on June 25, 1957, there be submitted the proposition of establishing and constructing a municipal waterworks plant and system and thereafter operating and maintaining the same, the cost of establishing and constructing said plant and system to be paid by the issuance of revenue bonds payable solely out of the earnings of such plant and system without the incurring of any indebtedness therefor within the meaning of the constitutional limitations; and WHEREAS notice of said election and of the submission of said proposition thereat was duly given in manner and form required by law and said election was legally held and conducted on June 25, 1957, and at said election 118 ballots were cast on said proposition, of which 94 votes were cast "yes" and 24 votes were cast "no" and no ballots were defectively marked, and it has been and is hereby found and declared that the vote cast in favor of said proposition was more than a majority of the total number of votes cast for and against said proposition at said election and said proposition has heretofore been and is hereby declared to have been duly carried and adopted; and WHEREAS it is deemed necessary and expedient that said Town and its inhabitants be assured of an adequate permanent supply of water (• • •)

Editor's Note: The complete bond ordinance and pertinent attachments:

- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 1
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 2
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 3
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 4
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 5
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 6
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 7
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 8
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- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 10
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 11
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 12
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 13
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 14
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 15
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 16
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 17
- ☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 18

☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 19

☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 20

☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 21

☐ +/- #83: Waterworks Revenue Bond (3/31/1958) - Page 22

Ordinance No. 118

Editor's Note: This ordinance is Archived. It involved the one-time adoption of an agreement with Waterworks Bond Holders.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #118: Adopting Agreement with Bond Holders (10/18/1967)

 (ARCHIVED) Agreement with Bond Holders - Page 1

 (ARCHIVED) Agreement with Bond Holders - Page 2

 (ARCHIVED) Agreement with Bond Holders - Page 3

 (ARCHIVED) Agreement with Bond Holders - Page 4

ORDINANCE NO. 172

An Ordinance concerning the construction of improvements to the municipal waterworks of the Town of Grabill, authorizing the issuance of revenue bonds to provide for the cost thereof, and matters connected therewith Editor's Note: Section 11 of this ordinance was amended by [Ordinance No. 175](#), adopted 5/15/1978.

WHEREAS, the Town of Grabill, in Allen County, has heretofore constructed and acquired a waterworks plant and system and issued waterworks revenue bonds pursuant to Chapter 76 of the Acts of the Indiana General Assembly for the year 1913, and the acts amendatory thereof and supplemental thereto, including particularly Chapter 190 of the Acts of 1933; and WHEREAS, the Board of Trustees now finds that the waterworks of the Town of Grabill is in need of certain improvements in order to render adequate service to the citizens and property of the Town and adjacent areas, the estimated cost of such improvements, including incidental expenses necessary to be incurred in connection therewith and the financing thereof, being in the amount of Seven Hundred Forty-nine Thousand Dollars (\$749,000.00); and WHEREAS, the Farmers Home Administration of the United States Department of Agriculture, has made a grant of Three Hundred Sixty-four Thousand Dollars (\$364,000.00) to be applied towards the cost of said improvements; and WHEREAS, the Town has on hand the sum of Twenty Thousand Dollars (\$20,000.00) to apply to the cost of said improvements; and WHEREAS, the Board of Trustees now finds that the Town does not have funds available to pay the balance of the cost of said improvements and that it will be necessary to obtain the funds therefor by the issuance and sale of additional waterworks revenue bonds payable out of the revenues of said waterworks; and WHEREAS, pursuant to [Ordinance No. 83](#), the Town issued and now has outstanding Waterworks Revenue Bonds, in the amount (• • •)

Editor's Note: The complete bond ordinance and pertinent attachments:

- [+/- #172: Waterworks Revenue Bond \(2/17/1978\) - Page 1](#)
- [+/- #172: Waterworks Revenue Bond \(2/17/1978\) - Page 2](#)
- [+/- #172: Waterworks Revenue Bond \(2/17/1978\) - Page 3](#)
- [+/- #172: Waterworks Revenue Bond \(2/17/1978\) - Page 4](#)
- [+/- #172: Waterworks Revenue Bond \(2/17/1978\) - Page 5](#)
- [+/- #172: Waterworks Revenue Bond \(2/17/1978\) - Page 6](#)
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- [+/- #172: Waterworks Revenue Bond \(2/17/1978\) - Page 17](#)
- [+/- #172: Waterworks Revenue Bond \(2/17/1978\) - Page 18](#)

- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 19
- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 20
- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 21
- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 22
- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 23
- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 24
- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 25
- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 26
- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 27
- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 28
- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 29
- ☐ +/- #172: Waterworks Revenue Bond (2/17/1978) - Page 30

ORDINANCE NO. 175

AN ORDINANCE AMENDING [ORDINANCE NO. 172](#), BY PROVIDING THAT THE SALE OF THE REVENUE BONDS PROVIDED FOR UNDER ORDINANCE NO. 172 SHALL BE MADE TO THE FARMERS HOME ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE, WITHOUT PUBLIC NOTICE OF SAID SALE, AND OTHER MATTERS CONNECTED THEREWITH.

WHEREAS, on the 17th day of February, 1978, the Town of Grabill, by and through its Board of Trustees duly adopted [Ordinance No. 172](#), being "AN ORDINANCE CONCERNING THE CONSTRUCTION OF IMPROVEMENTS TO THE MUNICIPAL WATERWORKS OF THE TOWN OF GRABILL, AUTHORIZING THE ISSUANCE OF REVENUE BONDS TO PROVIDE FOR THE COST THEREOF, AND MATTERS CONNECTED THEREWITH;" and

WHEREAS, it has been determined that the laws of the State of Indiana now permit the sale of the revenue bonds provided for in said [Ordinance No. 172](#) to be made to the Farmers Home Administration, United States Department of Agriculture, without public notice; and

WHEREAS, it is contemplated that said bonds will be to the best interest of the Town sold to Farmers Home Administration, United States Department of Agriculture, and the time and cost of such notice should be avoided.

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

Section 1. Section 11 of [Ordinance No. 172](#) is hereby amended, to read as follows:

"Section 11. Prior to the sale of said bonds, the Clerk-Treasurer shall not cause any notice to be posted or published, but shall accept, pursuant to the provisions of the Ordinance, a bid of the Farmers Home Administration providing for an interest rate of five (5%) percent per annum. The opinion of Ice, Miller, Donadio & Ryan, bond counsel, Indianapolis, Indiana,

approving the legality of said bonds will be furnished to the purchaser at the expense of the Town."

Section 2. 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 Grabill, on the 15th day of May , 1978.

TOWN OF GRABILL, INDIANA

Ronald W. Shaw
Ronald W. Shaw

Wilbur S. Secrist
Wilbur S. Secrist

M. Joanne Sauder
M. Joanne Sauder

BOARD OF TRUSTEES

ATTEST:

Alleen Kipfer
Alleen Kipfer, Clerk-Treasurer

ORDINANCE NO. 257

Editor's Note: This ordinance was amended by [Ordinance No. 259](#), adopted 5-23-1988.

An Ordinance concerning the refunding by the Town of Grabill, Indiana, of its Water Works Revenue Bond of 1978; authorizing the issuance of Water Works Refunding Revenue Bonds of 1988 for such purpose; providing for the collection, segregation and distribution of the revenues of said water works and the safeguarding of the interests of the owners of the Water Works Refunding Revenue Bonds of 1988; other matters connected therewith; and repealing ordinances inconsistent herewith.

WHEREAS, the Town issued its Water Works Revenue Bonds of 1978, ("the 1978 Water Revenue Bonds") under date of July 7, 1978, in the amount of \$365,000, which are now outstanding in the amount of \$330,000; and WHEREAS, the Farmers Home Administration, U.S. Department of Agriculture ("FmHA") is the owner of the 1978 Water Revenue Bonds; and WHEREAS, FmHA has developed a loan repurchase program ("Program") which enables the Town to refund its 1978 Water Revenue Bonds and achieve a savings; and WHEREAS, I.C. 5-1-5 authorizes the refunding of such 1978 Water Revenue Bonds in order to effect a savings and such refunding is permitted by Ordinance No. 172 authorizing the 1978 Water Works Revenue Bonds; and WHEREAS, the Town hereby determines to participate in the Program, to execute and issue therefor its "Sewage Works Refunding Revenue Bonds of 1988" (the "Refunding Bonds"), in the form and with terms as hereinafter provided, for the purpose of effecting a savings and providing, together with certain funds currently held in funds and accounts continued and/or created in Ordinance No. 172 (the "Issuer's Funds") as set forth in Exhibit "A" attached hereto, for the payment of the purchase price of the 1978 Water Revenue Bonds, as determined under the FmHA guidelines for the Program, and costs of issuance, thereby providing for the redemption of the 1978 Water Revenue Bonds; and WHEREAS, the Refunding Bonds will be junior and subordinate to the prior payment of the "Water Revenue Bonds of 1958" dated (• • •)

Editor's Note: The complete bond ordinance and pertinent attachments:

- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 1](#)
- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 2](#)
- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 3](#)
- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 4](#)
- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 5](#)
- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 6](#)
- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 7](#)
- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 8](#)
- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 9](#)
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- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 12](#)
- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 13](#)
- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 14](#)
- [+/- #257: Water Works Revenue Bonds \(5/10/1988\) - Page 15](#)
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- ☐ +/- #257: Water Works Revenue Bonds (5/10/1988) - Page 17
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- ☐ +/- #257: Water Works Revenue Bonds (5/10/1988) - Page 19
- ☐ +/- #257: Water Works Revenue Bonds (5/10/1988) - Page 20
- ☐ +/- #257: Water Works Revenue Bonds (5/10/1988) - Page 21
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- ☐ +/- #257: Water Works Revenue Bonds (5/10/1988) - Page 30
- ☐ +/- #257: Water Works Revenue Bonds (5/10/1988) - Page 31
- ☐ +/- #257: Water Works Revenue Bonds (5/10/1988) - Page 32
- ☐ +/- #257: Water Works Revenue Bonds (5/10/1988) - Page 33
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☐ +/- #257: Water Works Revenue Bonds (5/10/1988) - Page 38

☐ +/- #257: Water Works Revenue Bonds (5/10/1988) - Page 39

#257: Exhibit "A" - Amortization

ORDINANCE NO. 259

An Ordinance amending [Ordinance No. 257](#) and concerning the refunding by the Town of Grabill, Indiana, of its Water Works Revenue Bond of 1978; authorizing the issuance of Water Works Refunding Revenue Bonds of 1988 for such purpose; providing for the collection, segregation and distribution of the revenues of said water works and the safeguarding of the interests of the owners of the Water Works Refunding Revenue Bonds of 1988; other matters connected therewith; and repealing ordinances inconsistent herewith.

WHEREAS, the Town issued its Water Works Revenue Bonds of 1978, ("the 1978 Water Revenue Bonds") under date of July 7, 1978, in the amount of \$365,000, which are now outstanding in the amount of \$330,000; and WHEREAS, the Farmers Home Administration, U.S. Department of Agriculture ("FmHA") is the owner of the 1978 Water Revenue Bonds; and WHEREAS, FmHA has developed a loan repurchase program ("Program") which enables the Town to refund its 1978 Water Revenue Bonds and achieve a savings; and WHEREAS, I.C. 5-1-5 authorizes the refunding of such 1978 Water Revenue Bonds in order to effect a savings and such refunding is permitted by Ordinance No. 172 authorizing the 1978 Water Works Revenue Bonds; and WHEREAS, the Town hereby determines to participate in the Program, to execute and issue therefor its, "Sewage Works Refunding Revenue Bonds of 1988" (the "Refunding Bonds"), in the form and with terms as hereinafter provided, for the purpose of effecting a savings and providing, together with certain funds currently held in funds and accounts continued and/or created in Ordinance No. 172 (the "Issuer's Funds") as set forth in Exhibit "A" attached hereto, for the payment of the purchase price of the 1978 Water Revenue Bonds, as determined under the FmHA guidelines for the Program, and costs of issuance, thereby providing for the redemption of the 1978 Water Revenue Bonds; and WHEREAS, the Refunding Bonds will be junior and subordinate to the prior payment of the "Water Revenue Bonds of 1958" dated (• • •)

Editor's Note: The complete bond ordinance and pertinent attachments:

☐ +/- #259: Water Works Revenue Bonds (5/23/1988) - Amending No. 257 -
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☐ +/- #259: Water Works Revenue Bonds (5/23/1988) - Amending No. 257 -
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☐ +/- #259: Water Works Revenue Bonds (5/23/1988) - Amending No. 257 -
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☐ +/- #259: Water Works Revenue Bonds (5/23/1988) - Amending No. 257 -
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☐ +/- #259: Water Works Revenue Bonds (5/23/1988) - Amending No. 257 -
Page 38

#259: Indiana Bond Bank - Savings Report

ORDINANCE NO. 396

An Ordinance of the Town of Grabill authorizing the issuance of waterworks revenue bonds for the purpose of providing funds to pay the cost of certain additions, extensions and improvements to the municipal waterworks of said Town, providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith WHEREAS, the Town of Grabill, Indiana (the "Town") now owns and operates an unencumbered municipal waterworks in accordance with the provisions of Title 8, Article 1.5 of the Indiana Code, as in effect on the date of delivery of the bonds herein authorized (the "Act"), furnishing the public water supply to said Town and its inhabitants; and WHEREAS, the Town Council of the Town now finds that certain improvements and extensions to said works are necessary; and that plans, specifications and estimates have been or will be prepared and filed by the engineers employed by the Town for the construction of said improvements and extensions, as more fully described on Exhibit A attached hereto and made a part hereof (the "Project"), which plans, specifications and engineering estimates have been or will be approved by said Town Council and by all governmental authorities having jurisdiction, particularly the Indiana Department of Environmental Management; and WHEREAS, the Town has obtained engineer's estimates of the costs for the construction of said Project and will advertise for and receive bids for the Project, which bids will be subject to the Town's obtaining funds to pay for said Project; that on the basis of said engineering estimates, the maximum estimated cost of the Project, including incidental expenses, is in the estimated amount of \$800,000; and (• • •)

