

Dillsboro Town Council

October 14, 2024

The regular meeting of the Dillsboro Town Council was called to order at 6:00 p.m. by President, Doug Baker, who led the Pledge of Allegiance.

Council present: Doug Baker, Becky Fryman, Tim Benning, Charlie Caldwell and Jerri Jackson.
Attorney present: John Watson.

Council Member (CM) Benning made a motion to approve the minutes from the September 23, 2024 regular meeting. CM Caldwell seconded the motion. All were in favor, and the motion carried.

Clerk-Treasurer – Rita Stevens

Clerk-Treasurer Rita Stevens presented two sewer adjustment requests due to outside water faucets being left on. The first request was from Britney Laker, 9805 Front Street, for an adjustment of \$37.99. The second request was from Amanda Dement, 12705 Rullman Drive, for an adjustment of \$120.83. Council Member Fryman made a motion to approve both adjustments, seconded by Council Member Jackson. The motion was unanimously approved.

An additional appropriation of \$5,000 for the park will be presented for approval at the October 28 council meeting.

The AIM Roundtable is scheduled for November 20 in Oldenburg. Council members need to confirm their attendance at the October 28 council meeting

Fire Department – Jason Sullivan, Chief

Fire Chief Jason Sullivan reported that the fire truck currently parked outside needs to be stored in a building, as the bed is starting to rust. This issue has been discussed previously, and quotes for a building were obtained some time ago but need to be updated. Chief Sullivan will present the updated quotes to the Council at a future meeting.

He also expressed gratitude to the community for supporting the 1st Responders Fundraiser held on October 13, and the Firemen's Hog Roast on September 29, both of which had a strong turnout.

Chief Sullivan mentioned that the gun raffle scheduled for the hog roast could not take place due to licensing issues. However, the American Legion is assisting by using their gaming license, and the drawing will occur on October 23 at the Legion's Open House.

Police Department – Josh Cady, Chief

Police Chief Josh Cady reported that the air conditioning in his Tahoe is still malfunctioning, despite two attempts to repair it at Tom Tepe. He plans to return the vehicle for further service.

Chief Cady also praised Officer Alex Sears for his excellent performance and dedication to the department.

Utility Department – Matt Bauer, Superintendent

Utility Superintendent Matt Bauer reported that the team has been very busy and doing an excellent job, particularly with brush cleanup over the past 2-3 weeks following the winds from the recent hurricane.

He highlighted the following updates:

- A new water service line was installed at 13195 Bank Street, behind J&J Liquor. A bad service leak was also repaired, but during boring for the new meter set, an additional leak was discovered under the road, which has now been fixed.
- Road patching around town will be completed before winter.
- A small leak was fixed on Rullman Drive near the post office. This leak was on the original 6-inch cast iron main and was causing a small wet spot on the road. A 2x8 foot section of the road had to be cut out for the repair.
- A potential leak was identified on the 5-inch plastic main on the north side of Route 50, between Station Hollow and Old US 50, during right-of-way bushhogging. Repairs will be completed this week.
- The hillside near Spangler Road by the school was brush cut during fall break. The right-of-way cleared of trees on Guion Street has also been cleaned up, with stumps ground out, new topsoil laid, and the area seeded.
- Leaf collection will begin in the coming weeks, with a schedule to be posted on Facebook.
- The baseball field restrooms will be closed in the next few weeks, and the soccer restrooms will close once the soccer season ends. No leaks were found at the baseball field, the hydrant needed adjustment.
- Water shut-offs are scheduled for October 22, and meter readings will take place on October 24.
- Bauer will be on vacation from October 25 to November 3.

Main Street – Kami Hamilton

Executive Director of Main Street, Kami Hamilton, reported that the Main Street Conference, a required course for Executive Directors, will take place from October 22-24 in Madison.

- Volunteers are needed for the Hometown Christmas event on December 7, with set-up scheduled for December 6. Planning efforts are underway, and a detailed work plan is being developed.
- The \$1,776 Quality of Life grant provided by the town to Main Street will be returned to the town.

Attorney – John Watson

Attorney John Watson presented the following ordinances for consideration:

- Ordinance 2024-10-1 (attached): An ordinance addressing conflicts regarding the prosecution of claims on behalf of the Town of Dillsboro. The town currently has a contract with Lawrenceburg City Court, but some ordinances apply to circuit or superior courts. This ordinance will clarify that the town can pursue legal matters in any court with appropriate jurisdiction. Council Member Benning made a motion to approve Ordinance 2024-10-1, seconded by Council Member Jackson. The motion was unanimously approved.
- Ordinance 2024-10-2 (attached): An ordinance concerning open burning and fire prevention in the Town of Dillsboro. The ordinance eliminates the \$5.00 open burn permit fee, specifies that only seasoned wood may be burned, and prohibits the use of burn barrels. It also requires residents to notify the fire chief of any open burning. Council Member Jackson made a motion to approve Ordinance 2024-10-2, seconded by Council Member Benning. The motion was unanimously approved.
- Ordinance 2024-10-3 (attached): An ordinance regarding the use of public right-of-way in the Town of Dillsboro. This ordinance repeals Sections 93.01 to 93.06 and Section 93.99, replacing them with Sections 93.01 to 93.14 and Sections 93.90 to 93.96. Council Member Baker made a motion to approve Ordinance 2024-10-3, seconded by Council Member Caldwell. The motion was unanimously approved.

