

## TOWN CODE OF BREMEN, INDIANA

### CHAPTER 1 - ADOPTION OF CODE

- 1.01 Adoption of Code. The substantive general ordinances shall constitute and designated as the "Town Code of Bremen, Indiana", and may be so cited.
- 1.02 Short Title. For brevity herein, the Town Code of Bremen, Indiana will sometimes be referred to as "the Code" or "this Code", and any use of said phrases shall be construed to mean the Town Code of Bremen, Indiana, unless the context clearly requires some other meaning.
- 1.03. Repeal of General Ordinances. All of the provisions of this Code shall be in full force and effect two weeks from the date of publication and the filing thereof in the offices of the Clerk-Treasurer. All ordinances of a general and permanent nature in force at that time are hereby repealed from and after said date.

Repeal of any ordinance by this Code shall not affect any suit, proceeding, right, forfeiture or penalty instituted, given, secured or accrued under any ordinance prior to the effective date of this Code, but may be prosecuted, enjoyed or recovered as fully as if such ordinance had continued in force.

The following types of ordinances are not repealed by this Section:

1. Any ordinance relative to the purchase or sale of property.
  2. Any ordinance accepting gifts and dedications of real estate.
  3. Any ordinance or resolution promising or guaranteeing the payment of money by the Town, or authorizing the issuance of bonds of the Town, or other evidence of the Town's indebtedness, or any contract or obligation assumed by the Town.
  4. Any administrative ordinances or resolutions of the Board not in conflict or inconsistent with the provisions of this code.
  5. Any ordinances which are transfer or appropriation ordinances.
  6. Any ordinances concerning annexation or disannexation of territory to or from the Town, or binding boundaries of the Town.
  7. Any ordinances changing or concerning names of streets, or opening or closing streets.
  8. Any ordinances which constitute amendments to the zoning map of the Town.
  9. Any ordinances accepting, releasing, or abandoning easements.
- 1.04. Subsequent Ordinances. Ordinances passed after the effective date of this Code shall be incorporated into same at its annual revision as hereinafter provided (or as directed by the Town Council). Said ordinances shall be passed as

amendments or additions to this Code, unless they are of limited or special application, or are otherwise deemed to be not a part of this Code.

- 1.05. Numbering of Ordinances. Ordinances as passed shall be numbered in consecutive chronological order on a yearly basis, regardless of whether or not such subsequent ordinances are included in whole or in part in this Code.
- 1.06. Annual Revision. The Town Council, with the advice of the Town Attorney, shall annually make arrangements for the work necessary to prepare such revised and additional pages as are needed to keep this Code current and up-to-date at all times.
- 1.07. Preservation of Existing Rights. The repeal of any ordinance or portion thereof or any prior municipal code by the adoption of this Code shall not affect or impair any act done or right vested or accrued, or any proceeding, suit or prosecution had or commenced in any cause before such repeal takes effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such repeal had not taken place. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed by the adoption of this Code, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof or prior municipal code had not been repealed.
- 1.08. Constitutionality. If any part or parts, section or subsection, sentence, clause or phrase of this Code is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code.
- 1.09. Penalties. Any act or omission to act that has been declared to be unlawful by the Town Council, by this Code, ordinance, rule or regulation, where no specific penalty is provided for, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00).  
  
Every day any violation of this Code or any such ordinance, rule or regulation shall continue shall constitute a separate offense.
- 1.10. Offenses Punishable Under Separate Provisions. In all cases where the same offense may be made punishable by different clauses or sections of the ordinances of the Town, the prosecuting officer may elect under which to proceed.  
  
Such election by the prosecuting officer shall constitute a bar to subsequent prosecution of the same individual for the same act under all alternate ordinances.
- 1.11. Effective Date. Provided that the notice of adoption of this Code shall have been published for at least two weeks in an official newspaper of the Town, and that copies of this Code have been made available at the Town offices at a reasonable price for at least one week prior to the proposed effective date, this Code shall be effective as of January 1, 1996.
- 1.12. Public Availability. The Clerk-Treasurer of the Town shall permanently maintain a copy of this Code which shall be open to public inspection.

## CHAPTER 2 - RULES OF CONSTRUCTION

- 2.01. General. In the absence of a contrary intent by the Town Council, the words and phrases used in all ordinances shall be construed in their plain, ordinary and

usual sense.

- 2.02. Gender. Words used in the masculine gender shall include feminine and neuter.
- 2.03. Singular, Plural. Words importing the singular shall include the plural, and words importing the plural shall include the singular.
- 2.04. Time. The use of either past, present or future tense shall include the other tenses.
- 2.05. Joint Authority. Words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- 2.06. Computation of Time. The time, within which an act shall be done, as herein provided, shall be computed by excluding the first and including the last. If the last day be a Sunday or legal holiday, it shall be excluded.
- 2.07. Agents. Whenever this Code requires an act to be done, said act may legally be performed by an agent or employees as well as by the principal; such requirement shall be satisfied by the performance of such act by an authorized agent or employee.
- 2.08. Filing, Notification, etc. at Town Offices. Whenever this Code shall require filing, payment to, or notification of any Town official or department, said requirement shall be satisfied by filing, payment or notification at the regular office of such Town official or department during normal business hours on any business day.
- 2.09. And, Or. The words "and" and "or" may be read interchangeable where the sense requires it.
- 2.10. Preceding, Following. The words "preceding" and "following" shall mean next before and next after respectively.
- 2.11. Written. The words "written" or "in writing" shall be construed to include any representation of words, letters, or figures whether by printing or otherwise.
- 2.12. Section Headings. The capitalized or bold print section headings of this Code are intended as mere catchwords for emphasis on contents only, and shall not be construed as a part of the section.
- 2.13. Repeal, Revival of Ordinance. When any ordinance or provision repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless the intent to do so shall be clearly stated. The repeal of any provision shall not be construed to abate, annul or otherwise affect any proceeding had or commenced under or by virtue of the repealed provision, and the same shall be as effectual as if the said provision had not been repealed, unless a contrary intent is clearly indicated.
- 2.14. Liberal Construction. In order that the true intent of the provisions contained in this Code may be fully carried out, all general provisions, terms, phrases and expressions contained herein shall be liberally construed.
- 2.15. Intent. The Town Code of Bremen, Indiana is intended as a codification of the existing law, and shall be construed in accordance with such intent.
- 2.16. Indiana Rules of Construction to Apply. The rules of construction established for

the State of Indiana by statute or case law shall apply in the construction of this Code, unless they are clearly in conflict with the provisions herein, or otherwise clearly inapplicable.

## CHAPTER 3 - DEFINITION OF TERMS

- 3.01. Common Terms Defined. Unless the particular context shall clearly require some other meaning, the following words which are frequently used in this Code shall mean:
- 3.02. Code. "Code", "the Code", or "this Code" may be used as short title for the Town Code of Bremen, Indiana.
- 3.03. Council. The word "Council", "the Council" or "such Council" shall mean the Town Council.
- 3.04. County. The words "the county" or "this county" shall mean the County of Marshall, State of Indiana.
- 3.05. Month. The word "month" shall mean a calendar month.
- 3.06. Oath. The words "oath" shall be construed to include an affirmation in all cases which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" shall be equivalent to the words "affirm" or "affirmed".
- 3.07. Owner. The word "owner" applied to a building or land shall include any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest, of the whole or part of such building or land.
- 3.08. Person. The word "person" shall include a corporation, firm, partnership, association, organization, trustee or any other group acting as a unit, as well as a natural person.
- 3.09. Property. The word "property" shall include real and personal property. The words "personal property" shall include every species of property except real property, and the words "real property" shall include lands, tenements, and hereditaments.
- 3.10. Public Place. The term "public place" shall mean any street or highway, sidewalk, park, cemetery, schoolyard or open space adjacent thereto, and any lake or stream or any other place of public resort or accommodation.
- 3.11. Reasonable Time. In all cases where any provision shall require any act to be done in a "reasonable time" or "reasonable notice" to be given to any person, such reasonable time or notice shall be deemed to mean such time only as may be necessary in the prompt execution of such duty, or compliance with such notice.
- 3.12. Sidewalk. The word "sidewalk" shall mean any portion of the street between the curb line and the adjacent property line intended for the use of pedestrians, excluding parkways.
- 3.13. Signature or Subscription. "Signature" or "subscription" shall include a mark when a person cannot write.
- 3.14. State. The words "the state" or "this state" shall mean the State of Indiana.
- 3.15. Street. The word "street" shall mean to include streets, avenues, boulevards, roads, alleys, viaducts and all other public highways in the Town.

- 3.16. Tenant. The words "tenant" or "occupant" applied to a building or land shall include any person holding a written or oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.
- 3.17. Town. The word "Town" shall be construed as if the words "of Bremen, Marshall County, Indiana" followed it.
- 3.18. Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power.
- 3.19. Year. The word "year" shall mean a calendar year.
- 3.20. Other Definitions. Certain chapters of this Code contain other definitions applicable particularly to such chapters. In case of any conflict between the definitions provided in this chapter and such other definitions, the other definitions shall prevail in the chapters where applicable.
- 3.21. Indiana Definitions to Apply. Unless clearly in conflict with definitions or other provisions of this Code, or otherwise clearly inapplicable, definitions established for the State of Indiana by statute or case shall apply to this Code.

## CHAPTER 4 - ORDINANCES

- 4.01. Introduction of Ordinances and Resolutions. All ordinances, orders or resolutions shall be introduced by a member of the Town Council, or by any committee of said Council, or by the Board of Health. All ordinances upon introduction shall be consecutively numbered.
- 4.02. Unanimous Consent. No ordinance shall be passed on the same day or at the same meeting that it is introduced, except by unanimous consent, and a motion to suspend the rules, and then only in case there are present and voting at least three-fourths of all the members-elect of the Council.
- 4.03. Readings. Every proposed ordinance shall receive three separate readings by the Town Council previous to passage.
- (1) First Reading.  
The first reading of a proposed ordinance shall be for information, but may be read by title only, and such title shall clearly set forth the nature of the contents, and the proposed ordinance shall be immediately referred to the proper committee, or may be taken up by the entire Council.
- (2) Second Reading.  
Every proposed ordinance shall be read through by sections at its second, and at such reading it shall be in order to commit, to amend, to lay upon the table, to postpone or to pass to its third reading by a majority vote of all members-elect. Any proposed ordinance failing to receive a majority vote of all the members-elect at its second reading be considered lost. A proposed ordinance may be stricken from the files by a vote of three fourths of all the members elect before or after it has passed its second reading.
- (3) Third Reading.  
On the third reading of any proposed ordinance, no amendment shall be in order, except by a vote of three-fourths of the members-elect of the Town Council, and in no case shall the reading of any such proposed ordinance by sections be dispensed with on third reading except by unanimous vote. At any time before the final passage, a proposed ordinance may be re-committed. Failing to receive a majority of the votes of all members present on the third reading, an ordinance is lost and shall be stricken from the files.
- 4.04. Tie; Tie-Breaking Vote. The Clerk-Treasurer of the Town Council shall cast a vote in instances where the vote cast by the members of the Council has resulted in a tie.
- 4.05. Adoption. Every ordinance, order or resolution of the Town Council shall be considered adopted upon its passage, enrollment, attestation and signature by the Clerk-Treasurer and the presiding officer, and upon a record having been signed by all members of the Council present.