Editor's Note: The complete bond ordinance and pertinent attachments:

+/- #396: Waterworks Revenue Bonds (1/12/2000) - Page 1

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- [+/- #396: Waterworks Revenue Bonds \(1/12/2000\) - Page 3](#)
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- [+/- #396: Waterworks Revenue Bonds \(1/12/2000\) - Page 6](#)
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+/- #396: Waterworks Revenue Bonds (1/12/2000) - Page 38

+/- #396: Waterworks Revenue Bonds (1/12/2000) - Page 39

+/- #396: Waterworks Revenue Bonds (1/12/2000) - Page 40

+/- #396: Waterworks Revenue Bonds (1/12/2000) - Page 41

+/- #396: Waterworks Revenue Bonds (1/12/2000) - Exhibit A,
Description of Project

ORDINANCE NUMBER 70

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance: ☐ +/-
(ARCHIVED) #70: Proposed Waterworks Plant (5/13/1957) - Page 1

☐ +/- (ARCHIVED) #70: Proposed Waterworks Plant (5/13/1957) - Page 2

☐ +/- (ARCHIVED) #70: Proposed Waterworks Plant (5/13/1957) - Page 3

☐ +/- (ARCHIVED) #70: Proposed Waterworks Plant (5/13/1957) - Page 4

☐ +/- (ARCHIVED) #70: Proposed Waterworks Plant (5/13/1957) - Page 5

☐ +/- (ARCHIVED) #70: Proposed Waterworks Plant (5/13/1957) - Page 6

ORDINANCE NUMBER 74

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance: ☐

(ARCHIVED) #74: Construction of Waterworks (8/6/1957) - Page 1

☐ (ARCHIVED) #74: Construction of Waterworks (8/6/1957) - Page 2

☐ (ARCHIVED) #74: Construction of Waterworks (8/6/1957) - Page 3

☐ (ARCHIVED) #74: Construction of Waterworks (8/6/1957) - Page 4

☐ (ARCHIVED) #74: Construction of Waterworks (8/6/1957) - Page 5

☐ (ARCHIVED) #74: Construction of Waterworks (8/6/1957) - Page 6

☐ (ARCHIVED) #74: Construction of Waterworks (8/6/1957) - Page 7

ORDINANCE NUMBER 76

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance: ☐ +/-
(ARCHIVED) #76: Water Works Construction Contracts (9/26/1957) - Page
1

☐ +/- (ARCHIVED) #76: Water Works Construction Contracts (9/26/1957) -
Page 2

☐ +/- (ARCHIVED) #76: Water Works Construction Contracts (9/26/1957) -
Page 3

☐ +/- (ARCHIVED) #76: Water Works Construction Contracts (9/26/1957) -
Page 4

ORDINANCE NUMBER 77

Editor's Note: This ordinance is Archived

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #77: Waterworks Construction Contracts
(9/30/1957) - Page 1

 (ARCHIVED) #77: Waterworks Construction Contracts
(9/30/1957) - Page 2

ORDINANCE NUMBER 85

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #85 : Waterworks Contract - Pipeline (3/3/1958) -
Page 1

 (ARCHIVED) #85 : Waterworks Contract - Pipeline (3/3/1958) -
Page 2

ORDINANCE NUMBER 82

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance: ☐ +/-
(ARCHIVED) #82: Waterworks Contract - Legal Counsel (3/22/1958) -
Page 1

☐ +/- (ARCHIVED) #82: Waterworks Contract - Legal Counsel (3/22/1958)
- Page 2

☐ +/- (ARCHIVED) #82: Waterworks Contract - Legal Counsel (3/22/1958)
- Page 3

ORDINANCE NO. 86

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #86: Contract (No. 85) Addendum (5/13/1958)

ORDINANCE NUMBER 87

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #87: Contract with Cincinnati Municipal Bond Corp. (5/16/1958)

ORDINANCE NO. 113

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #113: Waterworks Contract - Surveyor (9/8/1965)

ORDINANCE NUMBER 168

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #168: Water Treatment and Distribution System
Contract - Legal Counsel (9/14/1977) - Page 1

 (ARCHIVED) #168: Water Treatment and Distribution System
Contract - Legal Counsel (9/14/1977) - Page 2

ORDINANCE NUMBER 169

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #169: Water Treatment and Distribution System
Contract - Engineering (9/14/1977) - Page 1

 (ARCHIVED) #169: Water Treatment and Distribution System
Contract - Engineering (9/14/1977) - Page 2

ORDINANCE NUMBER 170

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #170: Water Treatment and Distribution System
Contract - Accounting (9/14/1977) - Page 1

 (ARCHIVED) #170: Water Treatment and Distribution System
Contract - Accounting (9/14/1977) - Page 2

ORDINANCE NUMBER 274

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED #274: Waterworks Extension and Easement -
Wieland Furniture Co. (1/10/1989))

ORDINANCE NO. 341

An Ordinance approving a Wholesale Water Agreement with the Maysville Regional Water & Sewer District.

Be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: The Town Council of The Town of Grabill does hereby approve the Wholesale Water Agreement with the Maysville Regional Water & Sewer District, copy of which Agreement is attached to these minutes and made a part hereof the same as if set forth herein at length.

SECTION 2: A majority of the Trustees are hereby authorized and directed to execute said Agreement for and on behalf of the Town of Grabill.

SECTION 3: This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed and approved the 10th day of May, 1995, by 3 () voting aye and 0 () voting no.

Recorded the 10th day of May, 1995.

Presented to and approved to me this 10th day of May, 1995.

M. Joanne Sauder
M. JOANNE SAUDER, as President of
the Town Council of the Town
of Grabill, Indiana.

Attest:

Glenda A. Whittern
Glenda Whittern
Clerk/Treasurer

ORDINANCE NO. 344

An Ordinance approving the First Amendment To The Wholesale Water Purchase Agreement between the Town and the Maysville Regional Water & Sewer District.

Be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: The Wholesale Water Purchase Agreement shall be amended by amending rhetorical paragraph 13 as follows: Rhetorical paragraph 13 of said prior Agreement is hereby amended by deleting said prior rhetorical paragraph 13 and substituting for it the following: "This Agreement is binding on and inures to the benefit to the successors and assigns of both the parties."

SECTION 2: Members of the Town Council are hereby authorized and directed to execute said assignment.

SECTION 3: All other ordinances, resolutions, or parts thereof in conflict with the provisions and intent of this ordinance are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed and approved the 25th day of September, 1995, by 2 (2) voting aye and 0 (0) voting no.

Recorded the 25th day of September, 1995.

Presented to and approved to me this 25th day of September, 1995.

M. Joanne Sauder
M. JOANNE SAUDER, as President of
the Town Council of the Town
of Grabill, Indiana.

Attest:

Glenda A. Whittern

Glenda Whittern

Clerk/Treasurer

ORDINANCE NO. 400

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance: ☐ +/-
(ARCHIVED) #400: Water Main Extension - Resource Properties, Inc.
(8/26/1998) - Page 1

☐ +/- (ARCHIVED) #400: Water Main Extension - Resource Properties, Inc. (8/26/1998) - Page 2

☐ +/- (ARCHIVED) #400: Agreement with Resource Properties, Inc. (8/26/1998) - Page 1

☐ +/- (ARCHIVED) #400: Agreement with Resource Properties, Inc. (8/26/1998) - Page 2

☐ +/- (ARCHIVED) #400: Agreement with Resource Properties, Inc. (8/26/1998) - Page 3

☐ +/- (ARCHIVED) #400: Agreement with Resource Properties, Inc. (8/26/1998) - Page 4

☐ +/- (ARCHIVED) #400: Agreement with Resource Properties, Inc. (8/26/1998) - Page 5

☐ +/- (ARCHIVED) #400: Agreement with Resource Properties, Inc. (8/26/1998) - Page 6

☐ +/- (ARCHIVED) #400: Agreement with Resource Properties, Inc. (8/26/1998) - Page 7

☐ +/- (ARCHIVED) #400: Agreement with Resource Properties, Inc. (8/26/1998) - Page 8

☐ +/- (ARCHIVED) #400: Agreement with Resource Properties, Inc.
(8/26/1998) - Page 9

RESOLUTION #254

Editor's Note: This resolution is Archived.

Editor's Note: Photographs of the pages of this resolution:



(ARCHIVED) #254: Use of Community Development Block Grant
Proceeds (12/1/1988)

Resolution # 380

Editor's Note: This resolution is Archived. It refers to a one-time application for a State Revolving Fund loan.

Editor's Note: Photographs of the pages of this resolution:

 (ARCHIVED) #380R: Application for State Revolving Loan Funds (12/9/1998)

Ord. #72

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #72: Special Election - Waterworks Plant
(6/26/1957) - Page 1

 (ARCHIVED) #72: Special Election - Waterworks Plant
(6/26/1957) - Page 2

Resolution No. 185
For
Acceptance of Management Responsibilities In Accordance With 208 Water
Quality Management Planning Requirements

Whereas, the Federal Water Pollution Control Act (P.L. 92-500) as amended by the Clean Water Act of 1977 (P.L. 95-217) requires the development and implementation of water quality management plans for the purpose of preventing further degradation of our streams; and Whereas, pursuant to Section 208 and 303 (e) of the Act, the Governor of the State of Indiana has designated the Stream Pollution Control Board as the state agency responsible for water quality management; and Whereas, pursuant to Section 208, the Stream Pollution Control Board designates specific local units of government and management agencies for the purpose of implementing various pollution control measures and practices recommended in the State's Water Quality Management Plan; and Whereas, a process exists by which all municipal units of government and special districts who intend to abate pollution may enter into the Construction Grants process for the purpose of constructing wastewater treatment facilities; and Whereas, the municipality known as the Town of Grabill, Indiana desires to abate water pollution within its area of legal jurisdiction; and

Whereas, the Town of Grabill, Indiana further desires to be in compliance with the requirements for obtaining Federal funding for the purpose of this control; and

Whereas, the Environmental Protection Agency, Region V, has directed that only a certified and approved designated management agency can be the recipient of a 201 municipal facilities construction grant award.

Therefore; be it resolved that the Town of Grabill, Indiana desires to be the certified and approved designated management agency for the control of water pollution sources within its area of legal jurisdiction.

By resolution passed by the Grabill Town Board of Trustees at a meeting
this 11th day of June , 1980.

Ronald W. Shaw
President, Board
of Trustees

Attest

Alleen Kipfer
Clerk/Treasurer

ORDINANCE NO. 262

An Ordinance removing the Municipal Water Utility from the Jurisdiction of the Indiana Utility Regulatory Commission for the approval of Rates and Charges, and of the Issuance of Stocks, Bonds, Notes, or other Evidence of Indebtedness.

Be it ordained by the Board of Trustees of the Town of Grabill, Indiana:

SECTION 1: Pursuant to I.C. 8-1.5-3-9.1, the Board of Trustees does hereby remove the Municipal Water Utility from the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes, or other evidences of indebtedness.

SECTION 2: This Ordinance shall be in full force and effect sixty (60) days after its passage and approval, unless within that time period the Board receives a petition:

- a. That is signed by at least ten (10%) percent of the registered voters of the municipality; and
- b. That requests the Board of Trustees to submit the question of removal from Commission jurisdiction to the registered voters of the municipality at the next election.

SECTION 3: If such petition is received, the Board of Trustees shall certify the public question to the County Election Board of Allen County, Indiana, that is:

"Shall the municipally owned water utility be taken out of the jurisdiction of the Indiana Utility Regulatory Commission for the approval of rates and charges and of the issuance of stocks, bonds, notes or other evidence of indebtedness?"

for submission to the registered voters of the municipality at the next election in the form prescribed by I.C. 3-10-9-4.

SECTION 4: If a referendum is to be held, the Board of Trustees shall mail written notice of the referendum to the Commission at least ten (10) days before the date of the election.

SECTION 5: If a referendum is to be held and if a majority of those voting on the question vote in favor of taking the municipally owned water utility out of the jurisdiction of the Commission, the water utility shall be removed from the jurisdiction of the Commission for approval of rates and charges and the issuance of stocks, bonds, notes, or other evidence of indebtedness effective upon the approval by a majority of those voting.

SECTION 6: If a referendum is to be held and if a majority of those voting on said question vote against removal of the water utility from the Commission's jurisdiction, the utility shall remain under the jurisdiction of the Commission and this Ordinance shall not take effect.

SECTION 7: The Town shall mail written notice of the withdrawal from Commission jurisdiction to the Commission within thirty (30) days after the Ordinance becomes effective.

Passed and approved the 23rd day of August , 1988, by 2 (X) voting aye
and _____ () voting no.
1 absent

Recorded the 23rd day of August , 1988.

Presented to and approved by me this 23rd day of August , 1988.

M. Joanne Sauder
M. JOANNE SAUDER, as President of
the of Board of Trustees of the Town
of Grabill, Indiana.

Attest:

Mary Ann Carnahan
Mary Ann Carnahan
Clerk/Treasurer

ORDINANCE NO. 319

An Ordinance providing that the Waterworks Depreciation Fund shall have within it a separate accumulation of funds expressly designated and reserved for Wellhead Protection to be known as The Wellhead Protection Plan Subfund.