Town Manager - Derek Walker

Stellar Pathways: Mike Perleberg from Dearborn One provided an update. OCRA visited Dillsboro on October 3, followed by a public open house that evening. Two projects are being proposed, requiring financial commitment from the town: pedestrian and streetscaping enhancements along North Street, and town-wide sidewalk improvements. The 2023 walking/bicycle plan is critical to these efforts. The total local match is approximately \$700,000, with the North Street project anticipated to need a \$450,000 match. Design will start in 2025, with construction expected in 2027 or 2028. The sidewalk improvements will require a \$312,500 match, with design starting in 2024 and construction in 2026 or 2027. The Stellar Steering Committee is seeking a financial commitment from the town, with the Stellar Pathways strategic investment plan due by November 1. The town is being asked to commit \$762,500 toward a total project cost of \$3,512,500 over the next four years. Council Member Baker made a motion to approve the commitment and permit him to sign the commitment letter, seconded by Council Member Jackson. The motion was unanimously approved.

2025 Budget - Ordinance 2024-10-4 (attached):

The 2024 Budget was adopted, with all council members voting "aye" and signing the ordinance.

Grace Quinlan/Katie Robinson Signs: The INDOT permit application has been submitted. Once approved, installation will be scheduled, with signs placed on 262, North Street, Bank Street, and 62. Council Member Baker suggested contacting the families to review the signs before installation.

Town Manager Walker also reached out to Dillsboro Elementary School about updating their 2006 Blue Ribbon School signs.

Sewer CCTV Project: Two quotes were received for jet cleaning and televising sanitary sewer lines. Green Earth Environmental quoted \$1.75 per linear foot for both services, with an estimated total cost of \$35,870. Tele Vac Environmental, Inc. quoted \$57,250 for the same work. The town may reduce costs by handling some of the jet cleaning internally, depending on utility staff availability. The project will start in late October or early November.

Water Leaks: The utility team has been doing an excellent job dealing with recent water leaks. Quotes will be solicited for road patching of utility repair cuts.

Pavement Asphalt Management Plan (PAMP): The annual PAMP is due by the end of November to maintain eligibility for INDOT's Community Crossing Matching Grant (CCMG).

Board of Zoning Appeals (BZA): The BZA has two upcoming cases: one for a planned addition at the library on October 24, and another for a division of the J&J Liquor Store property on October 30.

Old Business – TM Walker

The developer of the Serenity Pines Subdivision has formally petitioned for acceptance of the public improvements. The improvements are nearly satisfactorily completed, and acceptance is recommended based on a subdividers agreement which establishes conditions for acceptance while allowing homes to be built and sold. The town will accept the changes made to the sanitary system which deviated from the original plan. The Redevelopment Commission will continue to hold \$200,000 in escrow, as a financial surety that improvements were made, rather than as reimbursement to the developer for completion of the road. The Town will accept the stormwater retention pond property and maintenance thereof after all public improvements of phases II and III are completed, a final dredge/cleaning of the sediment area is performed, an engineer inspects and certifies the condition of the pond and dam, and the developer corrects any deficiencies. CM Benning made a motion for CM Baker to sign the agreement. Seconded by CM Jackson. All in favor, motion carried.

Street Light Agreement. Pursuant to a previous agreement with the Redevelopment Commission, the Serenity Pines developer will pay for the cost of installing street lighting at the commission's approval. The current proposal would include the town would enter into an agreement with Duke Energy to cover the electricity and maintenance costs of the streetlights after the developer pays the upfront cost of installation. The council agreed to the preliminary plans.

Façade Improvement Matching Grant (FIMG). The review committee consists of the Town Manager, a Council appointee, and a Main Street appointee. The Main Street board has formally appointed Steve Sassaman. CM Baker made a motion to appoint Judy Caldwell as the council appointee, seconded by CM Benning. All in favor, motion carried.

Main Street Sewer Issue. The property owner has stated that they are working with a contractor to correct the storm sewer connection to the sanitary main.

US Bank Property – 12899 Bank Street. Town employees have looked at the US Bank property and building. There may need to be some improvements to retrofit the building, like a more accessible public restroom in the front of the building. Requested a price reduction, and the realtor noted that they may provide some sort of price reduction for the benefit of the town. If the council would like to continue pursuing, we should consider consulting with an architect, engineer, or construction manager to thoroughly inspect the building and determine what total expenses might run to relocate Town Hall to this property. The council asked TM Walker to reach out to the realtor and find out a price for the building.

New Business

Indiana Mentors Lease Agreement Request to Terminate. The Real Estate Manager for Sevita Health Care, previously National Mentors healthcare, verbally requested to terminate the lease agreement for the Town owned Lenover Street property. They are willing to pay the next 3+ months' rent. The lease agreement is from January 2023 to January 2028. The present rent is \$1,250 per month of 2024. CT Stevens stated the income coming from the building is deposited to the town owned properties fund, and it pays for expenses for the Art Center. The council suggested TM Walker try to get another renter in the building before the lease agreement can be terminated.

