

**Minutes of Greenville Town Council Meeting
February 9th, 2009**

President Talbotte Richardson called the regular monthly meeting to order. Councilpersons present were Bob Wright, Hanzel Barclay, Patti Hayes and Randal Johnes, along with Clerk Jack Travillian. Also attending the meeting was Water Utility Superintendent Gary Getrost, town attorney Rick Fox, and other concerned citizens.

Chaplain Mark Avery opened the meeting with a prayer.

Minutes: Councilman Johnes presented a new copy of the December minutes requesting that the new copy be signed and replace the old minutes that had a correction that was hand written. New minutes were signed by Richardson and attested by Travillian.

The minutes for January meeting were discussed and approved. Motion was made by B. Wright and seconded by R. Johnes (Motion passed 5-0).

Marshal's Report:

Marshal Burkhart gave his monthly report about arrest, stops, tickets and warnings. The department has spent significant time assisting the Floyd County Sherriff officers; providing breaks during traffic problems on Highway 150. Deputy Wisman has participated in training to cover multiple shooting scenarios. Marshal Burkhart stated that the department has given 3 reserve officers testing and 2 had passed with 1 failing that would require re-testing at a later date.

Water Business:

Superintendent Getrost submitted monthly adjustments to the council. The board approved the adjustment for the bill (5-0).

Contract for GPS: The mapping is complete and the water utility should be receiving computerized version to install on office computers within 2 weeks.

Pumping station in Galena: Attorney Fox gave a report on the progress of the remaining easement on an unbuildable lot on Evert Avenue using the process of "Imminent Domain". The appraisal has been completed and forwarded to the property owner. The owner now has 25 days to reply before the council needs to carry forward on the next step. The appraised value is \$2,328.

The office area has been re-painted during slow time for the water utility crew. The lighting has also been replaced. The council requested that work continue as time allows. Superintendent Getrost requested that new carpeting be installed. The council agreed with the suggestion. R. Johnes made a motion and B. Wright seconded to accept the lowest of three bids collected by Getrost for installing new carpeting (Motion passed 5-0).

Getrost noted that the electrical service for the water utility has been interrupted for extended periods twice within the last six months. The Superintendent requested buying some type of emergency generator to keep business operational during these times. Councilman Johnes noted that the deposits are still required within 48 hours per Sate Board of Accounts regardless of circumstances, therefore, he asked that Getrost check into getting automatic generators that could also make the town hall an emergency shelter in case of severe weather. Getrost will check into what would be most efficient for this purpose.

Financial:

Review/Approval Checks and Expenditures: Clerk Travillian presented the forms for checks written from the utility and the town. The council requested that the snow removal checks be held until a special meeting with the contractor (Silling Company) can be held on February 23, 2009. There are several questions about the amount of salt being used and the location of pickups. Posting of meeting at Town Hall to be done by Councilman Johnes.

Committee Reports:

Bob Wright/Emergency Services:

Councilman Wright requested an update about the proposal for approximately \$3,000 from the Floyd County Council of Riverboat Funding to buy additional police equipment. He stated that the Floyd County Council had granted the request and wanted to know if the clerk's office had received the funds yet. Nothing has been received, Clerk Travillian will check with the Auditor's office about the funding.

Randal Johnes/Property Cleanup:

Councilman Johnes noted that the new signs have arrived. He has been in contact with the State Board of Accounts about using the water utility employees to install the new signs. The SBA stated that it would be acceptable, however, the staff must be pay at the time and half rate, because it must be done in off hours. Motion was made by R. Johnes and seconded by P. Hayes to have the current employees do the work (Motion passed 5-0).

Councilman Johnes request that a transfer of funds be made to move \$1,000 to legal publishing and \$1,300 to town promotion fund from EDIT Fund. Clerk Travillian will prepare the ordinance for next month's meeting.

Johnes requested that the council approve a 2 hour training session with the website provider to get the necessary tools to update the town's website. The council had no objections. Approximate cost will be \$50.

Councilman Johnes gave an update about the Widening of Highway 150 project. He has received a copy of the new plans and sees no real changes that had been suggested. Johnes has sent a letter to the Governor's office with a packet of all information gathered about the project. Mr. Percy of INDOT sent an e-mail to Johnes stating the speed limit

reduction was an enforcement issue and no stop light was warranted for the intersection of Cross Street, US 150, Greenville Georgetown Road in Greenville at this time.