## CHAPTER 10 - COUNCIL PROCEDURES

- 10.01. Regular Meeting Time. The regular, stated, and fixed meetings of the Town Council shall be the second and fourth Mondays of each month, and at such hours as the Council may.
- 10.02. Special Meetings. Special meetings may be convened at any time other than the regular scheduled meetings. Such meetings may be called by the President of the Council, or by a majority of the members of the Council.
- 10.03. Procedures for Special Meetings. The call for such special meetings shall be written or printed, and shall be signed by the person(s) calling, and sealed with the Town seal and countersigned by the Clerk Treasurer.

The service of such notice shall be made by the President or his appointed agent as follows:

- (1) By delivering a copy of said notice to each Council member or by leaving a copy at his usual place of residence.
- (2) By posting a copy of the notice at the Town Hall; and
- (3) By mailing a copy of the notice to all news media which have filed an annual written request in accordance with the provisions of Ind. Code 5-14-1.5-1 et seq.

All notices required hereunder shall be given at least forty-eight (48) hours before the meeting, except when the meeting is called to deal with an emergency as defined by Ind. Code 5-14-1.5-5(d), in which case notice of said meeting will be made by posting a copy thereof, and by giving the same notice to all news media who have requested notice as is given to Council Members.

- 10.04. Quorum. A quorum shall consist of not less than three members of the Town Council.
- 10.05. Vacating of Council Seat. The seat of any member of the Council may be declared vacant by a two-thirds vote of the Council upon the failure of any member to be present during the sitting of the Council, unless excused by the members of the Council.
- 10.06. Calling the Meeting to Order. At the hour fixed for the opening of the meeting, the President shall take the chair and call the Council to order. Once determined that a quorum is present, he shall direct the Clerk Treasurer to read the minutes of the preceding meeting, unless the reading of the minutes be dispensed with.
- 10.07. Voting at Meetings. Every Council member shall be present within the designated meeting room during the meeting of the Council, and shall vote on each question put, unless he has a personal or pecuniary interest in the event of such question.
- 10.08. Appointment of Standing Committees. At the first annual meeting of the Town Council it shall be the duty of the President to appoint such standing committees as deemed necessary for the operation of the Town. At such time the President shall assign Council members as liaison to assist in the administration and operation of the departments as follows:

- |                                      |                           |
|--------------------------------------|---------------------------|
| (1) Electric Utility                 | (5) Parks and Recreation  |
| (2) Police and Fire Department       | (6) Zoning                |
| (3) Streets, Water and Sewers        | (7) Waste Water Treatment |
| (4) Public Buildings and Real Estate | (8) Economic Development  |

The Council President shall be a member of each committee by virtue of his office. The Committee shall consist of the liaison, the department head and the President of the Council.

- 10.09. Department Heads. The Department Heads shall be appointed by a majority vote of the Council. The Department Heads shall be responsible for the administration and operation of the respective departments, and each department head shall have the power and duty to direct such department subject to the ratification and approval of the Council.

It shall be the duty of each Department Head to report to the Town Council at any time the Council calls upon it to do so, or when they may deem it necessary so to do.

Personnel in the respective departments shall report to the Department Heads.

- 10.10. Appointment of Special Committees. The President may appoint committees for special purposes. Such committees shall expire when their purpose has been accomplished, or at such time as the Council may deem appropriate.

- 10.11. Order of Business. Business shall be taken up by the Council in the following order:

- (1) Roll call.
- (2) Reading the minutes of previous meeting.
- (3) Reading and referring claims and bills.
- (4) Reception of petitions and remonstrance.
- (5) Reports from department heads and special committees.
- (6) Unfinished business.
- (7) New business.
- (8) Miscellaneous.
- (9) Adjournment.

The Council may, by a majority vote, suspend the rules.

- 10.12. Procedures.

- (1) Rules of Order - Robert's Rules of Order shall govern except where inconsistent with standing rules.
- (2) Change of Rules - Any rule or rules of this Council may be changed, altered or amended by a majority vote of the Council, but the same shall not be passed at the same meeting it is submitted.
- (3) Addressing the Council - When any member is about to speak, he shall address the Chair, and upon being recognized, shall confine himself to the question before the Council avoiding all personalities.
- (4) Censure - If any member, in speaking or in any other manner,

transgresses the Rules of the Council, the Chair shall immediately call such member to order. Said member shall immediately sit down, and not be at liberty to proceed, except by consent of the other Council members. If the violation be of such magnitude as to require censure, he shall be liable thereto subject to the Council discussion.

(5) Motions - When a motion has been made and seconded the Chair shall state it, or if in writing, cause it to be read aloud by the Clerk-Treasurer and attached to said ordinances.

10.13. Effective Date of Ordinances.

All ordinances passed by the Town Council requiring publication shall take effect on the date of publication, unless therein otherwise expressly provided.

Ordinances not requiring publication shall take effect from their passage and upon being signed and attested to, unless otherwise expressly provided.

Wherever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the part of such ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying the same. When publication is not required, the repealing or modifying ordinance shall take effect immediately upon passage, unless therein otherwise expressly provided.

## CHAPTER 11 - TOWN GOVERNMENT

- 11.01. Town Government. The Town of Bremen shall be governed by a Town Council composed of four Council persons and one Clerk-Treasurer.
- 11.02. Election of Officers. Elections for Town officers shall be held in November, 1991, and every four years thereafter, and the first Tuesday after the first Monday in May, 1991 and every four years thereafter a primary election shall be held to nominate candidates for said November elections in accordance with the Provisions of Ind. Code 3-2-7-2.
- 11.03 Town Council
1. As used in this Code:
    - (a) "Council" refers to the Town council of the Town of Bremen.
    - (b) "Town" refers to the Town of Bremen.
  2. The Council consists of four (4) members.
  3. The members of the council shall be elected at large by the voters of the whole town in accordance with Indiana 36-5-2-5.
  4. The Council members shall reside in the town when they file their declaration of candidacy and at the time of their election and taking office. A council member who moves his residence outside the Town limits immediately vacates his seat and shall be replaced.
  5. The Clerk-Treasurer of the Town shall forward a signed copy of this Code to the Circuit Court Clerk of Marshall County and shall request the Clerk to include the copy of the Code section and Chapter 12 in the records of Marshall County Election Board.
- 11.04 Residency Candidates for the office of Town Council shall reside in the Town in which they are nominated and elected. Candidates shall be citizens of the United States and be of legal voting age.
- 11.05 Oath of Office Each candidate shall, prior to taking office, take and subscribe to the usual oath or affirmation for the faithful performance of the duties of their respective offices.
- 11.06 Term An elected term of office is four (4) years. If a vacancy occurs, the Council shall fill such vacancy by appointing a person to serve in that office for the remainder of the unexpired term unless otherwise provided by state law.
- 11.07 President of Council The election of a president shall be done at each annual meeting of the Town Council.
- 11.08 Powers of the Town Council The powers of the Town Council are to:
- (1) Elect a president.

- (2) Make and establish such by-laws, ordinances and regulations as may be necessary and not repugnant to the laws of the State of Indiana, and to repeal, alter or amend same as deemed necessary.
- (3) Determine the salaries to be received by the Councilpersons, Clerk-Treasurer, appointive personnel and employees of the Town as consistent with the Statutes of Indiana, and to have the right to change the salaries at any time they deem proper, such change to be affected by a majority vote.
- (4) Codify and publish Town ordinances.
- (5) Appoint a Town Attorney.
- (6) Appoint a Fire Chief; organize fire companies; and, provide equipment.
- (7) Appoint a street commissioner; lay, open, pave and maintain streets, alleys, sewers and sidewalks; and, regulate travel upon streets and thoroughfares.
- (8) Levy taxes within statutory limitations, subject to review by the County Board of Tax Adjustment and the State Board of Tax Commissioners.
- (9) Purchase and hold real estate necessary for carrying out town functions.
- (10) Build and repair municipal structures.
- (11) Insure public property of the Town.
- (12) Purchase and maintain cemeteries.
- (13) Plant trees and acquire land for park purposes.
- (14) Rent or lease park lands to individuals or organizations for the purpose of constructing, maintaining and operating a public swimming pool.
- (15) Provide recreation facilities for the Town, and establish a Board of Parks and Recreation to conduct playground and recreational centers.
- (16) Create a plan commission to promote orderly development of its governmental units and environs.
- (17) Provide for lighting of streets and public places.
- (18) Regulate rail travel within the town, and require lighting of railroad crossings.
- (19) Contract with owners of real estate for the construction of storm and sanitary sewers within the town, or within four miles of the corporate limits.
- (20) May establish town drainage district upon petition.
- (21) May establish and regulate markets, and build market houses.
- (22) Provide for a Town pound.

- (23) Determine what constitutes a public nuisance and provide for its abatement.
- (24) Regulate salesmen, merchants, itinerate vendors and street auctions.
- (25) Carry out other necessary functions of the Town Corporation.
- (26) Maintain electric and water utilities.
- (27) Remove or contract for the removal of garbage, trash and refuse.
- (28) All other powers not prohibited by law.

11.09 Clerk-Treasurer. The Office of Clerk-Treasurer is a combined office with the following duties:

- (1) To have custody of the Town seal, the records, books and papers of the Town Council.
- (2) To record the proceedings of the Council.
- (3) To issue licenses.
- (4) To administer oaths and take depositions.
- (5) To be responsible for the Town funds under the direction of the Town Council.
- (6) Office manager of Town utilities.
- (7) Payment of Claims approved by the Council.

11.10 Payment of Claims (Pre Approval)

Section A: The Clerk-Treasurer is hereby granted authority to issue any checks between Town Council meeting which would otherwise incur late charges, loss of discount, penalties or other constraints, for the following types of expenses:

- a. Property or services purchased or leased from:
  - (1) The United States government; or
  - (2) An agency or a political subdivision of the U.S. Government
- b. License fees or permit fees.
- c. Insurance premiums.
- d. Utility payments or utility connection charges.
- e. Federal grant programs if:
  - (1) Advance funding is not prohibited; and
  - (2) The contracting party provides sufficient security for the amount advanced.