Be it ordained by the Town Council of the Town of Grabill, Indiana:

SECTION 1: There is hereby established within the Waterworks Depreciation Fund a subfund designated and reserved for Wellhead Protection and to be known as The Wellhead Protection Plan Subfund.

SECTION 2: The Wellhead Protection Plan Subfund shall be subject to the requirements of the Waterworks Depreciation Fund and other funds required by statute and by ordinances heretofore adopted in connection with the issuance of the waterworks bond issues during such time as the bonds issued pursuant to such ordinances are outstanding.

SECTION 3: The Wellhead Protection Plan Subfund is hereby designated for and shall be reserved for accumulating funds for the Wellhead Protection Plan that will be required of the waterworks and the Town of Grabill by the Indiana Department of Environmental Management until such plan has been completed and is operational, or alternate funds for such purpose have been obtained through other means and/or from other sources.

SECTION 4: The Town Council shall, during the existence of such subfund, annually decide how much shall be deposited into the Wellhead Protection Plan Subfund.

SECTION 5: No withdrawal shall be made from such subfund, except for the planning and placing in operation of the Wellhead Protection Plan, until its purpose shall have been fulfilled unless the Town Council shall determine that an emergency exists which causes greater need than retaining the funds for the purpose for which the funds have been established.

SECTION 6: When the Wellhead Protection Plan has been fulfilled and is operational and the necessity for the subfund no longer exists, the Town Council shall have the power to declare any remaining funds in said subfund as surplus, to transfer said surplus funds to the Waterworks Operation and Maintenance Fund and to abolish this subfund.

SECTION 7: This ordinance shall be in full force and effect from and after its passage, and approval, according to the laws of the State of Indiana.

Passed and approved the 8th day of December , 1993, by 3 (X) voting aye and _____ () voting no.

Recorded the 8th day of December , 1993.

Presented to and approved to me this 8th day of December , 1993.

M. Joanne Sauder
M. JOANNE SAUDER, as President of
the Town Council of the Town
of Grabill, Indiana.

Attest:

Glenda A. Whittern
Glenda Whittern
Clerk/Treasurer

ORDINANCE NO. 503

**AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A
GRABILL, INDIANA WATER UTILITY CASH RESERVE FUND**

Be it ordained by the Town of Grabill, County of Allen, State of Indiana, as follows:

PREAMBLE

WHEREAS, state law authorizes a utility to establish a cash reserve fund of surplus earnings of the utility; and **WHEREAS**, the Water Utility of the Town of Grabill has surplus earnings from time to time as defined by state law; and **WHEREAS**, as circumstances require, there may be a need for surplus earnings of the Water Utility to be transferred to the General Fund or another utilities owned by the Town of Grabill, in accordance with statutory procedures and requirements, for the welfare and benefit of the town as a whole.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, COUNTY OF ALLEN, AS FOLLOWS:

SECTION ONE

Pursuant to the provisions of IC 8-1.5-3-11, a Water Cash Reserve Fund for the Water Utility of the Town of Grabill is hereby established.

SECTION TWO

On a monthly basis, surplus earnings of the Water Utility shall be transferred to the Water Cash Reserve Fund of the Water Utility so long as the terms and conditions of any bond ordinance, resolution, indenture, contract under IC 8-1-2.2 or similar instrument are applied. "Surplus Earnings" are those cash earnings remaining after provision has been made to provide for current obligations, including:

- (1) operating expense;
- (2) depreciation or replacement fund;
- (3) bond and interest sinking fund;
- (4) retirement fund; or
- (5) any other priority fund requirements fixed by law.

SECTION THREE

The Town Board may include in the Town General Fund budget, as revenue in lieu of taxes, an amount equal to the actual balance in the Water Cash Reserve Fund as of June 30 of the then current year. Provided, however, the available Water Cash Reserve Fund balance may be transferred to the Town General Fund only during the calendar year for which the budget was adopted, and transfer may not be made from any other utility funds to the General Fund.

SECTION FOUR

If at any time after the approval of the budget an emergency should arise for further appropriation from the Town General Fund, the Town Board may, by further ordinance, transfer additional money from the Water Cash Reserve Fund, herein created, to the General Fund to provide for additional appropriations, provided however, the transfer shall be limited to the accretion of the Water Cash Reserve Fund since the preceding June 30.

SECTION FIVE

The Town Board may by further ordinance, make loans from the Water Cash Reserve Fund to another utility owned by the Town of Grabill, for periods not to exceed five (5) years, at any interest rate. The repayment of the loan and interest shall be returned to the Water Cash Reserve Fund.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, on the 15th day of May , 2002.

Town Council of the Town of Grabill, Indiana

Richard R. Coulter

Wilmer Delagrange

Greg Liechty

ATTEST:

Glenda A. Whittern
Clerk-Treasurer

ORDINANCE NO. 416

**AN ORDINANCE AUTHORIZING THE TRANSFER OF
UNCLAIMED WATER METER DEPOSITS TO THE WATER
UTILITY OPERATING FUND**

WHEREAS, the Town's Water Utility collects water meter deposits from persons or entities using such services; and **WHEREAS**, the deposits of former customers of the Town's Water Utility sometimes are unclaimed for refund; **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, THAT:** Water meter deposits which are not claimed by a customer who has terminated his, her or its account with the Water Utility of the Town of Grabill and which go unclaimed for a period of 1 years shall be transferred by the Clerk Treasurer of the Town to the Water Utility's operating fund and the former customer's interest in said deposits shall be terminated.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF GRABILL, INDIANA, this 26th day of June , 2002, at 7:00 p.m.

Town Council of the Town of Grabill, Indiana

Wilmer Delagrange

Greg Liechty

Richard Coulter

ATTEST:

Glenda A. Whittern
Clerk Treasurer

Collected Easement, Purchase, Lease Agreements Related to the Water Utility

Editor's Note: These materials, filed together as a collection, represent a number of real estate transactions (easements, leases, etc.) related to the Grabill Water Utility: +/- Easement - Midwestern Industries (6/21/1958) - Page 1

+/- Easement - Midwestern Industries (6/21/1958) - Page 2

+/- Mortgage Release, Sauder (6/5/1958)

+/- Warranty Deed, Sauder (6/5/1958) - Page 1

+/- Warranty Deed, Sauder (6/5/1958) - Page 2

+/- Easement for Water Line and Roadway, Midwestern Industries (3/5/1958) - Page 1

+/- Easement for Water Line and Roadway, Midwestern Industries (3/5/1958) - Page 2

+/- Grant of Right-of-Way to Lay Water Line, Standard Lumber and Supply Co.(5/29/1958)

+/- Easement for Water Line, Roadway and Electric Line, Sauder (6/5/1958) - Page 1

+/- Easement for Water Line, Roadway and Electric Line, Sauder (6/5/1958) - Page 2

+/- Easement for Water Line, Sauder (6/5/1958) - Page 1

+/- Easement for Water Line, Sauder (6/5/1958) - Page 2

+/- Lease Agreement, Sauder (7/11/1958) - Page 1

- ☐ +/- Lease Agreement, Sauder (7/11/1958) - Page 2
- ☐ +/- Lease Agreement, Sauder (7/11/1958) - Page 3
- ☐ +/- Lease Agreement, Sauder (7/11/1958) - Page 4
- ☐ +/- Purchase Real Estate, Thomas (6/14/1958) - Page 1
- ☐ +/- Purchase Real Estate, Thomas (6/14/1958) - Page 2
- ☐ +/- Closing Affidavit, Thomas (7/12/1958) - Page 1
- ☐ +/- Closing Affidavit, Thomas (7/12/1958) - Page 2
- ☐ +/- Closing Affidavit, Sauder (7/11/1958)
- ☐ +/- Engineer & Surveyor's Certificate (6/20/1958) - Page 1
- ☐ +/- Engineer & Surveyor's Certificate (6/20/1958) - Page 2
- ☐ +/- Engineer & Surveyor's Certificate (6/20/1958) - Page 3
- ☐ +/- Engineer & Surveyor's Certificate (6/20/1958) - Page 4

ORDINANCE NUMBER 88

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #88: Approving Purchase of Real Estate (Thomas)
(5/19/1958)

ORDINANCE NUMBER 89

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:



(ARCHIVED) #89: Easement with Wabash Railroad Co.
(5/31/1958)

ORDINANCE NO. 90

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #90: Approving Lease Agreement (Sauder)
(6/4/1958) - Page 1

 (ARCHIVED) #90: Approving Lease Agreement (Sauder)
(6/4/1958) - Page 2

 (ARCHIVED) #90: Approving Lease Agreement (Sauder)
(6/4/1958) - Page 3

ORDINANCE NO. 91

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #90: Approving Lease Agreement (Sauder)
(6/6/1958)

Ordinance No. 95

Editor's Note: This ordinance is Archived.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #95: Easement for Water Line - First Street
(Schwartz) (4/5/1959) - Page 1

 (ARCHIVED) #95: Easement for Water Line - First Street
(Schwartz) (4/5/1959) - Page 2

ORDINANCE NO. 225

Editor's Note: This ordinance is Archived. The franchise was later transferred by [Resolution No. 388](#), adopted 8/25/1999.

Editor's Note: Photographs of the pages of this ordinance:

 (ARCHIVED) #225: Franchise Agreement with Triax Cablevision
(5/15/1985)

RESOLUTION #234

Editor's Note: This resolution is Archived. The franchise was later transferred by [Resolution No. 388](#), adopted 8/25/1999.

Editor's Note: Photographs of the pages of this resolution:

 (ARCHIVED) #234R: Transfer of Cable TV Franchise (6/11/1986) - Page 1

 (ARCHIVED) #234R: Transfer of Cable TV Franchise (6/11/1986) - Page 2

 (ARCHIVED) Attachment: Agreement with Triax Cablevision (6/11/1986) - Page 1

 (ARCHIVED) Attachment: Agreement with Triax Cablevision (6/11/1986) - Page 2

#359

Editor's Note: This resolution is Archived. The franchise was later transferred by [Resolution No. 388](#), adopted 8/25/1999.

Editor's Note: Photographs of the pages of this resolution:

 (ARCHIVED) #359R: Transfer of Cable TV Franchise (4/7/1997)

- Page 1

 (ARCHIVED) #359R: Transfer of Cable TV Franchise (4/7/1997)

- Page 2

RESOLUTION NO. 388

RESOLUTION OF THE TOWN OF GRABILL APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE

WHEREAS, Triax Midwest Associates, L.P. ("Franchisee") owns, operates, and maintains a cable television system ("System") in the Town of Grabill (the "Franchise Authority"), pursuant to a franchise (the "Franchise"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, Franchisee, and Mediacom LLC are parties to an Asset Purchase Agreement, pursuant to which the System and the Franchise will be transferred to Mediacom LLC, a New York Limited Liability Company or any of its affiliates (collectively the "Transferee") (the "Transfer"); and

WHEREAS, Franchisee and Transferee have requested consent by the Franchise Authority to the Transfer in accordance with the requirements of the Franchise and have filed an FCC Form 394 with the Franchise Authority; and

WHEREAS, the Franchise Authority has investigated the qualifications of Transferee and finds it to be a suitable transferee;

NOW THEREFORE BE IT RESOLVED BY THE FRANCHISE
AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority hereby consent to the Transfer, all in accordance with the terms of the Franchise.

SECTION 2. The Franchise Authority confirms that to the best of its knowledge (a) the Franchise was properly granted or transferred to Franchisee, (b) the Franchise is currently in full force and effect, and will expire on May 15, 2000, subject to options in the Franchise, if any, to extend such term, (c) the Franchise supersedes all other agreements between the parties, (d) the Franchise represents the entire understanding of the parties and Franchisee has no obligations to the Franchise Authority other than those specifically stated in the Franchise and there exists no fact

or circumstance known to the Franchise Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or would allow the Franchise Authority to cancel or terminate the rights thereunder.

SECTION 3. Transferee may transfer the Franchise or control related thereto to any entity controlling, controlled by, or under common control with Transferee. The Franchise Authority acknowledges that any such transfer does not trigger any right it may have to exercise any first purchase right or other right to acquire the system; and Transferee acknowledges that no such transfer shall relieve it of the obligations it is now assuming under said Franchise.

SECTION 4. The Franchise Authority hereby consents to and approves the assignment, mortgage, pledge, or other encumbrance, if any, of the Franchise, the System, or assets relating thereto, as collateral for a loan. Provided, however, an attempted sale under the security agreement will require the approval of the Franchise Authority.

SECTION 5. This Resolution shall be deemed effective upon the date of enactment.

PASSED, ADOPTED AND APPROVED this 25th day of August , 1999.

By: M. Joanne Sauder

ATTEST:

Glenda A. Whittern
Clerk

I, the undersigned, being the duly appointed, qualified and acting Clerk of the Town of Grabill, hereby certify that the foregoing Resolution No. _____ is a true, correct and accurate copy as duly and lawfully passed and adopted

by the governing body of the Town of Grabill on the _____ day of
_____, 1999.

Town of Grabill Clerk

ORDINANCE NO. 407

AN ORDINANCE GRANTING TO FRANCHISEE, THE NON-EXCLUSIVE RIGHT TO ERECT, MAINTAIN AND OPERATE IN, UNDER, OVER, ALONG, ACROSS THE STREETS, LANES, AVENUES, SIDEWALKS, ALLEYS, BRIDGES, HIGHWAYS, EASEMENTS DEDICATED FOR COMPATIBLE USES AND OTHER PUBLIC PLACES IN GRABILL, INDIANA, AND THE SUBSEQUENT ADDITIONS THERETO, TOWERS, CABLES AND ANCILLARY FACILITIES FOR THE PURPOSE OF CONSTRUCTING, OPERATING, MAINTAINING AND REPAIRING CABLE SERVICE FOR A PERIOD OF TEN (10) YEARS REGULATING THE SAME AND PROVIDING FOR COMPENSATION OF THE TOWN.