Special Projects: Councilwoman Hayes has requested John Sweatland appear before the council and has had no response. She will start looking into other companies about reduced rates for garbage collection.

Old Business:

2008-T-93 Ordinance Regulating Gun Permits and Fees: Third reading of ordinance to set the rate for gun permits. Councilman Johnes presented the ordinance with amendments suggested by Attorney Fox. R. Johnes made the motion and B. Wright seconded to accept the ordinance as amended. Motion passed (5-0)

2009-T-001 Ordinance to establish the procedure to be followed for the development and requirements of written ordinances and written monthly meetings minutes and the procedure for recording of, and keeping of, these documents for the Town of Greenville, Indiana – Second reading of ordinance submitted by Councilman Johnes regarding records keeping in the town hall. Clerk Travillian noted in order to comply with the new regulations the town would be in need of a new fire proof file cabinet. President Richardson stated that he would follow up on the request. Motion was made by R. Johnes and seconded by T. Richardson (Motion passed 5-0).

2009-T-002 Ordinance concerning the regulating of Pornography, Adult bookstores, Adult cabarets, Adult motels, Adult motion picture theatres, Adult video stores, and Adult businesses prohibition in the Town of Greenville, Indiana – Second reading was postponed awaiting response from Brian Wilkins.

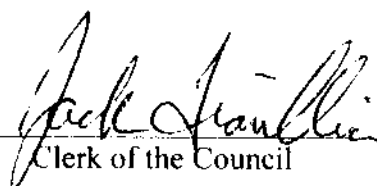
2009-T-004 Ordinance regarding reserve and deputy officers: Second reading of an ordinance submitted by Councilman Johnes concerning the appointment and duties of reserve and deputy officers by the town marshal. Motion was made by T. Richardson and seconded by R. Johnes to accept the motion as written (Motion passed 5-0). Third reading was completed. Motion was made by T. Richardson and seconded by R. Johnes to accept the motion as written (Motion passed 5-0).

New Business:

2009-T-009 Ordinance regulating of animals and animal control: First reading of an ordinance to establish pet regulation within the Town of Greenville. Councilman Johnes submitted the ordinance and a special meeting will be held with New Albany/Floyd County Animal Control on February 19, at 7:30 PM for suggestion about making the ordinance compatible with county guidelines. Posting of meeting at Town Hall to be done by Councilman Johnes.

No further business coming before the Council the meeting was adjourned.

ATTEST:


Clerk of the Council


Presiding Officer

Town of Greenville
P.O. Box 188
Greenville, In. 47124

AGENDA FOR:

TOWN OF GREENVILLE, INDIANA

MONTHLY MEETING FOR MONDAY, FEBRUARY 9TH, 2009

- 1. MEETING CALLED TO ORDER BY COUNCIL PRESIDENT:** Talbotte Richardson
- 2. OPENING MEETING WITH PRAYER:**
- 3. REVIEW AND SIGNING OF AMENDED MEETING MINUTES OF: DECEMBER 8TH, 2008**
- 4. READING, REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MONTHLY MEETING MINUTES OF: JANUARY 12TH, 2009**
- 5. MARSHAL'S REPORT:** William Burkhart Jr.
 - {A} - Normal monthly activity reports
- 6. WATER BUSINESS: WATER SUPERINTENDENT:** Gary Getrost
 - {A} - Report on water usage and leaks
 - {B} - Superintendent's report
 - {C} - FMSM Contract update
 - {D} - Installation of Pumping Station
- 7. FINANCIAL: GREENVILLE TOWN CLERK:** Jack Travillian
 - {A} - Review and Approve Checks and Expenditures.
- 8. COMMITTEE REPORTS:**
 - {A} - Emergency Services: Bob Wright
 - > Meeting with Floyd County Commissioners
 - {B} - Public Relations and Property Cleanup: Randal Johnes
 - > Signs
 - > Additional funds for publishing
 - > Survey for Planning and Zoning with Floyd County
 - > Using Water Company Employee and billing town
 - > Update on US 150 project
 - > \$50.00 for Web-site instructions
 - > Meeting with New Albany Floyd County Animal Shelter- inter local agreement - Rick
 - > Various subjects