Regulation of Chickens. Received a complaint regarding the keeping of roosters and chickens. The town code requires a 200-foot setback from the chicken coop/area to any adjoining residence. Upon investigation, TM Walker determined that the chickens were in violation of our town code and stated that they be removed within 2 weeks. The property owner claimed that a prior town manager told them that the chickens would not be an issue. Property owner, Ashley Runck with husband, 12547 Rullman Drive, was present. Ashley stated they have had chickens for 2 years and there haven't been any complaints. They have 11 hens and 1 rooster and have them on a 2-acre lot with plenty of room. The chickens are their kids' pets and have been an egg source for the family. They've been fortunate to be able to give eggs away to friends and the food pantry. The rooster is gone. The council agreed to consider changes to the Town's regulations for them to keep only the hens.

CM Baker stated a gentlemen approached him and said a lady in a handicapped chair can't get to the Dillsboro Family Market because there is no sidewalk and asked if a sidewalk be added to the Community Crossings? TM Walker stated it is too late to add a sidewalk for grant funding.

CM Fryman stated a couple people asked about lights at the walking trail at the park. TM Walker stated it was brought up at a Park Board Meeting and the board chose not to proceed. The park is open from dawn to dusk, unless there is a sporting event going on. Chief Cady stated from the law enforcement standpoint, prefer to keep it that way, because it's easier for police and may reduce vandalizing at the park.

CM Baker stated he was asked about someone who wanted to put a storage container on a property. TM Walker stated have the person contact him regarding a permit.

With no further business, CM Benning made a motion to adjourn at 7:27 p.m. CM Fryman seconded the motion. All in favor. Motion carried.

Rita Stevens

Rita Stevens, Clerk-Treasurer

Billy Jones

Angie Baker

Tommy

Charlie Cellwell

Juan

ORDINANCE NO. 2024-10- 1

AN ORDINANCE RESOLVING CONFLICTS REGARDING THE PROSECUTION OF CLAIMS ON BEHALF OF THE TOWN OF DILLSBORO

WHEREAS, the Dillsboro Town Council has authority by statute to issue ordinances for the purposes of ensuring the health, safety and welfare of Dillsboro citizens and visitors to the Town; and

WHEREAS, it is sometimes necessary to enforce the provisions of Dillsboro ordinances through resort to the courts, and


WHEREAS, conflicts have been identified in and between Dillsboro ordinances which could limit Dillsboro's ability to enforce its ordinances and protect the public by purporting to limit which Dearborn County Courts are eligible to hear Dillsboro claims.


NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. Whenever Dillsboro has a right, claim or cause which may be enforced through Court action, any such right, claim or cause may be filed in any Dearborn County court having jurisdiction to hear the matter at issue.
2. Any provision of any Town Ordinance which purports to limit the initiation of any claim, right or cause which Dillsboro may have to filing of same in a specific court or courts is hereby repealed as to that provision.
3. This ordinance shall be in full force and effect immediately upon passage.

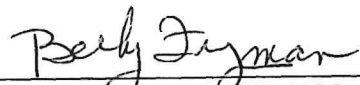
Passed and adopted this 14th day of October, 2024.


DILLSBORO, INDIANA TOWN COUNCIL


 Aye
 Nay
 Abstain
 CHARLIE CALDWELL

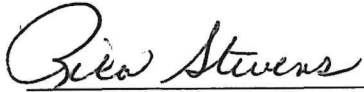

 Aye
 Nay
 Abstain
 TIM BENNING


 Aye
 Nay
 Abstain
 DOUG BAKER


 Aye
 Nay
 Abstain
 BECKY FRYMAN


 Aye
 Nay
 Abstain
 JERRI JACKSON

ATTEST:

A handwritten signature in cursive script that reads "Rita Stevens". The signature is written in black ink and is positioned above a horizontal line.

RITA STEVENS

Clerk-Treasurer

Town Council, Town of Dillsboro

TOWN OF DILLSBORO ORDINANCE 2024-~~X~~ 10 - 2

An Ordinance Regarding Open Burning and Fire Prevention in the Town of Dillsboro

WHEREAS, the Dillsboro Town Council has authority of pass local ordinances to ensure the health safety and welfare of its citizens; and

WHEREAS, regulation of open burning and the use of outdoor fire sources is necessary to prevent fires and minimize noxious smoke an odors in the community;

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

§ 95.01 DESIGNATION OF CHAPTER.

This chapter shall be known and designated as the “Fire Prevention” Ordinance.

§ 95.02 DEFINITIONS.

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

BARBEQUE PIT, SMOKER, OR GRILL. A stationary or portable device, with either electric, gas, wood, or charcoal fuel, which is used for the preparation of food and is allowed by code.

FIRE PIT REGULATIONS. Regulations governing the use of fire pits and outdoor fireplaces to ensure safety, prevent fires and minimize nuisance to neighbors.

FIRE PITS. A permanently affixed or portable outdoor fire receptacle, which is made of metal, wire, or masonry and is designed to impede the spread of fire.

OPEN BURNS. Any fire or smoke-producing activity that is conducted for use of disposing of materials in a place other than an indoor or outdoor fireplace; fire pit; or barbeque pit, smoker, or grill.

OUTDOOR FIREPLACE. An enclosed and permanently affixed outdoor fire receptacle, which incorporates an affixed chimney or flue, and is constructed of brick, rock, or other masonry.