BE IT ORDAINED BY THE TOWN BOARD OF GRABILL, INDIANA.

SECTION I. - DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "Basic Cable Television Service" means the service tier which includes the retransmission of local broadcast signals.
- B. "Grantor" is Grabill, Indiana
- C. "Town Board" is the Town Board of Grabill, Indiana
"System" means a facility that uses any public right-of-way, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable
- D. service which includes video programming and which is provided to multiple subscribers within a community is a system utilizing certain electronic and other components which deliver to subscribing members of the public various broadband telecommunications services.

- E. "Cable Service" means the provision of Cable Television Service.
- "Gross Revenues" shall mean any and all revenues derived directly or indirectly by the Franchisee or any entity in which the Franchisee has a financial interest from or in connection with the operation of the
- F. Franchise granted hereunder, except it shall not include revenue from high speed data service, bad debt, sales tax or other taxes or charges imposed on the Company in addition to its Franchise obligations and collected for direct pass-through to the state or federal government.
- "Basic Cable Service" means any service tier which includes the lawful retransmission of local television broadcast signals and any public,
- G. educational, and governmental access programming required by the franchise to be carried on the basic tier. Basic Cable Service as defined herein shall not be inconsistent with 47 U.S.C. §543(b)(7) (1993).
- "Cable Programming Service" means any video programming provided over a cable system, regardless of service tier, including installation or
- H. rental of equipment used for the receipt of such video programming, other than:
- Video Programming carried on the Basic Service Tier;
 - Video Programming offered on a pay-per-channel or pay-per-program basis; or
 - A combination of multiple channels of pay-per-channel or pay-perprogram video programming offered on a multiplexed or time-shifted basis so long as the combined service:
 - consists of commonly-identified video programming; and
 - is not bundled with any regulated tier of service.
- Cable Programming Service as defined herein shall not be inconsistent with the definition as set forth in 47 U.S.C. § 543(1)(2) (1993) and 47 C.F.R. 76.901(b) (1993).
- "Cable Television Service" the one-way transmission of video programming or other programming services and subscriber interaction,
- I. if any, which is required for the selection or use of such video programming or other programming service.
- J. "FCC" shall mean the Federal Communications Commission.
- K. "Franchisee" is Mediacom Indiana LLC or its successors or assigns.

- L. "Person" is any person, firm, partnership, association, corporation or organization of any kind and any other legally recognized entity.
- M. "Subscribers" are those persons contracting to receive cable television reception services furnished under this Ordinance by Franchisee.
- N. The "Term" of this Ordinance shall have the meaning as defined in Section XIII of this Ordinance.

SECTION II. - GRANT OF NON-EXCLUSIVE AUTHORITY

For the Term of this Ordinance, there is hereby granted by Grantor to Franchisee and its successors, assigns or designees, the non-exclusive right to erect, maintain and operate in, under, over, along, across and upon the present and future streets, lanes, avenues, sidewalks, alleys, bridges, highways, rights-of-ways, easements dedicated for compatible

A. uses and other public places located within the boundaries of Grabill, Indiana including subsequent additions thereto, towers, poles, lines, cable, wires, manholes and all other fixtures and equipment necessary for the maintenance and operation of a System for the purpose of transmission and distribution of cable services, information services, data services and broadband telecommunications services.

Grantor shall not permit: any person to provide services similar to those provided by Franchisee which uses the streets and right of ways of the

B. Town of Grabill, without first having secured a non-exclusive franchise from Grantor that shall impose the same costs, obligations and restrictions imposed by this Ordinance.

C. Franchise Fee.

Franchisee shall pay to Grantor a Franchise Fee in a semi annual payments (June 1st and December 31st of each year) an amount equal to five percent (5%) of its Gross Revenues. The Franchisee shall furnish an unaudited statement of revenues from which the franchise fee is calculated which shall be submitted in writing and certified by the local manager of the appropriate authority within the Franchisee. Further, the Franchisee shall furnish to the Town, upon written request an audited revenue statement of the Gross Receipts. Said statement shall be furnished within ninety (90) days of the written request or ninety (90) days after the close of the Franchisee's fiscal year, whichever is the later.

Upon ten (10) days prior written notice, the Town shall have the right to conduct an independent audit of the Company's records, in accordance with generally accepted accounting principles and if such audit indicates a Franchise Fee underpayment of five percent (5%) or more, the Franchisee shall assume all reasonable costs of such an audit. Except as otherwise provided by law, no acceptance of any payment by the Grantor shall be construed as a release or as an accord and satisfaction of any claim the Grantor may have for further or additional sums payable as a Franchise Fee under the Ordinance, the Franchise Grant and Contract, or for the performance of any other obligation of the Company. In the event any Franchise Fee payment or recomputed amount is not made on or before the dates specified, the Franchisee shall pay as additional compensation an interest charge, computed from such due date, at an annual rate equal to the prime lending rate plus one and one-half (1 1/2 %) during the period for which payment was due.

SECTION III. - COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES

Franchisee shall during the Term, be subject to all lawful exercise of the police powers of Grantor except as those powers are limited by federal law, including the Communications Policy Act of 1984, as amended and the regulations of the FCC.

SECTION IV. - FRANCHISE AREA

This Ordinance permits the provision of service to the present boundaries of Grantor and to any area annexed thereto during the Term. Franchisee shall not be required to service residents of areas within the present boundaries of Grantor and any areas annexed by Grantor after the effective date of this Ordinance that are more than two hundred feet (200') from a point of connection to existing distribution lines or where there is present a density of less than 20 residences per mile except upon payment by such residents of the capital costs incurred by Franchisee in bringing service to such residents.

SECTION V. - LIABILITY AND INDEMNIFICATION

Franchisee shall indemnify, including reasonable attorney fees, protect, and save harmless Grantor, its officers, boards, committees, commissions, elected officials, employees and agents from and against losses and physical damage to property and bodily injury or death to persons, including, but not limited to, payments made under any Worker's Compensation law which may arise out of the erection, maintenance, use or removal of said attachments or poles within the boundaries of Grantor, or by any act of Franchisee, its agents or employees. Franchisee's obligation to indemnify Grantor and its agents as set forth above shall include, but shall not be limited to, damages arising out of copyright infringements, and all other damages arising out of the installation, operation, or maintenance of the System authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this Ordinance.

Franchisee shall, at all times, keep in effect the following types of coverage:

A. Worker's Compensation.

Property Damage Liability Insurance to the extent of Two Hundred Fifty Thousand Dollars (\$250,000.00) as to each occurrence and Two Hundred Fifty Thousand Dollars (\$250,000.00) aggregate, and Personal Injury Liability Insurance to the extent of Five Hundred Thousand Dollars (\$500,000.00) as to each occurrence and Five Hundred

B. Thousand Dollars (\$500,000.00) aggregate. Excess Bodily Injury and Property Damage of One Million Dollars (\$1,000,000.00) each occurrence and One Million Dollars (\$1,000,000.00) aggregate. Automobile Bodily Injury and Property Damage Liability combined One Million Dollars (\$1,000,000.00) each occurrence.

Franchisee shall maintain policies of insurance in the above described amounts to protect the parties hereto from and against all actions, judgments, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of such loss, injury or damage.

C. Franchisee shall also maintain policies of insurance in amounts it deems necessary to protect it from all claims under the Worker's Compensation laws in effect that may be applicable to Franchisee. Franchisee shall deliver to Grantor Certificates evidencing such insurance coverage.

SECTION VI. - TECHNICAL STANDARDS

Franchisee shall comply with the technical standards established by the FCC.

SECTION VII. - CUSTOMER SERVICE STANDARDS/OPERATION AND MAINTENANCE OF SYSTEM

- Franchisee shall render service and make repairs in a commercially reasonable manner, and interrupt service only for good cause, including
- A. as required by federal law for the shortest time possible, such interruptions, in so far as possible, shall occur during periods of minimum use of the System.
 - B. Under normal operating conditions, Franchisee shall respond to service requests within one business days following receipt.
Failure by Franchisee to restore any service to a customer to service within one business days after receipt of notification of a complete
 - C. disruption of service will, upon request by the customer, result in the issuance of a credit to that customer's account for the portion of a month they were without cable service.
 - D. During the term of this franchise, and any renewal thereof, Franchisee agrees to maintain a toll free telephone number to be used by customers of the Franchisee to contact Franchisee and to place requests for service or inquiries.

SECTION VII. - SERVICE TO SCHOOLS AND TOWN

Franchisee shall, subject to the line extension provisions of Section IV, provide without charge, at one building other than a hospital, nursing home, apartment or building at the airport, to be selected by the Town Board, one junction terminal to said building and shall also furnish to the building, without charge, Basic Cable Television Service to the building's terminal junction.

SECTION IX. - EMERGENCY ALERT SYSTEM

Franchisee shall provide emergency alert facilities as required by federal law. Grantor or its designee shall have the capability of disseminating emergency messages over the cable system provided that Grantor or its

designee acquires, at its own cost, all necessary interface and encoding equipment.

SECTION X. - SAFETY REQUIREMENTS

Franchisee shall, at all times, employ ordinary care and shall use and maintain commonly accepted methods and devices for preventing failures and accidents which are likely to cause damages, injuries, or nuisances to the public.

SECTION XI. - LIMITATIONS ON RIGHTS GRANTED

All transmission and distribution structures, lines and equipment erected by Franchisee within the Town of Grabill shall be located as to cause minimum interference with the proper use of streets, alleys and the public ways and places, and to cause minimum interference with the rights and reasonable convenience or property owners who adjoin any

A. of the said streets, alleys or other public ways and places, and said poles or towers shall be removed by Franchisee whenever Grantor reasonably finds that the same restrict or obstruct the operation or location of any future streets or public places within Grantor and Grantor concurrently requires relocation of similarly situated utilities.

Construction and maintenance of the System shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the

B. National Board of Fire Underwriters, and such applicable ordinances and regulations of Grantor, affecting electrical installation, which are presently in effect at the time of construction.

In case of disturbance of any street, sidewalk, alley, public way or paved area, Franchisee shall, at its own cost and expense and in a manner

C. approved by Grantor, replace and restore such street, sidewalk, alley, public way or paved areas in at least as good a condition as before the work involving such disturbance was done.

D. If at any time during the period of this Ordinance, Grantor shall lawfully elect to alter or change the grade of any street, sidewalk, alley or other public way, Franchisee., upon reasonable notice by Grantor, shall remove, relay and relocate its poles, wires, cables, underground

conduits, manholes and other fixtures at its own expense provided Grantor concurrently imposes identical requirements on similarly situated utilities.

- Franchisee shall at the request of any person holding a building moving permit or any person who wishes to remove trees or structures from their property, temporarily raise or lower its wires to permit the moving of buildings or tree removal. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same; the Franchisee shall have the authority to require such payment in advance. Franchisee shall be given not less than fourteen (14) days advance notice to arrange for such temporary wire changes.
- E.

- Subject to Grantor approval, Franchisee shall have the authority to trim trees that overhang the streets, alleys, sidewalks and public ways and places so as to prevent the branches of such trees from coming in contact with the wires and cables of Franchisee.
- F.

- Franchisee, shall, at its expense, protect, support, temporarily disconnect, relocate on the same street, alley or public place, or remove from the street, alley or public place, any property of Franchisee when required by Grantor by reason of traffic conditions, change of establishments of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks or any other type of structures or improvements by governmental agencies when acting in a governmental or proprietary capacity, or other structure of public improvement; provided, however, that Franchisee shall in all cases have the privileges and be subject to the obligations to abandon any property of Franchisee in place as hereinafter provided.
- G.

- In all sections of the Town of Grabill where Grantor designates an area where all presently above ground services are to be placed underground, Franchisee shall place its wires underground on the same time schedule and on the same conditions that are applicable to the providing of other above ground services in the designated areas.
- H.

- In the event that the use of any part of the System is discontinued for any reason for a continuous period of twelve (12) months, or in the event such System or property has been installed in any street or public place without complying with the requirements of this Ordinance, or the rights granted hereunder have been subject to the rights of the Grantor
- I.

to acquire or transfer the system as specified in Section XII, promptly remove from the streets, or public places, all such property and poles of such System other than any which the Town may permit to be abandoned in place. In the event of such removal, Franchisee shall promptly restore the street or other areas from which such satisfactory to Grantor.

Any property of Franchisee to be abandoned in place shall be abandoned in such a manner as Grantor may prescribe. Upon permanent

J. abandonment of the property of Franchisee in place, it shall submit to Grantor an instrument to be approved by Grantor, transferring to Grantor the ownership of such property.

K. Upon request, its Franchisee shall provide a diagram showing the location of its Cable System.

The Grantee shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

The Grantee shall install and maintain its System wires, cables, fixtures and other equipment in material compliance with the requirements of the National Electric Safety Code in effect on the date of enactment and

L. all FCC, state and local regulations, and in such manner that they will not interfere with any installations of Town or of any public utility serving Town.

All System structures and all System lines, equipment and connections in, over, under and upon the Streets, sidewalks, alleys, and public ways and places of Grantor, wherever situated or located, shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any Person.