Town of Greenville
P.O. Box 188
Greenville, In. 47124

9. OLD BUSINESS:

{A} - Ordinances Second or Third Reading:

- > 2008-T-93 - Third reading with amendments
- > 2009-T-001 - Second reading with amendments, resolution for third reading
- > 2009-T-002 - Second reading with amendments, resolution for third reading *POSTPONE*
- > 2009-T-003 - With Drawn to be placed in inactive or void file for future reference
- > 2009-T-004 - Second reading with amendments, resolution for third reading

10. NEW BUSINESS:

{A} - Ordinances First Reading:

- > 2009-T-009 - First reading
- > 2009-T-006 - First reading if time allows
- > 2009-T-005 - First reading if time allows
- > 2009-T-007 - First reading if time allows
- > 2009-T-008 - First reading if time allows

11. ADJOURNMENT:

Next Monthly Meeting Monday March 9th, 2009 @ 7:00 PM

Note: to speak before the council your name must appear under item 9 letter B. President of the board may allow you to speak if he deems information you wish to present is a critical situation that would not be served by postponing the subject until the next meeting. To speak before the council contact Water Company Clerk or Council Member for proper form; See Rules of Meetings attached.

Board Meeting Agenda Request

Date: _____

Name: _____

ADDRESS: _____

Subject:

Approved By _____
Board Member

Town of Greenville
P.O. Box 188
Greenville, In. 47124

REQUIREMENTS AND RULES TO ADDRESS TOWN COUNCIL AT MONTHLY MEETINGS

TO SPEAK BEFORE THE TOWN COUNCIL YOU ARE REQUIRED TO DO THE FOLLOWING

- 1} Your name and the subject you wish to address must be cleared through a current board member only. The name of these board members can be obtained from the Greenville Water Company Clerk {812-923-9821}.
- 2} Your name must be submitted to be on the meeting agenda three {3} business days prior to the town meeting.
- 3} If your name is not on the agenda and time will permit the Town Board President may allow you to speak if the subject is relevant to an impending issue with the town.

AFTER RECEIVING APPROVAL TO SPEAK THE FOLLOWING RULES WILL APPLY

Note: Something everyone should know, it is a privilege, not a right to speak before any Town Board;

- 1} You will be given three {3} minutes to make your statement or ask your question before the Board.
- 2} You will restrain from insulting and or arguing with any board member or other citizens attending the meeting. If this happens you will be asked to stop speaking and be seated. If you refuse you will be asked to leave. If you refuse to leave you will be escorted from the meeting by the Sergeant of Arms.
- 3} When you are speaking, any board member may stop you to ask a question. If this happens, you may be given more time if the chair believes it is necessary. Please remember you are addressing the entire board and not just one member.
- 4} The chair has the right to change or alter the structure of the meeting. This is to give as much time to anyone as the chair sees necessary in order to conduct Greenville Town Business. The chair may deny your privilege to speak if he determines the reason to be frivolous or irrelevant at the time, or something the Board can not do anything about.

MINUTES FOR THE MEETING

- 1} Minutes for the meeting you are now attending will be available after their approval at the next monthly meeting. You may request these minutes by contacting the Greenville Town Clerk.

THANK YOU FOR YOUR COOPERATION

Earth First of Kentuckiana, Inc
 9251 Hwy 150, E.
 Greenville, IN 47124
 Phone : 812-923-1227
 Fax : 812-923-0113