- f. Grants of state funds authorized by statute.
- g. Maintenance agreements or service agreements.
- h. Lease agreements or rental agreements.
- i. Principal and interest payments on bonds.
- j. Payroll
- k. State, federal or county taxes.

Section B: The Town Council or the board having jurisdiction over the allowance of the claim shall review and allow the claim at the Council or board's next regular or special meeting following the pre-approved payment of the expense.

11.11 Town Attorney. The duties of the Office of Town Attorney shall be:

- (1) Management of the Town's law business and of the legal affairs of each department within the Town government.
- (2) Prosecution of all violations of Town ordinances.
- (3) Service as legal advisor to all Town departments.
- (4) Preparation of all cases, ordinances, contracts and other legal papers for all departments.
- (5) Handling of all Town litigation.
- (6) Making all title searches and examining all abstracts necessary to opening or improving streets or other public property.
- (7) Employing of assistants within ordinance limits.
- (8) Instituting all proceedings necessary to protect the rights of the Town or the public.

11.12 Fire Marshall. The Town Fire Marshall is appointed by the Town Council, and is subject to dismissal by the Council. Duties of said Marshall include:

- (1) Directing and taking charge of the fire protection of the Town.
- (2) Directing and taking charge of the Town's Volunteer Fire Department.

11.13 Building Commissioner. The Office of Town Building Commissioner is established. Said Building Commissioner has the principal responsibility for insuring compliance with all ordinances related to zoning and shall be appointed by the Town Council.

11.14 Police Chief. The Town Police Chief is appointed by the Town Council and is subject to dismissal by the Council. Duties of the Police Chief include:

- (1) Enforcement of all laws and ordinances.

- (2) Directing and taking charge of the Town's Police Department.
- (3) Performance of all duties of the traffic engineer as per 60.08 of this Code.
- (4) All other duties necessary to promote safety and security within the Town.

11.15 Director of Operations. The Office of Director of Operations is established. Said director has the principal responsibility of insuring the efficient operation of each department, individually and jointly, and for the smooth administration of the services provided by the Town government and shall be appointed by the Town Council and report directly to the Town Council.

## CHAPTER 13 - TOWN PLAN COMMISSION

- 13.01 Establishment. There is hereby created a Plan Commission for the Town of Bremen, which commission shall exercise all powers and duties as provided by law. This commission shall serve in an advisory capacity to presently established boards and officials.
- 13.02. Plan Commission. The Plan Commission shall consist of nine (9) members. Membership shall be determined as follows:
- (1) Three (3)-commission members shall be from the Town Council.
  - (2) The president of the Council shall appoint four (4) citizen members, not more than two (2) of whom shall be members of the same political party.
  - (3) Two (2) members from the jurisdictional area, each of whom shall be of a different political party, shall be appointed according to law by the Judge of the Circuit Court.
- 13.03. Powers. The Commission has the power to establish its own rules and regulations within the statute, to appoint a secretary and professional consultants whom it deems necessary for the making of survey, studies, maps, plans, charts, ordinances, or such other data as fall within the scope of the Commission's authority.

## CHAPTER 14 - BOARD OF ZONING APPEALS

14.01 Membership. A Board of Zoning Appeals is established, with membership as follows:

- A. Five (5) members appointed by the Town Council President, two (2) of whom must be members of the Plan Commission; and,
- B. One (1) member appointed by the Judge of the Marshall County Circuit Court from the jurisdictional area.

At the first meeting in each calendar year, the Board shall elect from among its members a Chairman and a Vice-Chairman.

14.02. Powers and Duties. The function of the Board is to hear and determine appeals for exceptions to Town zoning ordinances.

Consistent with State law, it may appoint and fix the compensation of a secretary and such employees, as it considers necessary to discharging its duties.

The Board shall prescribe such regulations, as it considers necessary to carry out the Town zoning ordinances.

14.03. Public Availability. Meetings of the Board shall be open to the public.

The Board shall keep minutes of its meetings, keep records of all examinations and other official actions, make all findings in writing, and record the vote of each member on each question. Minutes and records shall be filed in the office of the Board and made available to the public.

14.04. Hearings. Upon application for a Special Exception or Variance, and upon appeal from a decision of the Building Commissioner, the Board shall hold a public hearing. Public notice setting forth the time and place shall be given at least fifteen (15) days before the date of the hearing in a newspaper of general circulation in the County. Interested parties shall be notified as provided by the Board. The cost of such notices shall be borne by the person applying or appealing.

14.05. Variances. The Board may grant a Variance with respect to specific property or an intended use if, after a hearing under Section 14.04, it finds that.

- (1) There are special circumstances relating to the property or intended use that do not generally affect other property or other uses of the same kind in the same district and vicinity.
- (2) The special circumstances create hardship in that, if the Variance is not
- (3) The granting of the variance will not be materially detrimental to the public welfare or materially injurious to other property or uses in that district and vicinity; and
- (4) The granting of the Variance will not materially change the character of that district and vicinity, materially lower the market value of adjacent property, or materially increase congestion in the streets.

14.06. Appeals. A decision of the Building Commissioner enforcing a zoning ordinance

may be appealed to the Board by any person who is adversely affected by the decision.

On an appeal under the above, the Board may reverse, modify or uphold any decision that the Building Commissioner might have made.

A decision of the Board is subject to review by certiorari.

- 14.07. Enforcement. Any person may, by suit in the Circuit or Superior Court of the County, enjoin the violation of the zoning ordinance.

The Commission or the Board may, by mandatory injunction in the Circuit or Superior Court of the County, require the removal of a structure erected in violation of the ordinance.

A use that violates an ordinance shall be treated as if it were a common nuisance, and it may be abated in the same manner as such a nuisance.

- 14.08. Filing Fees. Applications and petitions filed pursuant to the provisions of this Chapter shall be accompanied by a filing fee which filing fee shall be in accordance with a Schedule, established by the Board of Zoning Appeals and approved by the Town Council and placed on file in the Office of the Town Clerk-Treasurer which office shall also serve as the Office of the Board of Zoning Appeals.

- 14.09. Amendments. All amendments to this Chapter shall be in accordance with the laws of the State of Indiana.

- 14.10. Remedies and Penalties.

- A. Action on the violation of any provision of this Chapter and the rights of injunction against such violation shall be as provided by Chapter 174, Acts of 1957, of the Indiana General Assembly, and all acts amendatory thereto.
- B. In addition to the remedies provided under sub-section A herein above, any violation of any provision of this Chapter shall be deemed to be an infraction punishable by a fine of up to Three Hundred Dollars (\$300.00). This shall include but not be limited to a failure to obtain an Improvement Location Permit (See Improvement Location Permit and Application), prior to initiating construction.

## CHAPTER 15 - POLICE OFFICERS

15.01. Board of Police Commissioners. There is hereby created a Metropolitan Board of Police Commissioners for the Town, which Board shall have full powers and duties as set forth under the laws of the State of Indiana and as modified from time to time hereafter.

15.02. Board Members. Said Board shall consist of three (3) members who shall be appointed by the Town Council. All members shall be legal residents of the Town, and no more than two shall be of the same political party. Each member shall serve a three (3) year term, with terms staggered, such that one commissioner is appointed on January 1st of each year.

Each of such commissioners shall be subject to removal by the Town Council for any cause which the Board may deem sufficient.

Before entering upon their duties, each member shall take and subscribe an oath of office before the Clerk, and shall also take and subscribe before such Clerk the further oath or affirmation that, in any and every appointment or removal to be made by them, to and from the police force created and to be organized by them under the laws of the State, they shall in no case and under no pretext appoint or remove any policeman, officer of police, or other person because of any political affiliation of such person, or for any cause or reason other than that of fitness or unfitness of such person.

Salary of the Board members shall be Three Hundred Dollars (\$300.00) per year, payable annually out of the treasury of the Town.

15.03. Definitions. For the purposes of this Chapter, certain words or phrases shall have the following meaning:

"Years of Satisfactory Service" shall be construed to mean years of continuous, uninterrupted active duty as a police officer of the Town, except as provided in Section 15.05.

"Police Officer" shall be construed to mean all policemen employed by the Town of Bremen, or to be employed by the Town, whether such police officer be Chief, Assistant Chief, Captain, Sergeant or Patrolman, or other type or classification as may be created by the Town Council, but does not mean volunteer or part time policemen.

"Base Pay" shall be the annual compensation paid to the police officers as determined on an annual basis by the Town Council, and the monthly base pay shall be the amount of said compensation divided by twelve (12).

15.04. Probationary Period. A police officer shall be considered as a probationary police officer for a period of one (1) calendar year from the date of his employment as a police officer, and he shall be subject to dismissal at the suggestion of the Police Chief with the approval of the Metropolitan Board of Police Commissioners. His salary for the probationary period shall be considered his "base pay" for the purposes of this Chapter.

15.05. Leaves of Absence. The Board of Police Commissioners shall have the right, upon application by a police officer and for good cause, to grant a leave of absence for a period of time determined by said Board. A police officer shall not lose his previously accumulated "years of satisfactory service" while on leave of absence,

but the time during which the police officer is on a leave of absence shall not be included in determining the total number of years of satisfactory service.