§ 95.03 OPEN BURNING

(A) No person shall start, kindle, cause, allow or maintain any form of open burning of fuels, materials, rubbish, or trash burning on private or public property, except if specifically authorized by this code. Open burns are prohibited unless a permit is obtained from the Fire Chief or, in his or her absence, an appointed representative.

(B) Permits. Permits for open burns must be kept at hand with the attendee of the burn on the premises. Upon obtaining a permit, open burns shall be limited to the following specifications:

(1) Only limbs, natural growth and other vegetative materials are permitted to be burned, except for treated lumber (pressure treated railroad ties).

(2) Open burns of vegetative matter grown on the premises in the course of agricultural operations, when it can be shown that such open burning is necessary and that no fire hazard will occur, provided the person intending to dispose of vegetative matter by open burning obtains approval from the Fire Department which has jurisdiction.

(3) Open burns are only permitted during favorable weather conditions at the discretion of the Fire Chief and/or his or her officers.

(4) Open burns must be at least 50 feet from any structure or trees.

(5) The Fire Chief or his/her officers can terminate any open burn at any time, if the Fire Chief or an officer determines in his/her sole discretion that the open burn is a nuisance to other residents or poses a danger.

(6) All open burns must be attended to at all times by an adult with a reliable water source, shovel, fire extinguisher or other approved fire extinguisher close at hand.

(C) Prohibited. The following is prohibited.

(1) Burning of any fuels, plastics, garbage, or other non-vegetative based material.

(2) No person shall burn or cause to be burned any leaves, grass, tree limbs, branches, paper, rubbish or trash upon any street, alley, or sidewalk within the town.

(3) Barrels: burning of any material in barrels is prohibited.

(D) Exceptions. The Fire Chief has discretion to issue burn permits for open burns that violate this section under special circumstances (i.e. ceremonies, school events, etc.).

§ 95.04 FIRE PITS.

(A) The use of fire pits and outdoor fireplaces (collectively “fire pits” hereafter) are to conform with the following regulations:

- (1) Fire pits cannot be used between the hours of 1:00 a.m. and 7:00 am.
- (2) The fire must be contained in a non-combustible receptacle made of cement, block, rock, brick, clay, or sheet metal with a minimum 18-gauge thickness.
- (3) The fire box must be covered with heavy gauge metal screen with openings not larger than 13 mm (½ inch) to contain spark.
- (4) The size of the fire box shall not exceed 40 inches in any dimension.
- (5) The fire pit must be located a minimum of 20 feet from any combustible material, such as buildings, porches, and decks.
- (6) The use of the fire pit shall not cause any building fire alarm system to activate.
- (7) Fire pits cannot be placed on combustible decks or apartment balconies.
- (8) Fire pits must be situated on a non-combustible surface.
- (9) Fire pits shall be clear of overhangs, such as tree branches, utility lines and structures, including tents and canopies.
- (10) Fire pits must be attended and supervised by a competent adult property owner/resident/tenant until the fire has been completely extinguished. A legal resident/tenant of a property may use a fire pit in accordance with this section as long as the property owner or assigned management company grants written permission to the legal resident/tenant.
- (11) Any person who uses a fire pit shall have a means of extinguishing the fire readily accessible at all times.
- (12) The only permitted fuels are charcoal, seasoned firewood or manufactured logs.
- (13) Materials that cannot be burned include, but are not limited to: waste including rubbish or scrap, slimes, manure, treated or painted lumber, livestock or animal carcasses, tailings, garbage, garden refuse or scrap, any hazardous material or dangerous good, or any material that generates black smoke or an offensive odor, including insulation from electrical wiring, rubber tires, asphalt shingles, hydrocarbons, plastics, and lumber treated with wood preservatives.
- (14) Fire pits shall not be used in windy conditions where wind speed exceeds 15 miles per hour.

(15) In the event the Fire Chief, County Commissioners, or State Fire Marshal issues a burn ban, the standards of the burn ban supersede these regulations.

§ 95.05 EXCEPTIONS.

BARBEQUE PITs, SMOKERs, and GRILLs which are not on balconies of any apartment complex or within a Fire Zone Limit should one exist are exempt from these regulations.

§ 95.06 ENFORCEABILITY.

The Fire Prevention ordinances are enforceable by the Dillsboro Police Department and the Dillsboro Fire Department within the town, acting on their own initiative or at the request of the Common Council.

§ 95.07 LIABILITY.

(A) Anyone who recklessly, knowingly, or intentionally kindles, or maintains any open burning consisting of a trash fire, leaf fire, bonfire, refuse fire, or other open burning that damages property of another person or spreads to property of another person may be liable for criminal mischief.

(B) Any person who allows the accumulation or existence of combustible material which constitutes or contributes to open burning may not refute liability for violation of this chapter on the basis that said fire was set by vandals, accidental, or act of God.

(C) Any person who violates any of the provisions of this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made hereunder shall be fined a sum not less than \$25 nor more than \$75. Any person who violates any of the provisions of this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made hereunder, and who has a previous violation of this chapter within one year of the date of the second or subsequent violation, shall be fined a sum of not less than \$100 and not more than \$1,000.