923,5035

INVOICE 40672

1
 1/31/09

TOWNOG
 TOWN OF GREENVILLE
 P.O. BOX 188
 9706 CLARK ST.
 GREENVILLE, IN 47124

Due By 10th

Ticket	Date	P.O.	Product	Qty	-----Material-----		-----Freight-----		Tax	Total
					Rate	Amount	Rate	Amount	Amount	
3055277	01/26/09		Salt Bulk NA 1:37 PM	2.01	160.00	321.60	0.00	0.00	0.00	321.60
3055312	01/26/09		Salt Bulk NA 5:39 AM	1.73	160.00	276.80	0.00	0.00	0.00	276.80
3055441	01/28/09	Sillings	Salt Bulk NA 8:28 PM	2.39	160.00	382.40	0.00	0.00	0.00	382.40
3055446	01/28/09	Sillins pick up	Salt Bulk NA 10:38 PM	1.86	160.00	297.60	0.00	0.00	0.00	297.60
3055476	01/29/09		Salt Bulk NA 11:01 AM	2.02	160.00	323.20	0.00	0.00	0.00	323.20
5068565	01/27/09		Salt Bulk O 11:32 AM	2.23	160.00	356.80	0.00	0.00	0.00	356.80
5068569	01/30/09		Salt Bulk G 10:21 AM?	2.01	160.00	321.60	0.00	0.00	0.00	321.60
5068571	01/30/09		Salt Bulk C 10:37 AM	2.00	160.00	320.00	0.00	0.00	0.00	320.00
5068572	01/30/09		Salt Bulk G 11:05 AM	2.02	160.00	323.20	0.00	0.00	0.00	323.20
Invoice Total				18.27 Ton		\$2923.20		\$0.00	\$0.00	\$2,923.20

Total Invoice ----- > \$2,923.20

General Fund	Budgeted	Spent	Remaining
Payroll	\$ 13,200.00	\$ 925.00	\$ 12,275.00
Marshal's Payroll	\$ 33,200.00	\$ 2,766.66	\$ 30,433.34
Employee Benefits	\$ 3,850.00	\$ 294.90	\$ 3,555.10
Computer Software	\$ 1,500.00		\$ 1,500.00
Office Supplies	\$ 500.00	\$ 42.00	\$ 458.00
Marshal's Fuel	\$ 3,000.00	\$ 244.40	\$ 2,755.60
Legal	\$ 8,000.00	\$ 1,606.50	\$ 6,393.50
Offical Bonds			\$ -
Travel	\$ 600.00		\$ 600.00
Legal Notices	\$ 700.00		\$ 700.00
Insurance	\$ 3,200.00		\$ 3,200.00
Equipment & Repairs	\$ 1,638.00		\$ 1,638.00
Town Promotion	\$ 1,000.00		\$ 1,000.00
Trash Collection	\$ 1,000.00		\$ 1,000.00
Organizational Dues	\$ 750.00	\$ 703.00	\$ 47.00
Fire Protection	\$ 10,000.00		\$ 10,000.00
Total (\$12,877.29)	\$ 82,138.00	\$ 6,582.46	\$ 75,555.54
<u>Local Roads and Streets</u>			
Legal & Engineering	\$ 1,000.00		\$ 1,000.00
Legal Advertising	\$ 107.00		\$ 107.00
Maintenance ROW	\$ 3,250.00		\$ 3,250.00
Streets & Alleys	\$ 23,000.00		\$ 23,000.00
Equipment Maintence	\$ 2,000.00	\$ -	\$ 2,000.00
Total (\$17,198.91)	\$ 29,357.00		\$ 29,357.00

Motor Vehicle

Streets Signs	\$ 2,000.00	\$ 77.44	\$ 1,922.56
Materials	\$ 428.00	\$ 37.78	\$ 390.22
Engineering	\$ 1,000.00		\$ 1,000.00
Insurance Streets	\$ 4,000.00		\$ 4,000.00
Telephone	\$ 2,300.00	\$ 126.13	\$ 2,173.87
Equipment Repairs	\$ 2,000.00	\$ 24.88	\$ 1,975.12
Street Lights	\$ 6,000.00	\$ 707.19	\$ 5,292.81
Snow Removal & Streets & Alleys by Other Maintenance	\$ 14,000.00	\$ 6,509.20	\$ 7,490.80
	\$ 4,500.00		\$ 4,500.00
	\$ 636.00		\$ 636.00
Total (\$16,490.33)	\$ 36,864.00	\$ 7,482.62	\$ 29,381.38
Cumulative Capital Improvement (\$5,290.28)			
Inter Fund Operation	\$ 6,000.00		\$ 6,000.00
EDIT (\$14,230.47)			
Other Capital Outlays	\$ 10,000.00		\$ 10,000.00
Law Enforcement			
Training (\$911.61)	\$ 1,000.00		\$ 1,000.00
Riverboat (\$1,614.28)			
Inter Fund Operation	\$ 6,100.00		\$ 6,100.00
	Income	Expenses	Profit/Loss
Water Operating	\$ 58,812.80	\$ 57,862.26	\$ 950.54
Meter Deposits	\$ 61.90		\$ 61.90
Bond and Interest	\$ 1.71		\$ 1.71

Town of Greenville

P.O. Box 188
Greenville, IN 47124
812-923-9821

Date: February 9, 2009

Subject: Cancellation of Warrants – Old Outstanding Checks:

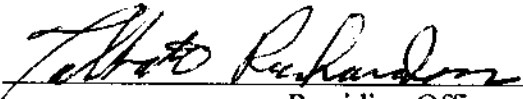
Whereas, the Town Council of Greenville finds that all outstanding checks and unpaid for a period of two years as of December 31, 2008 shall be declared void.