- 15.50. Establishment of Police Reserve. There is hereby established pursuant to IC 36-8-3-20 a police reserve for the Town of Bremen, Indiana, to be known as the Bremen Auxiliary Police Department.
- 15.51. Membership. The Bremen Auxiliary Police Department shall consist of twenty (20) members appointed by the Bremen Police Commission and shall have the police powers and authority authorized by the Indiana Code except as limited by the rules and regulations adopted by the Police Commission.
- 15.52. Eligibility. Police reserves may not be members of the regular Police Department and are not eligible to participate in any pension program and shall receive those benefits as provided by Town ordinance.
- 15.53. Training. No member of the police reserves shall be appointed until he has completed the training and probationary period specified by the rules of the department. Further, those officers appointed after June 30, 1993, shall complete a pre-basic course set out under IC 502-1-9(f)

## CHAPTER 16 - POLICE FUNDS

- 16.01 Collection of Fines. Fines collected as penalties for violations of the Ordinance regulating motor vehicles within the Town shall be receipted to the General Fund as miscellaneous revenue.
- 16.02 Police Pension Fund. There is hereby created a Police Pension Fund for the Town.
- 16.03 Pension Fund Board of Trustees. Said Pension Fund shall be governed and managed by a Board of Trustees, to be composed of the President of the Town Council, the Town Clerk-Treasurer and the Chief of Police and three (3) members (1 retired and 2 active) elected by the police department.
- 16.04 Board Elections. The retired member and the active members of the police force who are elected to Board membership shall be so elected at a meeting of the members of the police force which shall be held at the police station on the second Monday in February of each year. The Board of Trustees members of the Pension Fund now in office shall continue in office for the respective terms for which they were selected, and thereafter there shall be selected on the second Monday in February of each year two (2) trustees for a term of three (3) years to succeed those whose terms of office shall expire on such date, and such Trustees shall hold their said offices until their successors shall be elected and qualified.
- 16.05. Board Officers. The Pension Fund Board of Trustees shall have the following officers with duties as described herein:
1. President. The President of the Town Council shall be President of this Board. It shall be the duty of the President to preside over all meetings of the Board of the Pension Fund, to call special meetings of the police force of the Town, and to preside over the annual and called meetings of same held with relation to the Fund.
  2. Treasurer. The Town Clerk-Treasurer shall be the Treasurer of the Fund. Said Treasurer shall have the custody of all moneys, notes, bonds and other securities due or belonging to said Fund, and shall collect the principal and interest of same. He shall be liable on his bond, as such Town Treasurer, for the faithful accounting of all moneys and securities which may come into his hands belonging to said Fund. He shall keep a separate account which shall show at all times the true condition of such Fund, and upon the expiration of his term of office, shall account to the Board for all moneys, notes, bonds and other securities and the proceeds of same, and shall turn over to his successor all funds belonging to the Fund remaining in his hands.
  3. Secretary. The Pension Fund Board shall select one of its members to act as Secretary. Such secretary shall be paid out of the Fund such sum for his services as may be fixed by the Board of Trustees. The Secretary shall keep a true account of the Board proceedings, and of the police force when acting upon matters relating to the Fund. He shall also keep a statement of the accounts of each member with the Pension Fund, to collect and turn over to the Treasurer all moneys belonging to the Fund. The Secretary shall prepare a bill of the assessments made against each member of the police department by name and, he shall provide the Board with a monthly account of his acts and

services as such and turn over to his successor all books and papers pertaining to the office. The Secretary shall further execute a bond; to be approved by the Board of Trustees in such amount as may be fixed by the Board, conditioned for the faithful discharge of the duties of his position.

The Secretary and Treasurer shall make full reports of their trusts to the Board of Trustees on the first Monday in February of each year, and shall file copies of same with the Town Clerk-Treasurer. The books of the Secretary and Treasurer shall at all times be open to examination by any member of the Pension Fund Board of Trustees.

- 16.06. Board Vacancies. In the event of a vacancy in the office of any of the Trustees selected by the police force, then such police force shall, within a reasonable time thereafter, upon the call of the President of the Town Council, hold a special meeting and elect a successor for the remainder of the term of such member.
- 16.07 Expenses of Board Members. Pension Fund Trustees shall receive no pay for their services, and shall be paid only their necessary expenses. Trustees shall, however, be paid out of the Fund their necessary traveling expenses when acting upon matters pertaining to the Police Pension Fund.
- 16.08 Board Powers. The Board of Trustees of the Police Pension Fund shall have the following powers:
1. To make all necessary by-laws for meetings, the manner of their election and the counting and canvassing of the votes there for.
  2. To collect all money and other property due or belonging to such fund.
  3. To adopt rules for the operation of such fund in accordance with the Laws of the State of Indiana.
- 16.09 Source of charge and control of the Police Pension Fund of the Town which shall be derived from all sources permitted under Ind. Code 19-1-24-2 as amended.
- 16.10 Investment and Payment of Benefits. The Board of Trustees of the Fund shall have the powers and duties concerning the investment of said funds and the payment of benefits as required by Ind. Code 19-1-24-3 as amended.
- 16.11 Further Provisions. All provisions of Ind. Code 19-1-24-1 et seq, are incorporated herein by reference in so far as applicable.

CHAPTER 17 - DEPARTMENT OF PARKS AND RECREATION

17.01. Department Established. There is hereby established a Department of Parks and Recreation composed of the Board of Parks and Recreation, a Superintendent, and such other personnel as the Town Council may determine.

17.02. Membership. The Park and Recreation Board shall be composed of five (5) 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 three (3) members shall be of the same political party.

17.03. Terms of Members. Upon establishment of the board, the terms of the members 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, and,
4. Two (2) members 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.

17.04. Officers. 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 either from within or without its own membership.

17.05. Powers. 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 powers and duties listed in IC 36-10-3.

17.06. Budget. The Board shall prepare and submit an annual budget in the same manner as other departments of Town government as prescribed by the State Board of Accounts. The Board may accept gifts, donations, and subsidies for park and recreation purposes.

## CHAPTER 18 - FIRE DEPARTMENT

- 18.01. Chief. The Town Council shall appoint the Town Fire Marshal, who shall be known as the Chief of the Volunteer Fire Department. The Chief shall serve at the pleasure of the Town Council.
- 18.02. Duties of Chief. The Town Fire Marshal and Chief of the Volunteer Fire Department is delegated the responsibility for the organization and operation of the Fire Department known as the Bremen Community Fire Department, and said Chief shall report to and be under the direction of the Town Council and shall have such other duties and obligations as may from time to time be assigned to him by the Town Council.
- 18.03. Assistant Fire Chief. The Chief of the Volunteer Fire Department shall nominate and appoint an Assistant Fire Chief, subject to the approval of the Town Council, and said Assistant shall serve at the pleasure of the Chief.
- 18.04. Volunteer Fire Department. The Volunteer Fire Department shall be under the supervision and direction of the Chief, and such Department shall consist of such membership, and adopt and promulgate such rules and regulations, as the membership shall determine subject to the acceptance and approval of the Chief and the Town Council.
- 18.05. Compensation. The Town Council shall determine and establish the monetary compensation and other compensatory benefits for the Chief and the other members of the Volunteer Fire Department, and said Council may from time to time alter, amend and change said compensation and benefits as allowed by law.
- 18.06. Reports. The Chief shall be responsible for providing to the Town Council an annual report to include the activities of the Volunteer Fire Department, which report shall be submitted on or before the first meeting in January of each year for the prior year's activities, or at such other time and also such other reports as the Council may from time to time require.
- 18.51 Definitions: The following terms when used in this ordinance shall have the following meanings:
- a. "Alarm System" means any mechanism, equipment or device which is designed or used for the detection of an unauthorized entry into a building, structure, facility or enclosed area or a device utilized to alert others of the commission of an unlawful act, or a fire within a building, structure, facility or enclosed area, said device emitting a sound or transmitting a signal message when activated. Provided, however, that this definition does not include "local alarm systems".
  - b. "Local alarm system" means a device alerting only individuals located upon the premises which is subject to the commission of an unlawful act or fire, or the threat of an unlawful act or fire. An example of a "local alarm system" included, but is not limited to, a home smoke detector or a home burglar alarm that does not directly alert the Bremen Police Department by direct telephonic or other means.
  - c. A "second-party alarm monitoring agency" shall mean any private business, providing an alarm monitoring service to another person or entity, which, in the event of an activated alarm would telephone or otherwise notify the appropriate department to report said alarm. Such a "second-party alarm monitoring agency" is not considered a "local alarm system".

d. "False alarms" shall mean the activation of an alarm where the casual factor lacks validity in its notification of the appropriate department. A non-exclusive listing of examples of factors lacking validity shall include intentional, knowing, reckless or negligent activity on the part of the user or person on the property; improper installation, equipment misuse, malfunction or failure, and, the performance of alarm system maintenance work without having first notified the fire department or police department of the Town of Bremen. A non-exclusive listing of alarms lacking validity but which are exempted from the preceding definition shall be telephone line interruptions occurring outside of the premises where the alarm is located, alarms triggered by severe weather conditions or any other act of God, alarm trouble indications, and pre-arranged alarm system tests.

18.52 Fees: The owner of the property upon which an alarm has been installed shall be the party against whom fees shall be imposed under this ordinance. There shall be no fees imposed for three (3) false alarms in any calendar year. However, upon the fourth false alarm in any calendar year, a fee of Twenty-five Dollars (\$25.00) shall be imposed against the owner of the real property upon which the alarm system has been installed. Upon the fifth false alarm in any calendar year, a fee of Fifty Dollars (\$50.00) shall be imposed. Upon the sixth and every subsequent false alarm in any calendar year the fee shall be One Hundred Dollars (\$100.00).

18.53 Response to alarm:

a. Whenever an alarm system is activated in the Town of Bremen, thereby requiring an emergency response on the premises by the police or fire department and to which the police or fire department responds, the senior officer on the premises where said alarm system is activated shall inspect the area protected by the system and shall determine whether the emergency response was required as indicated by the alarm system. If the senior officer on the premises of the activated alarm system determines the alarm to be false, the officer shall make a report of the false alarm and shall submit the same to the chief of the department. If the chief concurs that the alarm was false, then notice of a false alarm shall be sent to the owner of the real property upon which the alarm system has been installed. The chief shall keep a record of the number of false alarms for any particular property owner for each calendar year. Upon the occurrence of the fourth false alarm in any calendar year, the notice shall reflect the imposition of fees equal to those referred to above.

18.54 Appeal of imposition of fees: The owner of property in which an alarm system has been installed may object the imposition of fees based upon the ordinance, and/or the determination that false alarms have occurred on the premises. The owner may appeal the decision to impose fees by filing a written objection with the chief of the department within thirty (30) days of the date of the notice. This appeal shall be to the Town Council who shall make the final decision on the imposition of any fees pursuant to this ordinance.