SECTION XII. - TRANSFER OF ORDINANCE

The Company shall not assign or transfer this Franchise Grant and Contract, except to an affiliated company, without the written consent of the Town Board of Grabill, which consent shall not be unreasonably withheld. This restriction of assignment shall not apply to an assignment of the assets of

the Company and the Franchise for the sole purpose of securing a loan or lease from any financing institution.

SECTION XIII. - DURATION AND RENEWAL OF ORDINANCE

The rights granted to Franchisee herein shall become effective upon the passage of this Ordinance and shall continue for a period of ten (10) years, unless terminated earlier in accordance with this Ordinance ("Term").

SECTION XIV. - ERECTION, REMOVAL AND COMMON USE OF POLES

- No poles or other wire-holding structures shall be erected by Franchisee without prior approval of the designated representative of the Town Board with regard to locations, height, type or any other pertinent aspect, which approval shall not be unreasonably withheld. However, no location of any pole or wire-holding structure of Franchisee shall create a vested interest.
- A.

- Where poles or other wire-holding structures already existing in use in serving Grantor are available for use by Franchisee, but it does not make arrangements for such use, the Town Board may require
- B. Franchisee to use such poles and structures if it determines that the public convenience would be enhanced thereby and the terms of the use available to Franchisee are just and commercially reasonable.

SECTION XV. - RATES AND CHARGES

The Grantor reserves the right to regulate such rates and charges to the extent permitted by and using methodologies prescribed by Federal law.

SECTION XVI- BOOKS AND RECORDS

The Franchisee shall keep full, true, accurate, and current books of accounts, which books and records shall be made available for inspection at reasonable times by authorized representatives of Grantor as may be reasonably necessary for the administration of this Ordinance. To the extent Grantor obtains any personally identifiable information or other information protected under federal, state or local privacy laws, Grantor shall assume all of the obligations of a cable operator with respect to protecting the confidentiality of that information. Grantor shall indemnify and hold Franchisee harmless from any costs, losses or damages arising from the disclosure of any protected information by Grantor.

SECTION XVII. - FORCE MAJEURE

The Franchisee shall not be held in default under, or in noncompliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default (including termination, cancellation or revocation of the Franchise), where such noncompliance or alleged defaults occurred or were caused by strike, riot, war, earthquake, flood, tidal wave, unusually severe rain or snow storm, hurricane, tornado or other catastrophic act of nature, labor disputes, governmental, administrative or judicial order or regulation or other event that is reasonably beyond the Franchisee's ability to anticipate and control. This provision also covers work delays caused by waiting for utility providers to service or monitor their own utility poles on which the Franchisee's cable and/or equipment is attached, as well as unavailability of materials to perform the work necessary.

SECTION XVIII. - MISCELLANEOUS PROVISIONS

- A. Franchise Renewal. Any renewal of this Franchise shall be done in accordance with applicable federal, state and local laws and regulations.
- B. Amendment of Franchise Ordinance. Franchisee and Town may mutually agree to modify this Franchise at any time.

Compliance with Federal, State and Local Laws. If any federal or state law or regulation shall require or permit Town or Franchisee to perform any service or act or shall prohibit Town or Franchisee from performing any service or act which may be in conflict with the terms of this Franchise, then as soon as possible following knowledge thereof, either party shall notify the other of the point in conflict believed to exist between such law or regulation. Franchisee and Town shall conform to state laws and rules regarding cable communications not later than one year after they become effective, unless otherwise stated, and to conform to federal laws and regulations regarding cable as they become effective.

- C. If any term, condition or provision of this Franchise or the application thereof to any Person or circumstance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition or provision to Persons or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Franchise and all the terms, provisions and conditions hereof shall, in all other respects, continue to be effective and complied with provided the loss of the invalid or unenforceable clause does not substantially alter the agreement between the parties. In the event such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision which had been held invalid or modified is no longer in conflict with the law, rules and regulations then in effect, said provision shall thereupon return to full force and effect and shall thereafter be binding on Franchisee and Town.

- Nonenforcement by Town. Franchisee shall not be relieved of its obligations to comply with any of the provisions of this Franchise by reason of any failure or delay of Town to enforce prompt compliance.
- D. Any waiver by Town of a breach or violation of any provision of this Franchise shall not operate as or be construed to be a waiver of any subsequent breach or violation.

SECTION XIX. - REVOCATION OF FRANCHISE

- A. Town's Right to Revoke.

In addition to all other rights which Town has pursuant to law or equity, Town reserves the right to revoke, terminate or cancel this Franchise, and all rights and privileges pertaining thereto, if after the hearing required under this Section it is determined that Franchisee has violated any material provision of this Franchise that remains uncured.

B. Procedures for Revocation.

Town shall provide Franchisee with written notice of a cause for revocation and the intent to revoke and shall allow Franchisee sixty (60) days subsequent to receipt of the notice in which to correct the

1. violation or to provide adequate assurance of performance in compliance with the Franchise. Together with the notice required herein, Town shall provide Franchisee with written findings of fact which are the basis of the revocation.

- Franchisee shall be provided the right to a public hearing affording due process before the Town Board prior to revocation, which public hearing shall follow the sixty (60) day notice provided in paragraph
2. (a) above. Town shall provide Franchisee with written notice of its decision together with written findings of fact supplementing said decision.

- After the public hearing and upon written determination by Town to
3. revoke the Franchise, Grantee may appeal said decision with an appropriate state or federal court or agency.

4. During the appeal period, the Franchise shall remain in full force and effect unless the term thereof sooner expires.

- Upon satisfactory correction by Franchisee of the violation upon
5. which said notice was given as determined in the Town's sole discretion, the initial notice shall become void.

SECTION XX. - DISCRIMINATORY PRACTICES PROHIBITED

Discriminatory Practices Prohibited. Franchisee shall not deny service, deny access, or otherwise discriminate against Subscribers or general citizens on the basis of race, color, religion, national origin, sex or age. Franchisee shall comply at all times with all other applicable federal, state, and Town laws, and all executive and administrative orders relating to nondiscrimination.

SECTION XXI. - UNAUTHORIZED CONNECTIONS AND MODIFICATIONS

A. Unauthorized Connections or Modifications Prohibited. It shall be unlawful for any firm, Person, group, company, corporation, or governmental body or agency, without the express consent of the Franchisee, to make or possess, or assist anybody in making or possessing, any connection, extension, or division, whether physically, acoustically, inductively, electronically or otherwise, with or to any segment of the System.

B. Removal or Destruction Prohibited. It shall be unlawful for any firm, Person, group, company, corporation, or government body or agency to willfully interfere, tamper, remove, obstruct, or damage, or assist thereof, any part or segment of the System for any purpose whatsoever.

SECTION XXII. - SEVERABILITY

If any Section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, or amended by the United States Congress or is superseded or preempted by Federal Communications Commission regulation, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION XXIII. - PUBLICATION

Franchisee shall assume the costs of any required publication of this Ordinance.

SECTION XXIV. - NOTICES

All notices and other communications hereunder this Ordinance shall be in writing and shall be deemed to have been given on the date of actual delivery if mailed, first class, registered or certified mail, return receipt requested, postage paid to the following respective addresses:

To Grantor: Grabill Town Hall
P.O. Box 321
Grabill, IN 46741
Attn: Glenda Whittern, Clerk-Treasurer
Mediacom Indiana LLC

To the Franchisee: LEGAL DEPT: BRUCE GLUCKMAN
100 Crystal Run Road
Middletown, NY 10941
Mediacom Indiana LLC
609 4th Street

With a copy to: Chillicothe, IL 61523
Attn: Michael Pedelty, Regional Director of
Government Relations

Either of the foregoing parties to this Ordinance may change the address to which all communications and notices may be sent to it by addressing notices of such change in the manner provided hereunder.

SECTION XXV - CONTRACT RIGHTS

Acceptance of this Ordinance by Franchisee shall create enforceable contract rights between Franchisee and Grantor with respect to the terms of this Ordinance.

SECTION XXVI. - PRIOR ORDINANCES

All ordinances and parts of ordinances in conflict herewith are hereby repealed as of the effective date of this Ordinance.

SECTION XXVII. - EFFECTIVE DATE

This Ordinance shall take effect after its passage, approval, and publication as provided by law.

Published prior to passage on the _____ day of _____, 2002.

Read and approved on the first reading on this 27 day of February , 2002.

TOWN OF GRABILL

BY: Wilmer Delagrange
Town Board, President

ATTEST:

TOWN CLERK

Glenda A. Whittern
Glenda Whittern

ACCEPTANCE

The Non-Exclusive Franchise as granted and set forth under this Ordinance is approved and accepted pursuant to its terms on this 23rd day of March , 2002, by Mediacom Indiana LLC.

MEDIACOM INDIANA LLC

BY: Bruce Gluckman
(by its authorized representative)

(stamp)

Bruce Gluckman
VP of Legal & Regulatory Affairs
Mediacom Communications Corp.
Sole Member of Mediacom LLC
Member of Mediacom Indiana LLC

Articles of Agreement Between Allen County Light & Power Company
Editor's Note: This agreement is Void. It expired ten years after adoption.

Editor's Note: Photographs of the pages of this agreement: ☐ +/- Articles of
Agreement with Allen Co. Light & Power (5/3/1915) - Page 1

☐ +/- Articles of Agreement with Allen Co. Light & Power (5/3/1915) - Page
2

☐ +/- Articles of Agreement with Allen Co. Light & Power (5/3/1915) - Page
3

AN ORDINANCE GRANTING TO NORTHERN INDIANA)
FUEL & LIGHT COMPANY, INC., AN INDIANA)
CORPORATION, ITS SUCCESSORS AND ASSIGNS,)
THE RIGHT TO MAINTAIN A GAS SERVICE AND)
TO LAY, EXTEND, MAINTAIN, OPERATE, REPAIR)
AND REMOVE MAINS AND PIPES IN, THROUGH, OR) ORDINANCE NO. 101
UNDER THE STREETS, ALLEYS, PUBLIC GROUNDS)
AND PUBLIC PLACES OF THE TOWN OF GRABILL,)
INDIANA, FOR THE SUPPLY OF GAS TO THE SAID)
TOWN AND ITS INHABITANTS, AND THE TRANSPOR-)
TATION THEREOF, IN AND THROUGH SAID TOWN.)

SECTION 1. Be it ordained by the Town Board of Grabill, Allen County, State of Indiana: That there shall be and is hereby granted to the Northern Indiana Fuel and Light Company, Inc., its successors and assigns, hereinafter styled the "Company", the right and privilege to construct, erect, maintain, and operate a gas service and storage facilities in the Town of Grabill, Allen County, Indiana, for the purpose of supplying gas to the said town and its inhabitants thereof and the territory in the vicinity of said town and is hereby granted the right-of-way along, through, and under the streets, avenues, alleys, lanes, sidewalks, public grounds and public places in said town of Grabill, Indiana, for the purpose of constructing and maintaining a system of gas mains, service pipes, valves, regulators and other devices necessary or convenient to the operation of such mains and other piping and facilities in supplying, storing, conducting and delivering of gas to the Town of Grabill, Indiana, and inhabitants thereof and territory adjacent thereto.

SECTION 2. That the Company, its successors and assigns, shall, before the beginning of any laying of pipes, mains, or conduits, submit to the Town Board or Superintendent of Streets of the Town of Grabill, a map showing the location where mains, pipes and services will be laid. The Company, after doing any excavating, shall replace all material or pavement which has been removed and leave the completed excavation in the condition which it found same before the excavating began, and all costs of repaving or resurfacing shall be prosecuted in such a manner as not to interfere with the public use or travel upon streets, avenues, alleys, lanes, sidewalks, public grounds and public places of said Town of Grabill where it can be avoided and when such is unavoidably obstructed by said Company, it shall with all reasonable dispatch, repair and replace streets, avenues, alleys, sidewalks, lanes, public grounds and public places so that the public use thereof shall not be obstructed beyond a reasonable time.

SECTION 3. In constructing, removing, replacing, changing or repairing its pipes, mains, feeders and equipment, the Company shall lay and construct its mains and pipes deep enough in the earth as to not interfere with the present grade of such avenues, streets, alleys, lanes or sidewalks, public grounds and public places and so that same

shall not interfere with any sewers, water mains or underground construction, grades or locations to be furnished by the Town Board of Grabill or the Superintendent of Streets once established shall be permanent and upon completion of the construction of the Company's mains and services, feeder lines and pipes according to location and grade as furnished the Company, should the Town of Grabill change or abandon any streets, alleys, lanes, sidewalks, public grounds, public places or portion thereof or cause any construction that may interfere with the original construction of gas mains, services, and pipes, the expenses incurred to relocate all gas mains, pipes, feeder mains, and services to their original depth below the surface of the places will be done at the expense of the Town of Grabill.

SECTION 4. Said Company shall have full and exclusive control of the plumbing and tapping of its gas mains, services and pipes, and no other persons, company or corporation shall at any time, tap, alter, change or perform any work on its gas mains, services, pipes for any purpose whatsoever, except under the direction of said Company.

SECTION 5. Said Company shall have the right to temporarily shut off gas, to be supplied hereinunder for any purpose permitted by this ordinance, from its mains or service pipes or any part thereof provided, however, that such action in each case shall be taken for the sole and express purpose of making repairs or extensions to works or mains or service pipes; or for safety reasons, and said Company shall not be liable to said Town or to any customer or consumer of gas for any damages caused by such temporary suspension of the supply of gas, provided, however, that such repairs and extensions are made with due diligence by the Company.