**DILLSBORO, INDIANA
TOWN COUNCIL**

Date: October 14, 2024

Charlie Caldwell
CHARLIE CALDWELL
 Aye
 Nay
 Abstain

Tim Benning
TIM BENNING
 Aye
 Nay
 Abstain

Doug Baker
DOUG BAKER
 Aye
 Nay
 Abstain

Becky Fryman
BECKY FRYMAN
 Aye
 Nay
 Abstain

Jerrri Jackson
JERRI JACKSON
 Aye
 Nay
 Abstain

ATTEST:

Rita Stevens
RITA STEVENS
Clerk-Treasurer
Town Council, Town of Dillsboro

TOWN OF DILLSBORO ORDINANCE 2024-10- 3

An Ordinance regarding the use of right-of-way in the Town of Dillsboro. This ordinance shall repeal Section 93.01 to 93.06 and Section 93.99 and adopt the described Section 93.01 to 93.14 and 93.90 to 93.96.

Chapter 93 Section 93.01-93.14 and 93.90-93.96 USE OF THE RIGHT-OF-WAY

WHEREAS, the Dillsboro Town Council has authority of pass local ordinances to ensure the health, safety and welfare of its citizens; and

WHEREAS, the maintenance of local streets and local infrastructure is of primary importance to the Town and its citizens; and

WHEREAS, any closure, impediment, digging, cutting, excavating, or improvement to any street, right-of-way, alley or public place, or into or through any pavement thereon, has a potential negative impact to local streets and infrastructure;

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

§ 93.01 Compliance with chapter required.

It is unlawful for any person to do, cause or permit to be done any closure, impediment, digging, cutting, excavating, or improvement to any public street, right-of-way, alley or public place, or into or through any pavement thereon, in the town except in accordance with and as provided for in this chapter.

§ 93.02 Right-of-way use permit required.

Any person closing, prohibiting access to, digging, cutting, excavating, or constructing an improvement on or causing the same to be made in pavements or adjacent to pavements shall apply for a right-of-way use permit as required by this chapter. A person shall not begin the aforementioned activities until a right-of-way use permit has been duly granted as provided in this chapter. The right-of-way use permit shall be kept on site in paper or digital form and be able to be produced as requested by town staff.

Work done at the direction of the town council which includes, but is not limited to, maintenance and improvements to existing infrastructure, shall be exempt from the permitting process.

§ 93.03 Application and permit fee.

(A) Any person desiring to close, prohibit access to, make any opening or excavation, or make any improvement contemplated by this chapter is subject to application and permit fees as described:

(1) The application fee covers the cost of submitting an application for review. The fee does not guarantee the issuance of a permit upon review. The application fee is due upon submittal of the application for review and will not be refunded upon rejection of the application by town staff or cancellation of application by the applicant.

(2) The permit fee is the cost associated with the issuance of the permit upon approval. The permit fee is due before the permit is issued to the applicant.

(B) The application and permit fees to close, prohibit access to, or make any opening or excavation contemplated by this chapter are specified in Section 93.04 ("fee table") of the Town of Dillsboro Code of Ordinances and shall be paid to the town, prior to closing, prohibiting access to, or making an opening or excavation. Application and permit fees may be adjusted or waived at the discretion of the town council. The following entities, or their designees, are exempt from having to pay the fee required by this section and by Section 93.24 ("fee table"):

- (1) Town of Dillsboro Utilities Department;
- (2) Dearborn County;
- (4) State of Indiana;
- (5) Not-for-profit agencies with a 501(c)(3) designation; and
- (6) Any utility or entity performing work on a device or appurtenance owned or operated by and at the direction of the town.

§ 93.04 Fee.

(A) The right-of-way use and excavation fees shall be \$50.00.

§ 93.05 Permit application and site plan required.

(A) Any person desiring to close, prohibit access to, or make any opening or excavation contemplated by this chapter shall file the following with the town council, or their designees:

- (1) An application for right-of-way use, which shall contain all information deemed necessary by the town council or their designee;
- (2) A site plan which may identify the following and/or additional details, at the discretion of the town council or their designee:
 - (a) The distance from all streets, alleys, driveways, entrances, intersections, and/or road cuts wherein the excavation will be made and the device or structure being installed as a result of the excavation will be located;
 - (b) The specific location of all proposed improvements; and
 - (c) The specific location of all existing utilities within or near the proposed work area;
 - (d) The specific location of all existing improvements, structures, either privately or publicly owned, already located within or near the work area;
 - (e) A maintenance of traffic plan that is compliant with the Manual on Uniform Traffic Control Devices (MUTCD), if the proposed work will impact traffic.
- (3) A bond in accordance with Section 93.26 ("bond required—amount—conditions"); and
- (4) A certificate of insurance in accordance with Section 93.28 ("insurance and indemnity").

§ 93.06 Bond required—Amount—Conditions.

At the time of filing the application under the provisions of Section 93.23 ("application and permit fee"), the person desiring to close, prohibit access to, or make any opening or excavation shall also file a bond payable to the town or a cash deposit.

The bond or cash deposit shall be in a sum as shown in Section 93.27 ("bond amounts") or as designated by the town council, or their designee. Bond and cash deposit amounts are per permit unless a larger bond is on file in an amount sufficient to encompass multiple active permits.