## CHAPTER 19 - BOUNDARIES

### 19.01 CHAPTER 19 - BOUNDARIES

The following description encompasses the corporation limits of the Town of Bremen, Marshall County, Indiana, as of the effective date of this Code:

Commencing at the intersection of the center line of the Yellow River and the North right-of-way line of the Baltimore & Ohio Railroad in the South west Quarter (SW-1/4) of Section 27, Township 35 North, Range 3 East: thence Southeasterly along the North right-of-way line of the B & O RR to a point where it intersects the East right-of-way line of State Road #331; thence North along the East right-of-way line of State Road #331 to a point where it intersects with the North right-of-way line of the U.S. Route #6 By-Pass; thence East on the North right-of-way line to a point where it intersects with the west line of the East one-half (E-1/2) of the Northwest Quarter of Section 26, Township 35 North, Range 3 East; thence South along said half section line to the South line of the East one-half (E-1/2) of the Northwest Quarter (NW-1/4) of said Section 26; thence East along said line to a point directly North of the Northwest corner of Rolling Heights Subdivision; thence due South to the Northwest corner of said Subdivision; thence East along the North side of said Subdivision to the Northeast corner of said Subdivision; thence South along the East line of said Subdivision to the North right-of way line of Fourth Street; thence East along the North right-of-way line of Fourth Street to the Northwest corner of Bremen Cemetery; thence due North along the West line of the East one-half of Section 26, Township 35 North, Range 3 East to where it intersects the North right-of-way line of the U.S. Route #6 By-Pass; thence East on the North right of way of U.S. Route #6 to the West right-of-way line of Douglas Road; thence South along the West right-of-way line of Douglas Road to a point where it intersects with the South line of Second Street; thence East on the South line of Second Street extended to the Northeast corner of a tract now owned by John Pfeiffer; thence South on the East line of said tract extended to where it intersects with the South right-of-way line of the B & O RR; thence westerly along the South right-of-way line of the B & O RR to where it intersects the West right-of-way line of U.S. Highway No. 6; thence South along the West highway line of U.S. highway line of U.S. Highway No. 6 to a point where it intersects the middle point of the North branch of the Yellow River (Army Ditch); thence Southeasterly along the center of said River to a point where it intersects with the South line of State Road #331; thence continuing Southeast along the center line of the Army Ditch to the East line of the Clifford D. Zillmer and Betty J. Zillmer parcel (Deed Record 1975, page 6340, Office of the Marshall County Recorder); thence South 00°07'37" East (South 00°34'05" West recorded), along the East line of said Zillmer parcel, to the Northeast corner of a tract of land conveyed to Kae L. Crum (recorded in deed record 1984, page 8580, in the office of the Marshall County Recorder); thence South 89°59'36" West, along the North line of said Crum property and along the North line of Lot 1 in Sonny Meadows Section 3, 331.58 feet to the Northwest corner of said Lot 1, said point also being the Northeast corner of Lot 10 in Sonny Meadows Section 4; thence South 00°03'35" East along the East line of said Lot 10, 454.92 feet to the South line of the Southwest quarter of said Section 36; thence South 90°00'00" West, along said South line, 1269.30 feet to the Southwest corner of said Sonny Meadows Section 4; thence North 00°20'56" West along the West line of said Sonny Meadows Section 4, 291.6 feet to the Northeast corner of the Marsha L. Patterson tract (recorded in deed record 1988, page 1245 in the office of the Marshall County Recorder); thence South 89°46'22" West, along the North line of said Patterson tract, 449.00 feet to the Northwest corner of said Patterson tract; thence South 00°25'39" East, 121.27 feet to a point 19.60 feet East of the Northeast corner of Lot 10 in Sonny Meadows Section 1; thence South

89°56'40" West, along the North line of said Lot 10, 119.51 feet to the Northwest corner of said Lot 10; thence South 00°00'30" East, along the West line of said Lot 10 and said line projected Southerly, 170.00 feet to the South line of the Southeast quarter of said Section 35; thence North 89°59'59" West, along said South line, 60. feet; thence North 00°00'30" West, along the east line of Lot 9 in said Sonny Meadows Section 1 and said line projected Southerly, 170.00 feet to the Northeast corner of said Lot 9; thence South 89°57'41" West, along the North line of said Sonny Meadows Section 1, 960.00 feet to the Northwest corner of Lot 1 in said addition; thence North, 308.34 feet to the South line of a tract of land conveyed to John L. Pfeiffer (recorded in deed record 1987, page 6907 in the office of the Marshall County Recorder); thence South 89°57'00" West, along the South line of said Pfeiffer tract, 1204.10 feet to the center line of North Elm Road, said point also being the Northwest corner of Gooding's Second Addition to the Town of Bremen; thence North, along the East right-of-way line of said Alexander Street, to the South line of Lincoln Street extended; thence South 89°41'39" East, along the South line of said Lincoln Street extended; thence West to the West line of South Center Street (Elm Road); thence North along the West right-of-way line of South Center Street to a point 1152.2 feet South of the Northeast corner of the Southwest Quarter (SW-1/4) of Section 35, Township 35 North, Range 3 East; thence West 767.1 feet; thence North 502.2 feet; thence West to the West line of the East Half of the Southwest Quarter of Section 35, Township 35 North, Range 3 East; thence North to the Southeast corner of Roeder's Addition; thence West along the South line of Roeder's Addition to the West right-of-way line of South Baltimore Street; thence North along the West right-of-way line of Baltimore Street to the South Line of I. L. Kelley's Addition; thence West along the South line of said Addition to the East right-of-way line of South Bowen Street; thence South along the East right-of-way line of South Bowen Street to the South right-of-way of Stock Street; thence West along the South right-of-way line of Stock Street to the Northwest corner of Lot No. 1 of Owen Stock's 3rd Addition; thence South along the West line of said subdivision to the South line of Section 35, Township 35 North, Range 3 East; thence West along the said section line to the Southwest corner of the Southeast quarter of the Southeast Quarter; thence North to a point 336.3 feet South and 45.0 feet East of the Southwest corner of Lot No. 11 of Southlawn Estates which is on the North line of the South Half (S-1/2) of Section Thirty-four (34), Township Thirty-five (35) North, Range Three (3) East; thence West along said quarter section line to the center of the Yellow River; thence North following the center line of the Yellow River to the point of beginning of this description.

## CHAPTER 20 - ECONOMIC DEVELOPMENT

- 20.01 Creation. There is hereby created the Bremen Economic Development Commission to carry out the provisions as set forth below and as enacted by the General Assembly of the State of Indiana in the "Promotion of Economic Development" (the Act) and as may be amended from time to time. 18-6-4.5-1 ET Seq.
- 20.02 Purpose. The purpose of said Commission shall be to investigate, study and survey the need for job opportunities, industrial diversification and economic stability, development and general welfare of the Town, and to carry out the duties and powers as set forth in the Act.
- 20.03 Members. The members of said Commission shall be appointed and shall perform the duties and exercise the powers all as set forth in the Act.
- 20.04 Economic Development Fund. There is hereby created a separate Economic Development Fund into which contributions may be deposited by various individuals, corporations or groups, to be used for economic development purposes. The Town Council shall also review and approve a budget for Economic Development, including the salary of the Director, and may allocate tax or utility revenues to the Economic Development Fund.
- 20.05 Director of Economic Development. There is hereby created the position of Director of Economic Development who shall be responsible for coordinating efforts to promote and plan economic development in the Town of Bremen, Indiana. The Director shall be subject to the supervision and direction of the Town Council.

CHAPTER 21 - URBAN DEVELOPMENT AREAS

21.01. The Plan Commission of the Town of Bremen, Indiana, is hereby designated as the Agency of the Town of Bremen which shall receive all applications from persons, firms, organizations or corporations requesting that certain real estate be designated as an Urban Development Area.

21.02 FEES. The fees, unless waived by the Town Council, to be paid by the applicants on the real estate to be designated as an Urban Development Area, shall be paid to the Clerk-Treasurer of the Town, and shall thereafter remain the property of the Town, and are as follows:

<u>Fee</u>	<u>Value of Proposed Improvements</u>
\$ 50.00	\$ 0 to \$ 25,000.99
\$150.00	\$ 25,001.00 to \$ 75,000.99
\$300.00	\$ 75,001.00 to \$500,000.99
\$500.00	\$500,001.00 and over

21.03 Printed Forms. The Plan Commission of the Town of Bremen, Indiana, shall prepare printed forms and require all applicants applying for designation of real estate as an Urban Development Area to use such forms in making application for such designation. The Plan Commission shall consider the following items in preparing such printed forms: Proposed use of real estate; proposed type and cost of buildings and equipment, if improvements are proposed; proposed operation and number of jobs to be created; real estate description; and proposed development of the real estate if improvements and/or buildings are not immediately contemplated.

21.04 Recommendations and Final Approval. The Plan Commission, after receiving an application requesting Urban Development Area designation, shall investigate the applicant to determine the best interests of the Town, shall hold public hearings thereon, if necessary or advisable, and shall thereafter make written recommendations to the Town Council as to the desirability or non-desirability of designating the area described in the application as an Urban Development Area. The Town Council shall make final approval of all applications, and the application shall be attached to the Ordinance.

21.05 This Chapter shall apply only to structures on real estate located in the Town of Bremen which is zoned Industrial.

21.06 Expiration of Permit. If Improvements as proposed in the application for Urban Development Status are not started within one (1) year from the date of designation, the Urban Development permit therefore shall expire; however, the applicant may re-apply, and the application fee therefore shall be fifty (50%) percent of the original fee. Such re-application shall be made within ninety (90) days from the date of expiration of the one (1) year period.

21.07 Where an area has been designated as an Urban Development Area, such status shall expire five (5) years after the date of designation; however, such expiration shall not affect any persons, firms, organizations or corporations who have applied for and received tax abatement status, in accordance with the law.

21.08 This Chapter shall not give any person, firm, organization or corporation any rights as to tax abatement status as would be a longer period of time, or greater than as provided by the laws of the State of Indiana.

## CHAPTER 31 - SPECIAL FUNDS

- 31.01. General Improvement Fund. There is hereby created and established a General Improvement Fund as authorized by IC 18-6-3. The purpose of such fund is to establish a permanent revolving fund to be used for financing public improvements which are to be paid for by special assessments. Accounting for the financing of public improvements handled through this revolving fund requires the use of the regular Barrett Law forms that are applicable. The Town Council is hereby authorized to fix the time within which assessments shall be paid, which time shall not extend beyond a period of five (5) years. The aggregate sum which may be appropriated and levied shall not exceed the equivalent of fifty cents on each one hundred dollars of net taxable valuation. All collections on such assessments shall be receipted to the General Improvement Fund and all portions of such costs as shall be assumed by the town of public improvement projects shall also be receipted to this fund, thus making the General Improvement Fund self Sustaining. The Council, upon establishing the assessment, may also determine interest rates, not to exceed twelve (12%) percent, and penalties, not to exceed ten (10%) percent, and all such interest and penalties collected on assessment are to be receipted to the Town General Fund.
- 31.02. Promotional Fund. A fund, the Bremen Promotional Fund is hereby established. The Town Council is hereby authorized to budget and appropriate funds from the General Fund or from other funds to pay the expenses incurred in promoting the betterment of the municipality. Expenditures from this fund may include, but are not necessarily limited to the following:
- a. Membership Dues in local, regional, state and national associations of a civic, educational or governmental nature, which have as their purpose the betterment and improvement of municipal operations.
  - b. Direct expenses for travel, meals, and lodging in conjunction with municipal business or meetings or organizations to which the municipality belongs.
  - c. Expenses incurred in the promotion of economic or industrial development for the municipality, including meeting room rental, decorations, meals and travel.
  - d. Commemorative plaques, certificates, or objects such as commemorative keys.
  - e. Other purposes which are deemed by the Town Council to directly relate to promotion or betterment of the Town.
- 31.03. Confidential Expenditure Fund. There shall be included in each annual Town Budget a Confidential Expenditure Fund in an amount to be determined by the Board of Trustees, which fund shall be included in those funds budgeted for the Metropolitan Police Department and shall be treated as a petty cash fund under IC 36-8-3 under the supervision of the Chief of Police or an officer he designates. The Town Council shall adopt by resolution a minimum documentation procedure in compliance with the requirement of the State Board of Accounts.
- 31.04. Cumulative Capital Development Fund. There is hereby established a Cumulative Capital Development Fund for the following purposes: Fire Equipment, Police Radios, Park and Recreation Equipment and Improvements.