SECTION 6. Said Company, its successors and assigns, shall at all times hold and save the Town of Grabill, Indiana, harmless from any and all liability, loss, damage and expenses which may accrue to said Town of Grabill by reason of the neglect, default, or misconduct of the Company in the construction, operation or maintenance of its facilities hereunder.

SECTION 7. Said Company, its successors and assigns, shall be required to extend their mains and services to take care of any consumer in the Town of Grabill who desires to use gas at any time, provided, however, that said Company shall not be required to extend its mains more than one hundred (100) lineal feet of main for each customer served.

SECTION 8. Said Company shall have the power to make all needful rules and regulations for the collection of its revenues, the prevention of waste of its property and gas supply, and conduct the management of its business as it may from time to time deem necessary to protect said Company and its work and properties from

damage, imposition, and frauds, and to prevent unnecessary waste of gas supplied for any of the purposes by this ordinance permitted.

SECTION 9. In the event that the Public Service Commission of Indiana or any other board, body, commission or court of competent jurisdiction shall adjudge any provision or provisions of this ordinance invalid or illegal, or direct a change by the Company in any matter or thing therein contained, such invalidity or illegality or change shall in no way affect the remaining provisions of this ordinance or their validity or legality, and this ordinance in all other respects shall continue in full force and effect, as if said provision or provisions had not been so adjudged invalid or illegal or such change directed.

SECTION 10. This ordinance shall take effect and be in force from and after its passage and publication in accordance with law and its acceptance by the Company in writing and shall continue in effect as an indeterminate permit pursuant to statute and under and upon such terms and conditions as prescribed by the Public Service Commission of the State of Indiana, and the Company shall file with the Town Clerk of Grabill, Indiana, its written acceptance thereof.

SECTION 11. The Company shall pay for the publication of this ordinance.

Beverly R. Grabill

/s/ Beverly Grabill

Clerk - Treasurer of the Town of
Grabill

ORDINANCE NO. 306

AN ORDINANCE APPROVING A LICENSE FROM THE TOWN OF GRABILL TO MICHIANA METRONET, INC.

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

Section 1. The Town Council of the Town of Grabill does hereby approve the License to Michiana Metronet, Inc., which License is attached hereto and made a part hereof the same as if set forth herein at length.

Section 2. The President of the Town Council is hereby authorized and empowered to execute said License for and on behalf of the Town.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and recording.

Passed and adopted by the Town Council of the Town of Grabill on the 12th day of December , 1992.

M. Joanne Sauder
M. JOANNE SAUDER, President

R. E. Miller
RAYMOND E. MILLER, Council Member

Jeffrey W. Gray
JEFFREY W. GRAY, Council Member

ATTEST:

Glenda A. Whittern
GLENDA A WHITTERN
Clerk-Treasurer

Editor's Note: See Also [Ordinance No. 307](#), adopted 2/10/1993.

ORDINANCE NO. 307

AN ORDINANCE CONFIRMING AND APPROVING A LICENSE
FROM THE TOWN OF GRABILL TO MICHIANA METRONET, INC.

Be it ordained by the Town Council of the Town of Grabill, Indiana:

Section 1: The Town Council of the Town of Grabill does hereby confirm and approve the License to Michiana Metronet, Inc., which License was executed by the Town of Grabill by M. Joanne Sauder as its President and by Michiana Metronet, Inc. by Rudy J. Graf as its President.

Section 2: This ordinance shall be in full force and effect from and after its passage, approval and recording.

Passed and adopted by the Town Council of the Town of Grabill on the 10 day of February , 1993.

M. Joanne Sauder
M. JOANNE SAUDER, President

R. E. Miller
RAYMOND E. MILLER, Council Member

Jeffrey W. Gray
JEFFREY W. GRAY, Council Member

ATTEST:

Glenda A. Whittern
GLENDA A WHITTERN
Clerk-Treasurer

Editor's Note: See Also [Ordinance No. 306](#), adopted 12/12/1992.

**RESOLUTION NO. 1286-2017 OF THE TOWN OF GRABILL,
INDIANA**

**A RESOLUTION APPROVING AN AGREEMENT FOR SOLID
WASTE AND
RECYCLING COLLECTION, TRANSPORTATION AND DISPOSAL
SERVICES**

WHEREAS, the Town of Grabill, Indiana (the “Town”) is a duly organized municipal corporation and political subdivision under the laws of the State of Indiana, governed by its duly elected Town Council (the “Town Council”);

WHEREAS, in accordance with I.C. 36-9-30-5 and 5-3-1-2, on February 21, 2017 and February 28, 2017, the Town published its Notice to Public and Bidders for a Request for Bids for Residential Waste and Recyclable Collection and further made available plans and specifications setting forth the required terms for the Town’s residential solid waste and recyclable collection services;

WHEREAS, following the publication of such notices and Request for Bids, the Town received, publically opened and reviewed responsive bids on the 15th day of March, 2017 and, after consideration and discussion, determined that the lowest, most responsive and responsible bidder was Republic Services of Indiana, L.P. d/b/a National Serv-All (“Republic Services”);

WHEREAS, in order for Republic Services to provide residential solid waste and recyclable collection services for and on behalf of the Town, Republic Services and the Town have negotiated an Agreement for Solid Waste and Recycling Collection, Transportation and Disposal Services in the Corporate Limits of the Town which has been presented to the Town Council for its consideration and approval (the “Contract for Collection and Disposal of Solid Waste and Recyclables”);

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL
OF THE TOWN OF GRABILL, INDIANA, THAT:**

Section 1. Approval of Contract. The Town Council hereby approves the terms and conditions of the Contract for Collection and Disposal of Solid

Waste and Recyclables in substantially the form attached hereto as [Exhibit A](#), and hereby authorizes its execution and delivery by the Town Council on behalf of the Town.

Section 2. Savings Clause. If any title, section, subsection, phrase, clause, sentence, or word of this Resolution shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Resolution shall be affected thereby and shall remain in full force and effect.

Section 3. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 4. Repeal of Conflicting Ordinances and Resolutions. The provisions of all other Town ordinances, resolutions, rules, regulations and policies in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 5. Severability. If any part of this Resolution shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Resolution.

DULY PASSED AND ADOPTED this 17th day of May, 2017, by the Town Council of the Town of Grabill, Allen County, Indiana, having been passed by a vote of 3 in favor and 0 opposed.

TOWN OF GRABILL, INDIANA
BY ITS COUNCIL.

Wilmer Delagrange
Wilmer Delagrange

Jeff Smead
Jeff Smead

Claude E. Schrock
Claude Schrock, Councilman

ATTEST:

Cynthia Barhydt

Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana



EXHIBIT A

Contract for Collection and Disposal of Solid Waste and Recyclables

Attached.

AGREEMENT FOR SOLID WASTE AND RECYCLING COLLECTION, TRANSPORTATION AND DISPOSAL SERVICES IN THE CORPORATE LIMITS OF THE TOWN OF GRABILL, INDIANA

THIS AGREEMENT FOR SOLID WASTE AND RECYCLING COLLECTION, TRANSPORTATION AND DISPOSAL SERVICES IN THE CORPORATE LIMITS OF THE TOWN OF GRABILL, INDIANA (“Agreement”), is made effective as of the 1st day of July, 2017 (“Effective Date”), by and between the Town of Grabill, Indiana (hereinafter to be called and designated as the “Town”) and Republic Services of Indiana, Limited Partnership (hereinafter called and designated as “Contractor”).

WITNESSETH, for and in consideration of the mutual covenants and promises herein contained, and other valuable consideration, the parties hereto agree as follows:

ARTICLE I. SERVICES OF CONTRACTOR

Section 1.01. During the term of this Agreement and during any Renewal Term, Contractor is granted the exclusive right to provide the services described herein at all of its service points within the corporate limits of the Town. Pursuant to the terms herein, the Contractor does hereby agree to collect all residential solid waste and recyclables within the corporate limits of the Town of Grabill, Indiana, and to remove same to an approved solid waste and recycling disposal sites acceptable to the Town. The Contractor

agrees to furnish all labor, materials, transportation service, equipment, tools, and services required and necessary for the collection and disposal of said residential solid waste and recyclables within the corporate boundaries of the Town and provide experienced and qualified supervisory personnel to direct the activities of the Contractor under this Agreement.

Section 1.02. The area to be served by the Contractor shall be the entire area within the Town corporate limits, as it now exists, or as expanded by annexation or consolidation during any term of this Agreement. Whenever, during any term of this Agreement, any area not currently incorporated by the Town is annexed to the Town, Contractor shall commence service in such area under the provisions of this Agreement.

Section 1.03. The Contractor agrees to comply with all of the terms and conditions expressed in Ordinance No. 351 of the Town, as now in force or as hereafter amended, concerning garbage and rubbish, along with all other ordinances, laws, rules, and regulations, together with amendments thereto, of the State of Indiana, the United States of America, or any political subdivision pertaining to the services to be performed hereunder. The Contractor further agrees to comply with all of the terms and conditions expressed in the Bid Specifications incorporated herein and make part hereof as [Exhibit A](#).

Editor's Note: The preceding section refers to *Ordinance No. 351*, which is an outdated Salary Ordinance. The correct reference may be to [Ordinance No. 356](#), adopted 11/13/1996 banning Yard Waste.

Section 1.04. Title to any Unacceptable Waste shall at no time pass to Contractor.

Section 1.05. Contractor may, in its sole discretion, reject any Unacceptable Waste. If Unacceptable Waste is discovered before it is collected by Contractor, Contractor may refuse to collect the entire container of waste. If any Unacceptable Waste is not discovered by Contractor before it is collected, Contractor may, in its sole discretion, remove, transport and dispose of such Unacceptable Waste at a location authorized to accept such Unacceptable Waste. The Town shall provide all reasonable assistance to Contractor to conduct an investigation to determine the identity of the depositor or generator of any Unacceptable Waste and to reasonably assist

Contractor in collecting from the generator or depositor the costs incurred by Contractor in connection with the Unacceptable Waste.

ARTICLE II.

TERM; CONTRACT PRICE

Section 2.01. The term of this Agreement shall be for a period of (3) years commencing July 1, 2017. Upon mutual written agreement between the Town and Contractor, this Agreement may renew for up to three (3) successive one (1) year periods (each a, “Renewal Term”) commencing on each anniversary of the Effective Date, unless terminated by either party hereto effective as of the last day of the then current one (1) year period by written notice to that effect delivered to the other party not less than thirty (30) days prior to an anniversary of such Effective Date or Renewal Term.

Section 2.02. For the full and faithful performance of the services to be performed by the Contractor pursuant to this Agreement, Contractor shall be compensated in accordance with the schedule of rates and charges attached hereto as [Exhibit B](#), or as amended during the terms of this Agreement as provided for in Section 8.02.

ARTICLE III,

PAYMENT TERMS

On or before the 20th day of the first month following the Effective Date of this agreement and on or before the 20th day of each month thereafter, the Town will make payment to the Contractor for the services rendered during the preceding month.

ARTICLE IV.

WORKMEN’S COMPENSATION

The Contractor agrees to furnish a certificate from the Industrial Board of the State of Indiana, showing that it has complied with all the provisions of the Workman’s Compensation Act of the State of Indiana and the Workman’s Occupational Diseases Act of the State of Indiana.

ARTICLE V.

INSURANCE

Section 5.01. This Contractor agrees to provide Public Liability and Property Damage Insurance pursuant to the requirements set forth in the Bid Specifications attached hereto as [Exhibit A](#).

Section 5.02. The Contractor shall deposit certificates of such insurance or surety as are required by this Agreement and the Bid Specifications incorporated herein with the Town during any term of this Agreement.

ARTICLE VI.

ADDITIONAL COLLECTION SERVICES

Without additional charge to the Town or the dwelling units within the Town, the Contractor shall provide curbside pick-up to each dwelling unit within the Town for unlimited amounts of garbage, rubbish or trash on four (4) separate days each year, the specific days to be designated by the Town.

ARTICLE VII.

INDEMNIFICATION

Section 7.01. Contractor shall save, keep, indemnify and hold harmless the Town, its officers, agents, employees, and volunteers from all damages, costs, or expenses in law or equity that may at any time arise from damages to property or personal injury received or alleged by reason of or in the course of performing work, which may be occasioned by any willful or negligent act or omissions of the Contractor, any of the Contractor's employees, or any subcontractor. The provisions of this Article VII shall survive the expiration or termination of this Agreement.

Section 7.02. Contractor shall save, keep, indemnify and hold harmless the Town, its officers, subcontractors, agents, employees and volunteers from and against any and all claims, suits, losses, liabilities, assessments, damages, fines, costs and expenses, including reasonable attorneys' fees arising under federal, state or local laws, regulations or ordinances, or arising out of or in connection with any breach of this Agreement or arising out of the negligent collection, transportation and disposal of Waste Material by Contractor or Contractor's employees, agents, subcontractors or representatives thereof that may arise from damages to property or personal injury received or caused in the course of performing work.

Section 7.03. Subject in all respects to the terms, limitations and provisions of I.C. § 34-13-3 et seq., the Town shall indemnify, defend and hold harmless the Contractor and its subsidiaries, affiliates and parent corporations, as applicable and their respective officers, directors, employees, subcontractors and agents from and against any and all claims, suits, losses, liabilities, assessments, damages, fines, costs and expenses, including reasonable attorneys' fees arising under federal, state or local laws, regulations or ordinances, or arising out of or in connection with any breach of this Agreement.

Section 7.04. The provisions of this Article VII shall survive the expiration or termination of this Agreement.”