Town council, or their designee, may require an amount not to exceed the total projected cost of the project, plus twenty-five percent, in the event such amount is deemed necessary to ensure performance of the contractor.

Bonds shall be conditioned to hold the town harmless from any loss, cost or damage by reason of such proposed work, and that the same shall be done in all respects in conformity with the requirements of all laws regulating the same.

Entities with a bonding agreement approved and filed with the town council shall be exempt from this section. The following entities are eligible for this bonding agreement:

- (1) Town of Dillsboro Utilities Department;
- (2) Dearborn County;
- (5) State of Indiana;
- (6) Indiana Department of Transportation
- (7) Not-for-profit agencies with a 501(c)(3) designation; and
- (8) Any utility or entity performing work on a device or appurtenance owned or operated by and at the direction of the town.

Contractors hired by these entities are required to have a bond on file with the town unless otherwise approved in the agreement approved and filed with the town council.

§ 93.07 Bond amounts.

Permit	Bond Amount (per permit)
Street cut	\$20,000.00
Push or bore	\$5,000.00
Placement/removal of poles	\$5,000.00
Residential driveway installation	\$5,000.00

Storage of dumpsters or construction materials	\$5,000.00
Sidewalk replacement	\$5,000.00
Commercial driveway installation	\$10,000.00
Lane, or sidewalk closure	\$5,000.00
Street closure	\$5,000.00

§ 93.08 Insurance and indemnity.

Each applicant for a permit under this chapter shall provide a certificate of liability insurance, insuring the applicant, and naming the town as co-insured, against the following liabilities and in the following amounts relative to such activity:

- (1) Personal injury: \$100,000.00 per occurrence and \$300,000.00 in the aggregate; and
- (2) Property damage: \$50,000.00 per occurrence and \$100,000.00 in the aggregate.

Each applicant for a permit under this chapter shall provide a document approved by the corporation counsel for the town, in which the applicant agrees to indemnify and forever hold harmless the town for losses and/or expenses arising from the opening and excavating work performed pursuant to a permit issued under this chapter.

§ 93.09 Permit issuance.

It shall be the duty of the town council, or their designee, upon the filing of the application, site plan, approved bond, proof of insurance, and the payment of a fee as required by this chapter, to issue to the petitioner a permit to close, prohibit access to, or make such excavation and do such work, and such permit shall describe the kind and location of the same. Staff may deny permits deemed incomplete or for work not in the public's interest as determined by the town council, or their designee. The permit may also describe any restrictions or special instructions by which the responsible party to the permit must abide.

§ 93.10 Traffic control devices.

Traffic control plans for all streets, sidewalks, or other town right-of-way within the town shall be made in compliance with the Indiana Manual on Uniform Traffic Control Devices. Other specific safety precautions may be required by the Town Manager, or their designees. All proper traffic control devices including but not limited to barricades, signage, lights, temporary markings, cones, and other safety precautions shall be maintained by the party to whom the permit was issued under the provisions of this chapter until construction has been inspected and approved by the Town Manager, or their designees. Deviation from or failure to maintain approved traffic control plans shall be considered a violation of this chapter and shall be subject to penalty as described in Chapter 93.90 -96.

§ 93.11 Location of mains and pipes—Supervision of work.

It shall be the duty of the responsible party in connection with all work contemplated by this chapter, through its duly authorized agents, to determine the proper location for all utilities including, but not limited to, water, gas, storm and sanitary sewer. It shall also be the duty of the responsible party to coordinate repair and incur expenses if there are damages to existing utilities due to their work. The town council, or their designee may supervise the replacement of the excavation and pavements and see that all work in connection therewith is completed and in compliance with all federal, state, and local safety requirements and specifications required hereunder. The following persons shall be considered responsible parties, in connection with all work contemplated by this chapter:

- (1) The property owner;
- (2) Persons with any possessory interest in the property; and
- (3) Any person who, whether as property manager, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, took part in the work.

§ 93.12 Refilling of excavations.

After any work requiring excavation has been properly completed, the responsible party to the permit under the provisions of this chapter shall refill that portion of the street, alley, right-of-way, or public place excavated and restore the excavated area in accordance with specifications and standards as set forth by the town council, or their designee. Excavation done on a street that has been paved in the last three years may require a mill and pave of the full traffic lane or lanes as determined by the Town Manager.

In the event the responsible party fails to follow the above requirements or the refilling of the excavation fails, the town may refill the excavation, or employ another contractor to do so, at the expense of the responsible party. Such expense may be deducted from the bond required by Section 93.26 ("bond required—amount—conditions"). Fines may also be assessed per the fine schedule in Section 93.94 ("penalty") for non-compliance.

In the event a second inspection of the refilled excavation is necessary as a result of noncompliance with any section herein, a re-inspection fee of \$25.00 shall be charged by the town council, or their designee, for each subsequent inspection that occurs.

§ 93.13 Protection of sides of excavation—Injury to adjoining right-of-way.

Any person making excavations or causing the same to be made in pavements or adjacent to pavements, shall so protect the sides of the excavation that the adjoining soil shall not cave in. It is unlawful for any person to excavate so as to undermine or injure any adjoining right-of-way including, but not limited to, curbs, streets, tree plots and sidewalks.

§ 93.14 Emergencies.