And the levying of an additional tax at the rate of five (\$.05) cents on each one

hundred (\$100.00) dollars of taxable real and personal property within the taxing district to provide monies for said fund, said tax to be first levied in 1987, payable in 1988, and annually thereafter at the rate of ten (\$.10) cents in 1988, payable in 1989, and fifteen (\$.15) cents levied in 1989, payable in 1990, a period not to exceed three (3) years, as provided for in Indiana Code 36-9-15.5. Provided that such tax may be extended or renewed as provided by law.

- 31.05 Non-reverting Fund for Fire Department User Fees. There is hereby established a Fire Department User Fee Fund for the deposit of user fees collected and billed by and on behalf of the Fire Department which fund will be a non-reverting fund with the proceeds to be used solely for the purchase of fire equipment upon submission of the appropriate purchase order and claim form by the Fire Department.
- 31.06 Non-reverting Fund for Police Department Restitution Money. There is hereby established a non-reverting Police Department Restitution Fund to be administered by the Clerk's Office for receipt of restitution payments ordered by the Probation Departments or the Courts in criminal cases. The funds thus received may be used only by the Police Department for the purchase of new equipment or repairs to existing equipment upon the submission of the proper purchase order and claim forms.
- 31.11 Non-reverting fund for Senior Center. There is hereby established a Senior Center Fund for the operation and maintenance of the Senior Center. Such Fund shall be the receipt of all loans which the Town Council may from time to time determine to be appropriate or necessary to the operation of the Center from the General Fund or such other funds as the Council may determine. Further, the fund shall be the recipient of grants, loans or donations from other governmental entities, corporations or individuals intended for the maintenance, rents received from tenants and users of the facility shall also be deposited in the Fund. The Fund may be used for any purposes related to the construction and operation and maintenance of the facility, including repayment of debts or obligations relating thereto. The Fund shall be a non-reverting fund and shall be deemed perpetual. At such time as the Fund is terminated by other ordinances or enactment of the Town Council, the balance shall be first applied to any outstanding debts or obligations of the Senior Center and the balance, if any, to the General Fund.
- 31.12 Senior Center Surety Deposit Fund. There is established a non-reverting perpetual fund to be known as the Senior Center Deposit Fund into which all security deposits or other deposits from tenants or other users relating to the Senior Center shall be placed and accounted for.

## CHAPTER 40 - JUNK DEALERS

40.01. Definitions. For the purpose of this Ordinance, certain words and terms are hereby defined as follows:

1. Person. The word "person" shall be deemed to mean and include an individual, partnership, joint enterprise, corporation, association or other legal entity.
2. Junk Dealer. Any person who buys, sells at retail or wholesale, and trades in, barter and exchanges new and used metals, rags, paper, scrap iron, scrap metal, new and used rubber or who wrecks and demolishes buildings and personal property for the purpose of salvaging all junk, irons, metals and kindred articles therein contained.
3. Junk Yards. Any real estate or building used by a junk dealer for the sale, purchase, maintenance or storage of personal property of or for a junk dealer.

40.02. License Required. It shall be unlawful for any person to maintain or operate the business of junk dealer or junkyard within the Town limits without first having obtained a junk dealer's license. If the same person is a junk dealer and has a junkyard, only one license is required.

Any person desiring a junk dealer's license shall apply to the Clerk-Treasurer stating in the application the name of the person, the proposed place of business, and evidence of the compliance and agreement to comply with the terms of this Ordinance, and requesting the issuance of a junk dealer's license. Upon the approval of such application by the Town Council, said Council shall order the Clerk-Treasurer to issue to such person a junk dealer's license after the payment by said person of the required license fee.

Any license granted hereunder shall be valid for a period of one year from the date of issuance, and any subsequent license or renewal of license shall be obtained in the same manner as herein set forth for the issuance of an initial junk dealer's license.

40.03. Penalties. The fine for violation of this Ordinance shall be as set forth by the Town Council, and each day it continues to exist shall be a separate offense. Such fine shall be in addition to other penalties and remedies provided for in this Ordinance.

Any violation of any of the terms of this chapter shall be deemed to constitute a nuisance which may be prevented, abated, removed or may be subject to such other measures as are necessary for the protection of the public safety of the inhabitants of the Town.

40.04. Additional Requirements. No junk dealer's license shall be granted to any person who is or proposes to be the operator of a business of junk dealer or junk yard in violation, non-conformity or non-compliance with any of the statutes of the State of Indiana, or the applicable Statutes, laws, rules and regulations of the State Fire Marshal's office or the Zoning Ordinance of the Town of Bremen.

40.05. Operational Restrictions. No person shall permit the maintenance of a junk yard within the Town limits, outside of a building, without first constructing a solid wall or fence completely enclosing the area in which any of the property of said junk yard is contained:

1. Said wall or fence shall be at least eight feet (8') high, and shall be of solid metal or cement construction from the ground up;
2. Any gates or similar openings shall be of the same or similar solid construction as said wall or fence; and,
3. None of the personal property maintained or used in said junkyard within said wall or fence shall be located at a height of greater than three feet (3') below the top of said wall or fence.

40.06. Fire Hazard. No person shall maintain or use any building within the Town as a junk yard unless said building is first approved by the State Fire Marshal's office as being of such repair and structure for the purpose to which it is to be used as not to constitute a fire hazard.

No fire shall be permitted within the confines of a junkyard unless an attendant shall be present with a fire extinguisher for the purpose of safeguarding against fire hazard.

40.07. Health Regulations. No person shall maintain, use or permit the operation of a junkyard without taking such action and precaution as may be necessary to eliminate, by extermination measures, the habitat or breeding of any disease carrying animals or insects detrimental to the health of the inhabitants of the Town.

40.08. Examinations and Control. At all reasonable times, the Fire Marshal or any Deputy Fire Marshal may examine any location alleged to be operated or being used as a junkyard in order to ascertain the compliance with the fire protection provisions of this Ordinance.

The Town Council may, at any time, examine any person who proclaims to be a junk dealer and any place alleged to be a junkyard for the purpose of determining whether or not they are complying with the provisions of this Ordinance.

## CHAPTER 41 - ITINERANT MERCHANTS, PEDDLERS AND SOLICITORS

41.01. Definitions. For the purposes of this Chapter, the following definitions shall apply:

1. Itinerant Merchant. "Itinerant Merchant" is defined as any person, whether as owner, agent, con-signee, employee or otherwise, and whether a resident of the Town or not, who engages in a temporary business of making or selling and delivering goods, wares and merchandise within the Town, and who, in furtherance of such purposes, hires, leases, uses or occupies any building, structure, motor vehicle, or any street, alley or any other place within the Town, for the exhibition and sale of any goods, wares or merchandise, either privately or at public auction.
2. Peddler. The word "peddler" as used herein shall include any person, whether a Town resident or not, who travels by foot, wagon, motorized vehicle or any other type of, from place to place, carrying, conveying or transporting goods, wares, merchandise, foods, or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place shall sell or offer the same for sale from any type of vehicle of conveyance; provided, however, that such does not apply to the sale of farm products cultivated and raised in the State of Indiana by Indiana farmers.
3. Solicitor. A solicitor is defined, for the purposes of this Chapter, as any individual, whether a Town resident or not, traveling by foot, wagon, motorized vehicle or any other type of conveyance, from place to place, taking or attempting to take orders for the sale of goods, wares and merchandise, or personal property of any nature whatsoever, for future delivery; or for services to be furnished or performed in the future, whether or not such individual has a sample of the subject of such sale or whether he is collecting advance payments on such sales or not; provided that such definition shall include any person who, for himself or for another person, hires, uses or occupies any building, structure, motor vehicle or any street, alley or any other place within the Town for the purpose of exhibiting samples and taking orders for future delivery.

41.02. Orders by Solicitors. All orders taken by solicitors within the Town of Bremen shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance, and one copy of such order shall be given to the purchaser.

41.03. License. All itinerant merchants, solicitors and peddlers are required to obtain a license, (See Application for: Itinerant Merchants, Solicitors and Peddlers), from the office of the Clerk-Treasurer prior to conducting business. The Clerk-Treasurer shall keep a complete record in his office of all licenses issued.

1. Application. Any person, firm or corporation desiring to engage in the business of itinerant merchant, peddler or solicitor as herein defined shall make an application in writing to the Clerk-Treasurer of the Town at least seven (7) days before said applicant shall be authorized to begin business. Such application shall state the name and residence of the applicant, the company or firm which he represents, the place where such business is to be conducted, the kind of goods to be

sold and the length of time for which a license is desired.

2. Fee. The license fee for itinerant merchant, peddler or shall be Three (\$3.00) and shall be payable in advance for each such license.
3. Term. No license shall be issued for a period of longer than one (1) year.
4. Exhibition. All peddlers, solicitors and itinerant merchants shall be required to exhibit their license at the request of any citizen.

41.04. Exceptions and Exemptions. The provisions hereof shall not apply to sales by producers of farm or dairy products.

Any person exempt by the laws of this State from the payment of the license fee shall, before beginning such business, present to the Town Clerk-Treasurer his credentials showing that he is entitled to such exemption and upon the acceptance and approval thereof he shall then receive a certificate from the Clerk-Treasurer authorizing him to engage in the business of itinerant merchant, peddler or solicitor subject to the terms of his license and the other applicable provisions hereof.

41.05. Use of Streets. No itinerant merchant, peddler or solicitor, nor any person in his behalf, have any exclusive right to any location in the public streets nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operations might impede or inconvenience the public. For the purpose of this Code the judgment of the Board of Police Commissioners, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

41.06. Revocation of License. Licenses issued under the provisions of this Ordinance may be revoked by the President of the Town Council after notice and hearing for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the license application.
2. Fraud, misrepresentation, or false statement made in the course of carrying on his business as an itinerant merchant, peddler or solicitor.
3. Conviction of any crime or misdemeanor involving moral turpitude.
4. Conducting the business of peddling or soliciting in an unlawful manner as to constitute a breach of the peace, or to constitute a menace to the health, safety or general welfare of the public.
5. Any other violation of this Ordinance.