ARTICLE VIII. TERMINATION

Either party may terminate this Agreement only upon an Event of Default by the other party. Termination will be effective upon at least 30 days' prior written notice to the other party. An Event of Default is a party's failure to substantially cure a material breach within 30 days after the receipt of written notice of the alleged breach given by the other party. Notwithstanding the foregoing, and solely with respect to Town's default in payment, Contractor may suspend Services and/or terminate this Agreement after 30 days' written notice and demand for payment.

ARTICLE IX. MISCELLANEOUS

Section 9.01. Contractor covenants and agrees that:

(a) In in the hiring of employees for the performance of work under this Agreement or any subcontract hereunder, the Contractor, its subcontractors, nor any person acting on behalf of the Contractor or any of its subcontractor, shall, by reason of race, religion, color, sex, national origin, or ancestry, discriminate against any citizen of the State of Indiana who is qualified and available to perform the work to which the employment relates;

(b) The Contractor, its subcontractors, nor any person acting on its behalf shall, in any manner, discriminate against or intimidate any employee hired

for the performance of work under this Agreement on account of race, religion, color, sex, national origin or ancestry;

(c) There may be deducted from the amount payable to the Contractor by the Town or any municipal corporation thereof, under this Agreement, a penalty of five dollars for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the Agreement; and

(d) This Agreement may be cancelled or terminated by the Town or by any municipal corporation thereof, and all money due or to become due hereunder may be forfeited, for a second or any subsequent violation of the terms or conditions of this Section 9.01 of the Agreement.

Section 9.02. This Agreement, or any interest herein, shall not be transferred, sold, or assigned by Contractor to any person, firm, or corporation, without the prior written consent of Town being first had and obtained which consent shall not be unreasonably withheld.

Section 9.03. The requirements and conditions set forth in this Agreement may be modified upon the written consent of the Town and Contractor.

Section 9.04. This Agreement shall be construed in accordance with and governed for all purposes by the internal substantive laws of the State of Indiana applicable to contracts executed and to be wholly performed within such State. The parties agree to submit to the jurisdiction of any state or federal court located in Allen County, Indiana, with respect to any dispute, action, or proceeding arising out of or related to this Agreement.

Section 9.05. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original, and all such counterparts shall constitute but one instrument.

Section 9.06.

(a) Except for Town's obligation to pay undisputed amounts due to Contractor, any failure or delay in performance due to contingencies beyond a party's reasonable control, including strikes, riots, terrorist acts, fires,

inclement weather and acts of God (collectively termed as “Force Majeure Events”), shall not constitute a breach of this Agreement.

(b) During any period when performance of a party’s obligation is prevented by a Force Majeure Event, that obligation shall be suspended provided that the party whose performance is suspended shall resume performance as soon as reasonably possible upon cessation of the Force Majeure Event. The party claiming inability to perform shall notify the other party as soon as practical upon the beginning and ending of the Force Majeure Event.

ARTICLE X. DEFINITIONS

The following terms have the meanings specified or referred to in this Agreement:

Waste Material. Waste Material is all nonhazardous Solid Waste and Recyclable Material that are not excluded by this Agreement. Waste Material does not include any Unacceptable Waste.

Solid Waste. Solid Waste is any nonhazardous solid waste generated at Town’s locations that is not excluded by the provisions of this Agreement. Solid Waste shall not include any Unacceptable Waste.

Recyclable Material. Recyclable Material consists of any material or substance at Town’s locations that can be put to beneficial re-use or sold in recognized markets for purposes other than disposal, including, without limitation, uncontaminated non-hazardous corrugated cardboard, white paper, newsprint and other paper; plastics and plastic film; ferrous and non-ferrous metals; and glass.

Unacceptable Waste. Waste Material specifically excludes hazardous, radioactive, volatile, corrosive, highly flammable, explosive, biomedical, infectious, biohazardous, toxic or listed or characteristic hazardous waste as defined by applicable federal, state or local laws, regulations or permits (collectively, “Applicable Laws”) or any otherwise regulated waste.

Hazardous Waste. Hazardous waste includes, but is not limited to, any amount of waste listed or characterized as hazardous by the United States

Environmental Protection Agency or any state agency pursuant to RCRA, and including future amendments thereto, and any other Applicable Law.

IN WITNESS WHEREOF, we, the foregoing named parties hereunto set our hands and seals on the date and year first above written.

TOWN OF GRABILL, INDIANA

By: Wilmer Delagrange
Wilmer Delagrange
Town Council President

By: Jeff Smead
Jeff Smead
Council Member

By: Claude E. Schrock
Claude E. Schrock
Council Member

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

☐ +/- #1286-2017: Solid Waste and Recycling (5/17/2017) - Contract
Signature from Republic Services of Indiana (illegible)

Exhibit A

Bid Specifications

Attached.

**BID SPECIFICATION PACKAGE
FOR
TOWN OF GRABILL, INDIANA**

**RESIDENTIAL WASTE AND RECYCLABLES
COLLECTION
CONTRACT**

ISSUED FOR BID OPENING
March 15, 2017

BID PROPOSAL
WEEKLY RESIDENTIAL WASTE AND RECYCLABLES COLLECTION
CONTRACT

**Town of Grabill, Indiana
Residential Waste and Recyclables Collection Contract**

Bid Specifications

Sealed bids will be accepted by the Clerk-Treasurer of the Town of Grabill until Wednesday, March 15, 2017, at 3:00 p.m., at the Town of Grabill Offices, 13717 First Street, Grabill, Indiana 46741 for the collection of weekly residential waste and recyclables collection within the corporate limits of the Town of Grabill, Indiana pursuant to the terms and conditions provided herein.

Instructions to Bidder:

Each bid must be submitted in a sealed envelope. Each sealed envelope containing a bid must be plainly marked "Town of Grabill Residential Trash and Recyclables Collection Bid Proposal" on the outside and include the Bidder's name and address. If forwarded by mail, the sealed envelope containing the bid must be enclosed in another envelope addressed to:

•

Town of Grabill, Indiana
Wilmer Delagrange, Town Council President
13717 First Street
Grabill, Indiana 46741

The work and services performed for this project shall be performed in compliance with Town of Grabill Ordinance No. 351, an Ordinance containing the rules and regulations governing the storage, collection, and disposal of garbage and rubbish for the Town of Grabill, Indiana
• ("Ordinance"), a copy of which is attached to this bid proposal.

Editor's Note: The preceding section refers to *Ordinance No. 351*, which is an outdated Salary Ordinance. The correct reference may be to [Ordinance No. 356](#), adopted 11/13/1996 banning Yard Waste.

- Bids which are submitted by a corporation shall have the full and correct
- name of such corporation and be signed by the president or other authorized officer of the corporation.
 - In accordance with I.C. 36-9-30-5(d), each Bidder shall submit a financial statement on forms prescribed by the Indiana State Board of Accounts.
- Each Bidder shall submit a Non-Collusion Affidavit in the form
- incorporated into Form 96, as prescribed by the Indiana State Board of Accounts.

- Each Bidder shall provide a list of the equipment the Bidder will commit for the use to fulfill the provisions of these bid specifications and to be made available for the performance of the contract. Included in the list will be the model, year, and type of equipment.

- Each Bidder shall submit a comprehensive list of primary and secondary landfills, transfer stations, and recycling centers to be utilized through the life of the contract and any contingency plans in the event such facilities are closed. All landfills used by haulers must be approved and/or permitted by the applicable, federal, state, and local authorities.

- Each Bidder shall provide statement of experience which shall include a list of all municipalities under contract in Allen County, Indiana or references of municipal contracts for residential solid waste collections they have serviced within the last two (2) years. If no such contracts exist, the Bidder must provide references from the closest municipality or municipalities served.

- Each Bidder shall provide its proposed plan or plans for performing the contract in accordance with these specifications and applicable law.

- The Town of Grabill may make any investigation of a Bidder as it deems necessary to determine the ability of a Bidder to perform the work. Bidders shall furnish information regarding their qualifications upon the reasonable request of the Town of Grabill. The Town of Grabill reserves the right to reject any bid if the evidence submitted by, or other investigation of, the Bidder fails to satisfy the Town of Grabill that the Bidder has the proper qualifications to perform the work in accordance with the residential waste collection contract.

- It is the intent of the Town of Grabill to award the residential waste collection contract to the lowest responsible Bidder provided that the Bidder has submitted in accordance with the requirements of the bidding documents. However, the Town of Grabill reserves the right to accept the bid which, in the Town of Grabill's judgment and in accordance with I.C. § 36-1-12-4, is in the best interest of and most advantageous to the Town of Grabill. To that end, the Town of Grabill reserves the right to waive irregularities, reject any or all bids, and to award the bid in the best interest of the Town of Grabill.

- Any bid that the Bidder contemplates will include subcontractors who will be doing five percent (5%) or more of the bid amount must include a list of the proposed subcontractors. A complete list of all subcontractors will be

required and shall be submitted within ten (10) calendar days after award of contract.

All changes in specifications as herein set forth will be by written addendum only. No oral changes are authorized and all communications shall be acted upon as the sole responsibility of the Bidder. All questions regarding the specifications shall be directed in writing to the Town of Grabill President at 13717 First Street, Grabill, Indiana 46741, no later than five (5) days prior to the date of the opening of the bids.

Contact Cynthia Barhydt, Clerk-Treasurer of the Town of Grabill, Indiana, at (260) 627-5227 with any questions.

Specific Bid Requirements:

<i>Term:</i>	<i>Requirement:</i>
Term of Waste Collection Contract:	Three (3) year period commencing July 1, 2017 renewable for up to three (3) one (1) year periods with a guaranteed fixed rate for each year renewed by the Town.
Type (Waste and Recyclables) and Location of Collection:	Curb side waste collection for each dwelling unit located within the corporate boundaries of the Town of Grabill, Indiana, as such boundary may be adjusted from time to time during any contract period as a result of annexations or other events and circumstances affecting the number of dwelling units located within the Town's corporate boundaries. The bid shall include a proposal and price specifications for bi-weekly curb side collection of recyclables for each dwelling including providing recycling or tote container to each dwelling unit receiving recycling

	collection services. As of the date of this Bid Proposal, approximately 350 dwelling units are located within the Town's corporate boundaries.
Frequency and Time of Trash Collection:	One curb side collection per week for each dwelling unit (See, Section E, Item 1 of Ordinance) and four (4) designated days per year of unlimited waste collection for each dwelling unit. Specific dates for the four (4) days of unlimited waste collection to be designation by the Town of Grabill. Successful Bidder shall not commence waste collection before 6:00 a.m. EST and shall be required to complete waste collection on or before 6:00 p.m. EST on any single day of collection. Large household items are to be collected on an "on call" basis, The resident will be required to call the Successful Bidder with his/her address to schedule a pick-up. Any and all charges, fees and payments for this service to be billed by Successful Bidder directly to the resident.
Collection Equipment and Additional Costs or Charges for Waste Collection:	Bidder to provide trash or tote container to each dwelling unit receiving waste collection services (See, Section E, Item 3 of Ordinance),

	Bidder to provide price specification for additional trash and recycling or tote container(s) in the event any dwelling unit requests additional trash, recycling or tote container(s). Bidder to provide a price per trash bag collected for trash bags not included within the trash or tote container on the waste collection day.
Compliance with Laws, Regulations and Rules	Bidder will comply with all statutes of the State, Municipal Charter, and Ordinances of the Town, and other federal rules, regulations and statutes relative to the collection and transportation of waste.
Insurance:	Automobile: Bodily injury liability with limits of Two Hundred Fifty Thousand Dollars (\$250,000) each person, Five Hundred Thousand Dollars (\$500,000) each occurrence, property damage with limits of One Hundred Thousand Dollars (\$100,000) each occurrence, including non-ownership and hired car coverage. Comprehensive general liability insurance with limits at least of One Million Dollars (\$1,000,000) per occurrence and property damage liability limits of One Hundred Thousand Dollars (\$100,000) per occurrence to include the following coverage: (i) manufacturers and contractors; (ii) contractual; (iii) owners and contractors protective; and (iv) completed operations.

	Workman's compensation insurance in compliance with the Indiana Industrial Board of the State of Indiana, the Workman's Compensation Act of the State of Indiana and the Workman's Occupational Diseases Act of the State of Indiana.
Bid Security:	Bidder to provide bid bond guarantee to enter into a proper contract, if its bid is accepted, within twenty (20) days from the date of such acceptance of the contract, which bond shall be in the amount of not less than ten percent (10%) of bidder's total bid for the initial one-year period.
Performance Bond:	Provide that bidder to whom a contract is awarded will be required to furnish and provide at its sole cost and expense a performance bond equal to the initial period's contract price.

Exhibit B

Schedule of Rates and Charges

Attached.