A utility may perform a closure of and excavation in the town's right-of-way without having a permit to do so under this chapter in the event an emergency necessitates closure and excavation work. An emergency is defined as a sudden and unexpected event that, if left uncorrected, will cause serious damage to property or jeopardize the safety and health of persons.

Any emergency closure in town right-of-way shall be done in compliance with the Indiana Manual on Uniform Traffic Control Devices temporary traffic control guidelines. Excavations must be repaired to town standard for temporary or final repair.

In the event an emergency occurs, the affected party shall contact the Town's emergency contact number to inform them of the excavation work being performed.

When closure and excavation due to an emergency occurs, the contractor conducting such emergency closure and excavation shall have current bonding and insurance on file with the town per requirements in Sections 93.06 ("bond required—amount—conditions") and 93.08 ("insurance and indemnity"). The contractor conducting such emergency closure and excavation shall file an application for a permit no later than seventy-two hours from the commencement of the said emergency work.

§ 93.90 Authority.

All departments, officials and public employees of the town that are vested with the duty or authority to review and/or issue permits shall conform to the provisions of this title of the Town of Dillsboro Code of Ordinances and shall issue no permit for any use, excavation, activity or purpose which would be in conflict with the provisions of this title. Any permit issued in conflict with the provisions of this title shall be null and void. The town councils, or their designee are designated enforcement officials with full authority to investigate, issue notices of violation, and secure remedies, including but not limited to injunctive relief, for any violation of this title.

§ 93.91 Penalties and remedies for violations.

(A) For the purposes of this chapter, a violation shall be defined as violation of or failure to comply with:

- (1) Any provision or requirement of Chapter 93; or
- (2) The required elements of the submission on the basis of which any permit or approval has been rendered hereunder.

(B) Any violation as defined herein is hereby declared a common and public nuisance, and any person who is a responsible party as defined in Section 93.95(a) with respect to such violation shall, in addition to any other penalty or remedy provided herein, be liable for maintaining a common and public nuisance.

(C) Any violation, as defined in subsection (a) above, shall be subject to the penalties and remedies provided in this chapter, and the town shall have recourse to any remedy available in law or equity.

(D) Each day that any violation continues shall be considered a separate violation for purposes of the penalties and remedies specified in this chapter. A violation continues to exist until corrected. Correction includes, but is not limited to:

- (1) Cessation of an unlawful practice;
- (2) Removal of a building, structure, or other improvement;
- (3) Faithful or otherwise-approved restoration or replacement of a building, structure, site, excavation, traffic control devices, walk around, or natural feature;
- (4) Any other remedy specified in this title; and/or
- (5) Other remedy acceptable to the town.

(E) The town may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to Section 93.95(d) of this chapter; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this title or any condition, requirement, or commitment established in connection with this title or any development approval hereunder.

(F) The remedies provided for in this title shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

§ 93.93 Administration.

The Town Manager, or their designee shall maintain a record and tabulation of all complaints and investigations, and the resolutions of those complaints, whether made by citizens or by staff; communicate with citizen complainants about the progress being made in investigating and resolving their complaints; and report to pertinent boards or commissions on an as-needed basis.

§ 93.94 Penalty.

(A) Any violation that is subject to this chapter shall be subject to a civil penalty of not more than \$2,500.00 for each such violation, and not more than \$7,500.00 for the second and any subsequent violation, in addition to any and all other remedies available to the town, except where a lesser fine is specified herein.

(B) The following violations of this title shall be subject to the fines listed in the table below for the first offense. In addition, if a responsible party commits a second or subsequent violation of the same provision within three years of the first such violation, regardless of whether the second or subsequent violation is on the same property as the first such violation, the listed fine for such second or subsequent offense shall be twice the previous fine, subject to the maximum set forth in subsection (a) above. (For example, a violation that is subject to a \$100.00 fine per the table will be subject to a \$200.00 fine for the second offense, a \$400.00 fine for the third offense, and so forth.)

(C) Fines for right-of-way use violations.

Right-of-way Use Violation	Fine
Right-of-way closure or excavation without a permit	\$500.00 maximum
Unrepaired damage to right-of-way following excavation	\$100.00
Failure to comply with town standards and specifications for right-of-way repairs	\$100.00
Right-of-way use without approved maintenance of traffic plan	\$500.00
Failure to maintain approved maintenance of traffic plan; including but not limited to maintaining compliant traffic control devices	\$500.00
Failure to have permit on site	\$100.00

Failure to reopen right-of-way per approved dates for right-of-way use permit	\$250.00
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§ 93.95 Enforcement procedures—Notices of violation.

(A) If the Town Manager, or their designee finds that any violation subject to this chapter is occurring, or has occurred, a notice of violation (NOV) may be issued to the responsible party. Any person charged with violating any provision(s) of this chapter may, in the sole discretion of the enforcement officer, be issued an official warning. If an official warning is issued it shall be considered as affording the violator one opportunity to comply with this chapter's provisions. For purposes of issuing a notice of violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation:

- (1) The property owner;
- (2) Persons with any possessory interest in the property; and
- (3) Any person who, whether as property manager, principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, causes, maintains, suffers or permits the violation to occur and/or to continue.