41.07. Procedure for Revocation of License. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. The Board of Police Commissioners may at any time suspend any license pending hearing on revocation upon an allegation and information that such license is believed to have been violated, or has been violated, or is guilty of any of the causes upon which a revocation of such license could be predicated hereunder.

41.08. License Expiration. All licenses issued under this Chapter shall expire at the time stipulated on the license or upon revocation.

41.09. License Required. It shall be unlawful for any itinerant merchant, peddler or solicitor to perform any of their defined business within the Town without first having obtained a license as herein provided.

## CHAPTER 42 - CIRCUS, CARNIVAL AND PARADE

42.01. License. Any person or group of persons desiring to conduct a parade, circus or carnival, or other similar event within the Town shall first obtain a license from the office of the Clerk-Treasurer. The Clerk Treasurer shall keep a complete record in his office of all licenses issued.

1. Application. Any person, firm or corporation desiring to conduct a parade, circus or carnival, or other similar event within the Town as herein defined shall make an application in writing to the Clerk-Treasurer of the Town at least seven (7) days before said applicant shall be authorized to begin business. Such application shall state the name and residence of the applicant, the company or firm which he represents, the place where such business is to be conducted, the kind of goods to be sold and the length of time for which a license is desired.

2. Fee. No license fee shall be required under this Ordinance.

3. Exhibition. All circuses, carnivals and parades or similar events coming within the terms of this Code are required to exhibit their license at the request of any citizen.

42.02. Use of Streets. The Clerk-Treasurer shall notify the Town Council of the issuance of any license for any circus, carnival or parade or similar event and if the streets of the Town or any other public place is required to be used therefore, the same shall be done in conformity with the directions of said Council.

42.03. Revocation of License. Licenses issued under the provisions of this Ordinance may be revoked by the President of the Town Council after notice and hearing for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the license application.
2. Fraud, misrepresentation, or false statement made in the course of carrying on his business as an itinerant merchant, peddler or solicitor.
3. Conviction of any crime or misdemeanor in involving moral turpitude.
4. Conducting the business of peddling or soliciting in an unlawful manner as to constitute a breach of the peace, or to constitute a menace to the health, safety or general welfare of the public.
5. Any other violation of this Ordinance.

42.04. Procedure for Revocation of License. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. The Board of Police Commissioners may at any time suspend any license pending hearing on revocation upon an allegation and information that such license is believed to have been violated, or has been violated, or is guilty of any of the causes upon which a revocation of such license could be predicated hereunder.

42.05. License Expiration. All licenses issued under this Ordinance shall expire at the time stipulated on the license or upon revocation.

42.06. License Required. It shall be unlawful for any person to conduct a parade, circus or carnival, or other similar event within the Town without first having obtained a license as herein provided.

**CIRCUS/ANIMAL PERFORMANCE  
CARNIVAL AND PARADE  
EXHIBITION PERMIT**

PERMIT NUMBER \_\_\_\_\_

NAME \_\_\_\_\_

CIRCUS/EXHIBITOR \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

LOCATION OF EXHIBITION: \_\_\_\_\_

PURPOSE \_\_\_\_\_

DATES: \_\_\_\_\_ HOURS \_\_\_\_\_

PROOF OF INSURANCE \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_

FEE PAID \_\_\_\_\_ FEE WAIVED \_\_\_\_\_

THIS APPLICATION IS: APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

SIGNED \_\_\_\_\_

## CHAPTER 43 - SOLICITORS OF FUNDS

43.01 Definitions. For the purposes of this Chapter, certain words and phrases shall have the following meanings:

1. Person. Any individual, firm, partnership, corporation, company, association, society, organization, or league, and includes any trustee, receiver, assignee, agent, or other representative thereof.
2. Solicit and Solicitation. The request, directly or indirectly, of money, credit, property, financial assistance, or other thing of value on the plea or representation that such money, credit, property, financial assistance, or other thing of value will be used for a charitable purpose as those purposes are defined in this section. These words shall also mean and include, but not be limited to, the following methods of securing such money, credit, property, financial assistance, or other thing of value:
  - a. Any oral or written request;
  - b. The making of any announcement to the local press or by telephone concerning a local appeal or campaign to which the public is requested to make a contribution for any charitable purpose connected therewith;
  - c. The distribution, circulation, posting, or publishing of any handbill, written advertisement, or other local publications;
  - d. The sale of, or the offer or attempt to sell any advertisement, advertising space, book, card, chance, coupon, device, membership, merchandise, subscription, ticket or other thing.
3. Solicitation. As defined herein, solicitation shall be deemed to have taken place when the request is made, whether or not the person making the same receives any contribution referred to in this section.
4. Charitable. Includes the words patriotic, philanthropic, social service, welfare, benevolent, educational, civic, or fraternal, either actual or purported.
5. Contributions. Includes the words alms, food, clothing, money, property, subscription or pledge, and also donations under the guise of loans of money or property.
6. Cost of Solicitation. All costs of whatever nature incurred in raising the funds solicited except bona fide educational material in such instances where the solicitation plan involves the promotion or sale of merchandise or an entertainment event; the cost of such merchandise or entertainment shall not be considered as part of the cost of solicitation. Compensation, in whatever form, paid to a "Professional Promoter or Professional Solicitor" is part of the "Cost of Solicitation".
7. Cost of Promotion. In connection with a charitable solicitation, the reasonable cost of acquiring goods or merchandise or an entertainment event when such is used in connection with the solicitation but does not

include the cost of selling the goods or admissions nor the cost of bona fide educational materials. No cost included in the definition of "Cost of Solicitation" shall be considered a "Cost of Promotion".

8. Professional Promoter. A person who for compensation plans, promotes, conducts, manages or carries on or attempts to plan, promote, conduct, manage or carry on any drive or campaign for the purpose of solicitation contributions for or on behalf of any charitable person or engages in the business of soliciting contributions for charitable purposes. A bona fide officer or regular employee of a charitable person shall not be deemed a professional promoter by reason of his participation in charitable solicitations made by or on behalf of his employer.
  9. Professional Solicitor. Any person other than a professional promoter who is employed or retained for compensation to make solicitations in connection with a charitable solicitation or solicitations. A bona fide officer or regular employee of a charitable person shall not be deemed a professional solicitor by reason of his participation in charitable solicitations made by or on behalf of his employer.
  10. Religious and Religion or Church. Any activity directly involving the promulgation or observance of any system of worship or to the building or maintenance of places of worship. The words "Religious" and "Religion" or "Church" as used herein do not include "Charitable" activities as defined herein, even though carried on or sponsored by a religious organization.
  11. Commission. The Charitable Solicitations Commission of the Town of Bremen, Indiana.
  12. Political Parties. As defined by Indiana law, their sub- divisions, and their bona fide candidates for public office are specifically exempted from and shall not be subject to the provisions of this ordinance as the intent of the ordinance is to regulate the solicitation of charitable contributions.
- 43.02. Commission. There is hereby created a Charitable Solicitations Commission of the Town of Bremen, Indiana, which Commission shall be responsible for the regulation of charitable solicitations.
- Said Commission shall be composed of the Bremen Town Council, and their terms on the Commission shall be the same as their terms on the Council.
- 43.03 Permit Required. No person shall solicit charitable contributions in the Town of Bremen, Indiana without first having registered with and obtained a permit from the Town of Bremen Charitable Solicitation Commission. (See Charitable Solicitations Registration and Permit)
- 43.04. Application. Any person desiring to register and obtain a permit as above required shall make application to the Commission. (See Application for Solicitation Permit). Such application shall be sworn to or affirmed and filed with the Commission not less than sixty (60) days prior to the time at which the permit applied for shall become effective, provided, however, that the Commission may, for good cause shown, allow the filing of an application less than sixty (60) days prior to the effective date of the registration and permit applied for. The application herein required shall contain the following information:

1. The name, address or principal office of the person applying for the permit;
2. If the applicant is not an individual, the names and addresses of the applicant's principal officers and executives and a copy of the resolution, if any, authorizing such solicitation, certified to as a true and correct copy of the original by the officer having charge of the applicant's records;
3. The purpose for which solicitation is to be made, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts there from;
4. A specific statement, supported by facts, and figure, if any, showing the need for the contributions to be solicited;
5. The names and addresses of the person or persons by whom the receipts of such solicitations will be disbursed;
6. The name and address of the person or persons who will be in direct charge of conducting the solicitation, and the names of all fund raisers connected or to be connected with the proposed solicitation if said fund raisers shall receive any paid compensation for their services;
7. An outline of the method or methods to be used in conducting the solicitation;
8. The time when such solicitation will be made, giving the preferred dates and the hour of day for the commencement and termination of such solicitation;
9. The estimated cost of the solicitation;
10. The amount of any wages, fees, commissions, expenses, or emoluments to be expended or paid to any person in connection with such solicitations, and the names and addresses of all such persons. The Commission may elect not to require such information as to regular staff or charitable organizations maintaining a permanent office in said Town of Bremen;
11. A financial statement for the past preceding fiscal year of any funds collected for charitable purposes by the applicant, said statement giving the amount of money so raised, together with the cost of raising it, and final distribution thereof;
12. A full statement of the character and extent of the charitable work being done or to be done by the applicant, and showing how much thereof is being done or to be done in the Town of Bremen;
13. A statement to the effect that if registration and a permit is granted, it will not be used or represented in any way as an endorsement by the Town of Bremen or by any department or officer thereof;
14. Such other information as may be reasonably required by the Commission in order for it to determine the kind, character, and method of the proposed solicitation, and whether such solicitation is in the interest of, and not inimical to, the safety, convenience, or

welfare of the residents of the Town

of Bremen;

15. If, while any application is pending, or during the term of any permit granted thereof, there is any substantial change in fact, policy, or method that would materially alter the information given in the application, the applicant shall notify the Commission in writing thereof within seventy-two (72) hours after such change. Should the applicant fail to so notify the Commission, any permit issued to said applicant prior thereto shall stand suspended until a hearing is had pursuant to Article 43.16 hereinafter set forth.

- 43.05. Fees. Each person registered for each applicant, at the time of application for registration and permit shall pay to the Town Clerk-Treasurer of the Town of Bremen a fee fixed by the Commission which shall not be less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) unless the Town Council shall waive the same.

The Commission shall establish a schedule of fees based upon the amount raised by solicitations on behalf of the person during its preceding fiscal year and the Town's total expense of regulating charitable solicitations during the preceding calendar year.