☐ +/- #1286-2017: Solid Waste and Recycling (5/17/2017) - Proposal,
Republic Services

**RESOLUTION NO. 1295-2017 OF THE TOWN OF GRABILL,
INDIANA**

**A RESOLUTION APPROVING AGREEMENTS FOR THE
REIMBURSEMENT OF CERTAIN WATERWORKS AND
SANITARY SEWER INFRASTRUCTURE IMPROVEMENTS**

WHEREAS, Saddle Creek Estate Development, LLC, an Indiana limited liability company (hereinafter referred to as “Developer”) has developed and constructed a 102 lot residential housing development known as Saddle Creek Estates on approximately 38 acres in an area generally located on the north side of the 12100 to 12500 blocks of Witmer Road west of Page Road, Allen County, Indiana (the “Development”); and

WHEREAS, as part of the Development, the Developer installed sanitary sewer and water mains to serve the Development which included the construction and installation of sanitary sewer force mains and water mains located outside or “off-site” of the Development (collectively, the “Off-Site Sanitary Sewer and Water Mains”); and

WHEREAS, in accordance with the terms, conditions and reimbursement obligations of the Town of Grabill, Indiana (the “Town”) under the (i) Contract for Reimbursement and Transfer of Waterworks Infrastructure, and (ii) Contract for Reimbursement and Transfer of Sanitary Sewer Infrastructure (collectively, the “Reimbursement Agreements”), the Developer will transfer and convey to the Town the Off-Site Sanitary Sewer and Water Mains which shall serve as an extension of the Town’s existing sanitary sewer and water systems, and the Town desires to acquire same under the terms and conditions of the Reimbursement Agreements; and

WHEREAS, the Town is willing to reimburse the Developer for certain costs and expenses incurred for the construction and installation of that portion of the Off-Site Sanitary Sewer and Water Mains from newly established area connection fees collected from property owners who utilize and benefit from such Off-Site Sanitary Sewer and Water Mains in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GRABILL, INDIANA, THAT:

Section 1. Approval of Reimbursement Agreements. The Town Council hereby approves the terms and conditions of the (i) Contract for Reimbursement and Transfer of Waterworks Infrastructure, and (ii) Contract for Reimbursement and Transfer of Sanitary Sewer Infrastructure, in substantially the forms attached hereto as [Exhibit A-1](#) and [Exhibit A-2](#), and hereby authorizes the execution and delivery of the Reimbursement Agreements by the Town Council on behalf of the Town.

Section 2. Savings Clause. If any title, section, subsection, phrase, clause, sentence, or word of this Resolution shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Resolution shall be affected thereby and shall remain in full force and effect.

Section 3. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 4. Repeal of Conflicting Ordinances and Resolutions. The provisions of all other Town ordinances, resolutions, rules, regulations and policies in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 5. Severability. If any part of this Resolution shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Resolution.

DULY PASSED AND ADOPTED this 2nd day of August, 2017, by the Town Council of the Town of Grabill, Allen County, Indiana, having been passed by a vote of 2 in favor and opposed.

TOWN OF GRABILL, INDIANA
BY ITS COUNCIL

Wilmer Delagrange Jeff Smead
Wilmer Delagrange Jeff Smead

Claude Schrock

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

EXHIBIT A-1

Contract for the Reimbursement and Transfer of Sanitary' Sewer
Infrastructure

Attached.

(Editor's Note: Please see the contract in the Grabill Town Hall.)

EXHIBIT A-2

Contract for the Reimbursement and Transfer of Waterworks Infrastructure

Attached.

(Editor's Note: Please see the contract in the Grabill Town Hall.)

**RESOLUTION NO. 1309-2018 OF THE TOWN OF GRABILL,
INDIANA**

**A RESOLUTION APPROVING THE WRITE-OFF OF
DELINQUENT UTILITY ACCOUNT RECEIVABLES**

WHEREAS, certain public utilities offered by the Town of Grabill, Indiana (the “Town”) have users and rate payers with delinquent accounts arising during calendar years 2008 through 2016 which are described by utility user name, utility type and delinquent amount on [Schedule 1](#) attached hereto and incorporated herein (collectively, the “Delinquent Accounts”); and

WHEREAS, part of the Delinquent Accounts include utility charges owed by Meridian Automotive Systems which filed for bankruptcy in 2009; and

WHEREAS, efforts to collect the sums and amounts owed from the Delinquent Accounts have been exhausted and the lapse in time from when such Delinquent Accounts first accrued make further collection efforts futile;

WHEREAS, in accordance with the terms, conditions and standards of the Town’s write-off and had debt standards, the Town desires to write-off the Delinquent Accounts from the books and records of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL
OF THE TOWN OF GRABILL, INDIANA, THAT:**

Section 1. Approval of Write-off of Delinquent Accounts. The Town Council hereby approves and approves the write-off of the Delinquent Accounts set forth on [Schedule 1](#) to this Resolution and hereby authorizes the Clerk-Treasurer to take all necessary and appropriate sets to remove such Delinquent Accounts from the books and records of the Town.

Section 2. Savings Clause. If any title, section, subsection, phrase, clause, sentence, or word of this Resolution shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the

Resolution shall be affected thereby and shall remain in full force and effect.

Section 3. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 4. Repeal of Conflicting Ordinances and Resolutions. The provisions of all other Town ordinances, resolutions, rules, regulations and policies in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 5. Severability. If any part of this Resolution shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Resolution.

DULY PASSED AND ADOPTED this 14th day of March, 2018, by the Town Council of the Town of Grabill, Allen County, Indiana, having been passed by a vote of in favor and opposed.

TOWN OF GRABILL, INDIANA
BY ITS COUNCIL

	Jeff Smead
Wilmer Delagrange	Jeff Smead
Claude E. Schrock	
Claude E. Schrock	

ATTEST:

Cynthia Barhydt
Cynthia Barhydt
Clerk-Treasurer, Town of Grabill, Indiana

SCHEDULE 1

Delinquent Accounts

Attached.

☐ +/- #1309-2018: Write-Off of Delinquent Utility Accounty Receivables
(3/14/2018) - Page 1

☐ +/- #1309-2018: Write-Off of Delinquent Utility Accounty Receivables
(3/14/2018) - Page 2

☐ +/- #1309-2018: Write-Off of Delinquent Utility Accounty Receivables
(3/14/2018) - Page 3

Ordinance No. 8

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #8: Salary (2/2/1914)

Ordinance No. 15

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #15: Resignation of Clerk-Treasurer (5/3/1915)

Amendment to Ordinance No. 8

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) Town Clerk Salary (9/7/1916)

Ordinance No. 26

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #26: Resignation of Clerk-Treasurer (12/6/1918)

Ordinance 27

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #27: Resignation of Town Health Officer (4/7/1919)

Ordinance 28

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #28: Resignation of Street Commissioner (4/7/1919)

Ordinance No. 33

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #33: Resignation of Clerk-Treasurer (4/24/1922)

Ordinance 36

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #36: Resignation of Town Marshal (5/5/1922)

Ordinance No. 38

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #38: Resignation of Town Marshal (12/4/1922)

Ordinance No. 45

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #45: Resignation of Clerk-Treasurer (1/20/1930) - Page 1



(VOID) #45: Resignation of Clerk-Treasurer (1/20/1930) - Page 2

ORDINANCE NO. 56

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #56: Salary Ordinance (11/10/1953)

ORDINANCE NO. 120

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #120: Salary (12/13/1967)

ORDINANCE NO. 162

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #162: Specific Salary Ordinance (11/19/1975)

ORDINANCE NO. 171

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #171: Specific Salaries Ordinance (10/12/1977)

ORDINANCE NO. 179

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

+/- (VOID) #179: Salary (7/9/1978)

ORDINANCE NO. 212

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #212: Salary (7/20/1983)

ORDINANCE #244

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #244: Salary (7/8/1987)

Ordinance # 279

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #279: Salary (7/11/1989)

Ordinance # 288

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #288: Salary (7/10/1990)

Ordinance #293

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #293: Salary (7/9/1991)

ORDINANCE # 313

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #313: Salary (7/14/1992)

ORDINANCE # 299

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #299: Salary (7/15/1992)

ORDINANCE # 324

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #324: Salary (7/13/1994)

Ordinance # 342

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #342: Salary (7/12/1995)

Ordinance # 351

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #351: Salary (7/10/1996)

Ordinance # 353

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #353: Salary Amendment (8/21/1996)

ORDINANCE # 364

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #364: Salary (11/19/1997)

ORDINANCE # 365

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #365: Salary (11/19/1997)

ORDINANCE # 376

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #376: Salary (8/6/1998)

ORDINANCE 389

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

+/- (VOID) #389: Salary (9/15/1999)

Ordinance 406

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #406: Salary (12/27/2000)

ORDINANCE 106

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #408: Salary (7/11/2001)

ORDINANCE # 421

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #421: Salary (12/11/2002)

ORDINANCE # 436

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #436: Salary (12/10/2003)

ORDINANCE # 442

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

 (VOID) #442: Salary (1/12/2005)

ORDINANCE # 11-28-2007-1

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #11-28-2007-1: Salary (11/28/2007)

ORDINANCE NO. 622-2009

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #622-2009: Salary (9/23/2008) - Page 1



(VOID) #622-2009: Salary (9/23/2008) - Page 2

Ordinance No. 602-08

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #602-08: Salary (12/17/2008) - Page 1



(VOID) #602-08: Salary (12/17/2008) - Page 2

ORDINANCE NO. 631-2010

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:



(VOID) #631-2010: Salary (9/22/2010) - Page 1



(VOID) #631-2010: Salary (9/22/2010) - Page 2

ORDINANCE NO. 634-2011

**SALARY ORDINANCE ESTABLISHING RATES OF
COMPENSATION FOR THE TOWN OF GRABILL, ELECTED
OFFICIALS, PARK BOARD, EMPLOYEES**

WHEREAS, Pursuant to I.C. 36-1-4-15, the Town Council for the Town of Grabill, Indiana, hereby fixes the level of compensation for elected officials, park board and employees; and

WHEREAS, compensation and wages will be taken from items budgeted in the general, water, sewer, parks funds; and

WHEREAS, the Town Council of Grabill, Indiana, sets the annual elected salary positions; and

WHEREAS, sets the appointed Park Board annual salary; and

WHEREAS, sets the hourly compensation; and

NOW THEREFORE, be it ordained by the town council of the Town of Grabill, Indiana, sets the elected salary positions and appointed salary positions and hourly compensation to be received by the elected officials serving on the Grabill Town Council, Clerk-Treasurer, appointed Grabill Park Board Members, and Grabill town employees shall be as follows:

Section 1. The Grabill Municipal Code is hereby amended by adding a new Chapter to be numbered 634-2011 and to be entitled: Salary Ordinance, which shall read as follows:

Elected Officials:

(A) Effective January 1, 2012 the President of the Council shall be compensated at the rate of \$7,452.86 annually, from water, sewer, general funds.

(B) Effective January 1, 2012 the council members of the Town of Grabill, other than the Council President, shall be compensated at the rate of

\$6,714.99 annually, from water, sewer, general funds.

(C) Effective January 1, 2012 the Town Clerk-Treasurer shall be compensated \$32,815.92 annually, from water, sewer, general, and park funds.

Appointed Park Board:

(D) Effective January 1, 2012, the Park Board position shall be compensated at \$358.19 annually.

Hourly Employees:

(E) Effective January 1, 2012, the hourly employees shall be compensated from water sewer, general, park. at the rate followed hereof; as determined by council a rate between or on these amounts:

1. Clerical	10.00-13.91 hr.
2. Clerical- Deputy Clerk Utility billing clerk	10.00-13.91 hr.
3. Seasonal-General Maintenance	10.00-12.00 hr.
4. Seasonal-Help	9.00-10.00 hr.

Section 2 That any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and are of no further in force or effect. ***The Clerk-Treasurer shall be authorized to assign appropriate section numbers in support of the codification of the particular provisions of this ordinance.***

Section 3 This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 21 day of September, 2011. Consideration on same day or at same meeting of introduction, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 21 day of September by the Town Council of the Town of Grabill, Allen County, Indiana.

TOWN COUNCIL of the TOWN of GRABILL, INDIANA

Wilmer Delagrang

Wilmer Delagrang, President

Jeff Smead

Jeff Smead, Vice President

Candace DeCamp

Candace Decamp, Councilwomen

ATTEST:

Cynthia Barhydt

Cynthia Barhydt, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

ORDINANCE NO. 1263-2012

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #1263-2012: Salary for 2013 (10/17/2012) - Page 1

☐ +/- (VOID) #1263-2012: Salary for 2013 (10/17/2012) - Page 2

ORDINANCE NO. 639-2013

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #639-2013: Salary for 2014 (10/16/2013) - Page 1

☐ +/- (VOID) #639-2013: Salary for 2014 (10/16/2013) - Page 2

ORDINANCE NO. 642-2014

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

+/-

(VOID) #642-2014: Salary for 2015 (11/12/2014) - Page 1

+/-

(VOID) #642-2014: Salary for 2015 (11/12/2014) - Page 2

ORDINANCE NO. 654-2015

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #654-2015: Salary for 2016 (10/7/2015) - Page 1

☐ +/- (VOID) #654-2015: Salary for 2016 (10/7/2015) - Page 2

ORDINANCE NO. 661-2016

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #661-2016: Salary for 2017 (10/19/2016) - Page 1

☐ +/- (VOID) #661-2016: Salary for 2017 (10/19/2016) - Page 2

ORDINANCE NO. 665-2017

Editor's Note: This ordinance is Void.

Editor's Note: Photographs of the pages of this ordinance:

☐ +/- (VOID) #665-2017: Salary for 2018 (10/18/2017) - Page 1

☐ +/- (VOID) #665-2017: Salary for 2018 (10/18/2017) - Page 2

Editor's Note: Zoning

The Grabill Ordinance and Resolution materials contain an older Zoning Ordinance ([Ordinance No. 99](#), adopted 12/28/1959) and several amendments to that ordinance ([No. 106](#), [No. 115](#), [No. 119](#), and [No. 122](#)).

It is the Editor's belief that the designation of the Allen County Planning Commission ([Ordinance No. 150](#), adopted 11/14/1973), likely replaced these old zoning materials with a County Zoning Ordinance.

Later amendments ([No. 155-A1](#), [No. 155-A2](#), and [No. 327](#)) refer to sections of the Zoning Ordinance that were not found in the original Zoning Code ([No. 99](#)).

The older materials have been archived for historic purposes. Note, however, that specific changes to the original zoning code could potentially "grandfather" certain zoning situations.