(B) The notice of violation (NOV) shall be in writing and shall be served on all of the responsible parties in one or more of the following manners: delivery in person or by first class mail. The notice of violation shall state:

- (1) The location of the violation;
- (2) The nature of the violation;
- (3) The date the violation was observed;
- (4) The daily fine assessed for the violation;
- (5) Additional remedies the town may seek for violation;
- (6) That the fine is paid to the Town of Dillsboro;
- (7) That the notice of violation may be appealed to the town council; and
- (8) That the fine may be contested in the Dearborn County Circuit Courts.

(C) Each item of noncompliance enumerated on the notice of violation shall be considered to be a separate violation, and each day that each such item of noncompliance continues shall be considered to be a separate violation. Fines shall accrue from the date the violation commenced.

(D) In addition to issuing a notice of violation (NOV), the town council, or their designee may utilize and/or seek through legal proceedings one or more of the following remedies:

(1) Revoke or withhold other approvals, certificates and/or permits relevant to the site on which the violation has occurred or to the parties committing the violation; and/or

(2) Issue a stop work order; and/or

(3) Request the building department to issue a stop work order and request the building official to suspend and withhold all building code inspections relevant to the development or use of the site on which the violation has occurred; and/or

(4) Draw on a performance or maintenance surety, as necessary, to affect any remedial actions required to abate the violations; and/or

(5) Revoke the permits, certificates and/or approvals that have been violated; and/or

(6) Any and all penalties and remedies listed in Section 93.92 ("penalties and remedies for violations").

§ 93.96 Appeals.

(A) Intent. The purpose of this section is to outline the procedure employed by the town in order to afford citizens an avenue of appeal when there is some doubt that an administrative official, staff member, administrative board or other body, has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing any part of this title.

(B) Applicability. An administrative appeal may be made by any person aggrieved by an order, requirement, decision, or determination made by an administrative official, staff member, administrative board or other body, charged with the administration or enforcement of any part of this title.

(C) Application Filing Deadline. An administrative appeal must be filed with the town council within seven days of the order, requirement, decision, or determination that is being appealed.

(D) Review. At its next regularly scheduled public meeting, the town council shall review:

- (1) The written statement and supportive material submitted by the appellant;
- (2) The record of action supplied by the administrative official or body from which the appeal is taken;
- (3) The written and oral testimony of the public;
- (4) The testimony of the appellant; and
- (5) The testimony of the administrative official or body from which the appeal is taken.

(E) Decision. The board shall issue its decision to uphold or deny the appeal to waive or adjust fines.

(F) Fines levied for violations may be challenged in the Dearborn County Circuit Court and must be filed within seven days.

**DILLSBORO, INDIANA
TOWN COUNCIL**

Date: October 14, 2024

Charlie Caldwell
CHARLIE CALDWELL
 Aye
 Nay
 Abstain

Tim Benning
TIM BENNING
 Aye
 Nay
 Abstain

Doug Baker
DOUG BAKER
 Aye
 Nay
 Abstain

Becky Fryman
BECKY FRYMAN
 Aye
 Nay
 Abstain

Jerry Jackson
JERRY JACKSON
 Aye
 Nay
 Abstain

ATTEST:

Rita Stevens
RITA STEVENS
Clerk-Treasurer

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
 Generated 10/2/2024 1:30:03 PM

Ordinance / Resolution Number: 2024-10-4

Be it ordained/resolved by the **Town of Dillsboro** that for the expenses of **DILLSBORO CIVIL TOWN** for the year ending December 31, **2025** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **DILLSBORO CIVIL TOWN**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Town of Dillsboro**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Town of Dillsboro	County Council	10/14/2024

Funds

Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0005	CASINO/RIVERBOAT	\$422,250	\$0	0.0000
0101	GENERAL	\$355,000	\$278,973	0.9054
0706	LOCAL ROAD & STREET	\$28,000	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$76,200	\$0	0.0000
1151	CONTINUING EDUCATION	\$2,500	\$0	0.0000
1191	CUMULATIVE FIRE SPECIAL	\$2,500	\$3,625	0.0100
1301	PARK & RECREATION	\$40,000	\$7,000	0.0227
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$2,000	\$0	0.0000
		\$928,450	\$289,598	0.9381


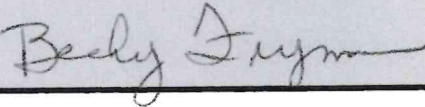
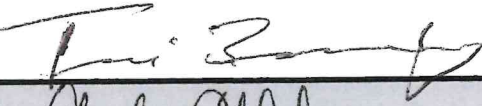
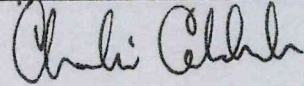

Home-Ruled Funds (Not Reviewed by DLGF)

Fund Code	Fund Name	Adopted Budget
9500	TIF	\$10,000
9501	Public Safety	\$95,000
		\$105,000


ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)
 Approved by the State Board of Accounts, 2015
 Prescribed by the Department of Local Government Finance

Budget Form No. 4
 Generated 10/2/2024 1:30:03 PM

Name		Signature
Doug Baker	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Becky Fryman	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Tim Benning	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Charlie Caldwell	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Jerri Jackson	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

ATTEST

Name	Title	Signature
Rita Stevens	Clerk-Treasurer	

MAYOR ACTION (For City use only)

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

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1 Yes No

In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31 Yes No