- 43.06. Investigation. The Commission shall examine all applications filed under Section 43.04 hereof and shall make, or cause to be made, such further investigation of the application and the applicant as the Commission shall deem necessary in order for it to perform its duties under this ordinance. Upon request by the Commission, the applicant shall make available for inspection by the Commission, or any person designated in writing by the Commission as its representative for such purpose, all of the applicant's books, records and papers at any reasonable time before the application is granted, during the time a permit is in effect, or after a permit has expired.

- 43.07. Standards. The Commission shall grant the registration and permit provided for in Section 43.04 hereof whenever it finds or reasonably believes:

1. That all of the statements made in the application are true;
2. That the applicant, or if the applicant is not an individual person, that its managing officers or managing agents be of good character and reputation for honesty and integrity;
3. That the local control and supervision of the solicitation will be under local, responsible and reliable persons;
4. That the applicant is not engaged in any fraudulent transaction or enterprise;
5. That the solicitation will not be a fraud on the public;
6. That the solicitation is promoted solely by a desire to finance the charitable cause described in the application, and will not be conducted primarily for private profit;
7. That the cost of solicitation and/or promotion shall be reasonable and shall not exceed a reasonable portion of the receipts to be realized from the solicitation. Whenever any Professional Promoters or Professional

Solicitors are employed in connection with the solicitation a copy of the contract between the applicant and such Professional Promoters or Professional Solicitors must be submitted to the Commission who may determine whether said contract is in compliance with the provisions of this Chapter.

8. That the kind, character, and method of the proposed solicitation, are such that the solicitation will be in the interests of and not inimical to the safety, convenience, or welfare of the residents of the said Town of Bremen;
9. That the Commission shall file with its secretary for public inspection a written statement of its findings of fact and its decision upon each application. If the application is denied, the Commission shall notify the applicant by certified mail, at the therefore.

43.08. Cost of Solicitations; Limitations. The cost of solicitation for a charitable solicitation shall not exceed a reasonable portion of the gross amount realized from such solicitation after deduction of the cost of promotion. Cost of solicitation in excess of twenty-five percent (25%) of the gross amount realized from the solicitation after the deduction of cost of promotion shall establish a prima facie case that the cost of solicitation is unreasonable.

43.09. Cost of Promotion; Limitations. The cost of promotion for a charitable solicitation shall not exceed a reasonable portion of the gross amount realized from all events held and publications, debts and services sold, given away, or used as prizes in connection with the solicitation. Cost of promotion in excess of seventy-five percent (75%) of the gross amount realized from such events, publications, goods and services shall establish a prima facie case that the cost of promotion is unreasonable.

43.10. Misrepresentation.

1. No person shall directly or indirectly solicit contributions for any purpose by misrepresentation of his name, occupation, financial condition, social position, residence, or principal place of business, and no person shall make or cause to be made any misstatement, deception, or fraud in connection with any solicitation of any contribution for any purpose in the Town of Bremen, or in any application or report filed under this ordinance.
2. No charitable organization or professional fund raiser soliciting contributions shall use a name, symbol, or statement so closely related or similar to that used by another charitable organization or governmental agency that the use thereof would tend to confuse or mislead the public.
3. No charitable organization or professional fund raiser shall solicit funds by the use of statements or materials that would indicate that such funds were being raised for an organization or agency from which such organization or agency explicit permission for the raising of such funds has not been received in accordance with other provisions of this Code.

43.11. Books and Records. No person shall solicit any contributions for any charitable purpose without maintaining a system of accounting whereby all donations to it and all disbursements by it are entered upon the official books or records of such person's treasurer or other financial officer.

43.12. Reports Required. It shall be the duty of all persons registered and issued permits

under this ordinance to furnish to the Commission within sixty (60) days after the solicitation has been completed, a report and financial statement showing the amount raised by the solicitation, the amount expended in collecting such funds, including a report of the wages, fees, commissions, and expenses, paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the solicitation. In the case of charitable organizations maintaining a permanent office in the Town of Bremen, the wages of regular full time staff employees may be entered as a total figure. The entire report filed by said person shall be available for public inspection. The permit holder shall make available to the Commission, or to any person designated in writing by the Commission as its representative for such purpose, all books, records, and papers whereby the accuracy of such report may be verified.

- 43.13. Charitable Solicitations Registration and Permit-Form. Registrations and permits issued under this ordinance shall bear the name and address of the person to whom the permit is issued, the serial number of the permit, the date issued, the dates within which the permit holder may solicit, and a statement that the permit does not constitute an endorsement by the Town of Bremen or by any of its departments, officers, or employees of the purpose or of the persons conducting this solicitation. All permits must be signed by the Chairman of the Commission and the Clerk-Treasurer of the Town of Bremen. Each solicitor of the charitable organization will be provided with an information card or similar identification signed by the person having control and supervision of the solicitation. Said card or identification shall carry on its face the name and address of the person to whom the permit was issued, the number of the permit, the dates during which the permit holder may solicit and shall identify by name the individual holder of said card or identification. Any individual soliciting without said card or identification shall be deemed to be in violation of this ordinance and said card or identification shall be provided for said individual solicitor by and at the expense of the permit holder.

Any permit issued by the Commission under this Chapter shall not be transferable or assignable.

- 43.14. Notice of Intent. Any person, except churches and their directly connected agencies, desiring to conduct a charitable solicitation or on whose behalf a charitable solicitation is to be conducted shall file, at least sixty (60) days prior to the commencement thereof, with the Commission, a Notice of Intent containing the following information:

1. The proposed use of the net proceeds of the solicitation under the general headings required for reports under paragraph (5) hereof.
2. The manner in which the solicitation shall be conducted, and an estimate of the cost of solicitation and the cost of promotion, if any, and of the net proceeds expected for the charitable purpose.
3. If a professional Promoter or any Professional Solicitor are to be employed a copy of the contract of each.
4. A certified copy of the resolution or other action authorizing the solicitation.
5. A report of all the receipts of the person during his preceding fiscal year or all of its receipts from solicitations during the most recent year in which a charitable solicitation was conducted by or on behalf of such charitable person. Such report shall show the gross amount raised by solicitation, during the period

covered, what portion thereof, if any, is attributable to promotional activities, the cost of promotion, the cost of solicitation and the amounts, if any, paid to each Professional Promoter and Professional Solicitor. The report shall also show what portion of the proceeds, if any, was allocated for local use and what portion, if any was allocated to a national organization.

The proportions allocated respectively to local use or to a national organization shall each be broken down in the report under the following categories insofar as they are applicable or among such other categories as may be approved by the Commission:

1. Agency administration.
2. Information and public education activities.
3. Social services.
4. Hospital care.
5. Educational institutions.
6. Research.
7. Other civic or philanthropic purposes.
8. Capital improvements.

The Commission may, in its discretion, waive the filing of such statements as are duplicated substantially by reports already on file pursuant to this section or to any other section of this Chapter.

43.15 Requirement of Written Receipt. Any person receiving money or anything having a value of One Dollar (\$1.00) or more from any contributor under a solicitation made pursuant to a permit granted under this Chapter shall give to the contributor, upon request, a written receipt signed by the solicitor showing plainly the name and permit number of the person under whose permit the solicitation is conducted, the date, and the amount received; provided, however, that this section shall not apply to any contributions collected by means of a closed box or receptacle used in solicitation with the written approval of the Commission, where it is impractical to determine the amount of such contributions.

43.16. Hearings. If the Commission denies an application for registration and permit it shall notify the applicant of its decision and the grounds therefore by certified mail return receipt requested, and within five (5) days after the receipt of such notification, the applicant may file a written request for public hearing on the application, together with exceptions to the grounds upon which the Commission based its denial of the application. Upon the filing of such request, the Commission shall fix a time and place for the hearing, which shall be within fifteen (15) days after the request is filed, and shall notify the applicant thereof. At the hearing, the applicant may present evidence in support of his application and exceptions. Any interested person may be allowed to participate in the hearing to present evidence in opposition to the application and exceptions. Within ten (10) days after the conclusion of the hearing, the Commission shall render a written report either granting or denying the application and shall state grounds upon which the decision is based.

A copy of said report shall be served by certified mail, return receipt requested, upon the applicant. Said report shall constitute a public record.

43.17. Review. Any person claiming to be prejudiced by action of the Commission under this Chapter may appeal to the Marshall County Circuit or Superior Court to reverse such action, but such appeal shall be limited to the claim that the Commission

has violated the appellants constitutional rights, has acted in excess of its jurisdiction, or has acted unreasonably, arbitrarily, and beyond the limits of its reasonable discretion. The members of the Commission shall not be liable for damages or for any claim against them as individuals because of action taken by them in performance of their duties under this ordinance. This Chapter shall be liberally construed to achieve its purpose.

- 43.18. Revocation. Whenever it shall be shown or whenever the Commission has reason to believe that any person registered under this Chapter has violated any of the provisions thereof, or that any promoter, agent, or solicitor of a permit holder has misrepresented the purpose of the solicitation, the Commission shall immediately suspend the permit and give the permit holder written notice in person or by certified mail, return receipt requested, of the suspension and of a hearing to be held within seven (7) days of such suspension to determine whether or not the permit should be revoked. This notice must contain a statement of the facts upon which the Commission has acted in suspending the permit. At the hearing the permit holder, and any other interested persons, shall have the right to present evidence as to the facts upon which the Commission based the suspension of the permit and any other facts which may aid the Commission in determining whether this Chapter has been violated and whether the purpose of the solicitation has been misrepresented. If, after such hearing, the Commission finds that the Chapter has been violated or the purpose of the solicitation has been misrepresented, it shall within two (2) days after the hearing file in its office for public inspection and send to the permit holder by registered mail, or serve him in any manner provided by general law for the service of notices, a written statement of the facts upon which it bases such a finding and shall immediately revoke the permit. If, after the hearing, the Commission finds that this Chapter has not been violated and the purpose of the solicitation has not been misrepresented, it shall, within two (2) days after the hearing give to the permit holder a written statement canceling the suspension of the permit and stating that no violation or misrepresentation was found to have been committed.

In all cases where a suspension of the permit occurs, the Chief of Police shall be notified forthwith by the Commission of the suspension or revocation of any permit issued under this Chapter. In like manner, the Commission shall immediately notify the Chief of Police, subsequent to the hearing provided for here in above of the decision of the Commission.

- 43.19. Penalties. Any person, as herein before defined, or any agent, servant, employee, or officer thereof, violating any of the provisions of this Chapter, or who aids or abets in the procuring of a violation of any provision, part or portion of this Chapter, or who files or causes to be filed an application for a permit which contains false or fraudulent statements of fact, shall be deemed guilty of an infraction and upon conviction thereof shall be fined not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for each offense. Each violation shall be deemed a separate offense, and each act in violation of this Chapter shall constitute a separate offense and shall be punishable as such.