List as follows:

Meter Deposit Account 6040128:


<u>Check #</u>	<u>Amount</u>
1451	6.89
1453	9.52
1457	4.83
1460	25.00
1461	50.00
1505	50.00
1511	50.00
1541	24.46
1571	7.81
1573	25.00
1590	<u>2.51</u>
Total	\$ 256.02

SECTIONS 3. Passed and adopted by the Greenville Town Council on the 9th day of February 2009 at the hour of 7:00 P.M.



Presiding Officer

ATTEST:



Clerk-Treasurer

History Transactions by Type
All Adjustments

Date From 01/12/2009 through 02/09/2009

BOOK # 1	
Acct #	11508 MULLINS, BRANDY
Audit #	194746 Water Adjusted \$90.00
Type	Adjustment Water Tax Adjusted \$0.00
Date	02/05/2009 Water Penalty Adjusted \$0.00
Desc	RETURN CHECK
Trash Adjusted	
Misc Adjusted	\$0.00
Misc Penalty Adjusted	\$0.00
Operator AMY	\$0.00
Total	\$90.00
Balance	\$74.00

BOOK # 1	
Water Adjusted	\$60.00
Water Tax Adjusted	\$0.00
Water Penalty Adjusted	\$0.00
0.00000	0.00000
Trash Adjusted	
Misc Adjusted	\$0.00
Misc Penalty Adjusted	\$0.00
Operator AMY	\$0.00
Total	\$60.00

BOOK # 3	
Acct #	32571 MARTIN, KELLY
Audit #	194745 Water Adjusted \$-145.00
Type	Adjustment Water Tax Adjusted \$0.00
Date	02/05/2009 Water Penalty Adjusted \$0.00
Desc	POSTED TO WRONG ACC + 50.00 RECONNECT FE
Trash Adjusted	
Misc Adjusted	\$0.00
Misc Penalty Adjusted	\$0.00
Operator AMY	\$0.00
Total	\$-145.00
Balance	\$-106.33

BOOK # 3	
Acct #	3259011 MARTIN - BARNETT, K. & P.
Audit #	194744 Water Adjusted \$98.84
Type	Adjustment Water Tax Adjusted \$6.16
Date	02/05/2009 Water Penalty Adjusted \$0.00
Desc	POSTED TO WRONG ACCOUNT
Trash Adjusted	
Misc Adjusted	\$0.00
Misc Penalty Adjusted	\$0.00
Operator AMY	\$0.00
Total	\$98.84
Balance	\$19.23

BOOK # 3	
Water Adjusted	\$-56.16
Water Tax Adjusted	\$6.16
Water Penalty Adjusted	\$0.00
0.00000	0.00000
Trash Adjusted	
Misc Adjusted	\$0.00
Misc Penalty Adjusted	\$0.00
Operator AMY	\$0.00
Total	\$-50.00

BOOK # 4	
Acct #	41285 SCHMIDT, MICHAEL
Audit #	194735 Water Adjusted \$-19.77
Type	Adjustment Water Tax Adjusted \$-1.38
Date	02/04/2009 Water Penalty Adjusted \$0.00
Desc	LEAK
Trash Adjusted	
Misc Adjusted	\$0.00
Misc Penalty Adjusted	\$0.00
Operator AMY	\$0.00
Total	\$-21.15
Balance	\$107.54

BOOK # 4	
Water Adjusted	\$-19.77
Water Tax Adjusted	\$-1.38
Water Penalty Adjusted	\$0.00
0.00000	0.00000
Trash Adjusted	
Misc Adjusted	\$0.00
Misc Penalty Adjusted	\$0.00
Operator AMY	\$0.00
Total	\$-21.15

SUMMARY

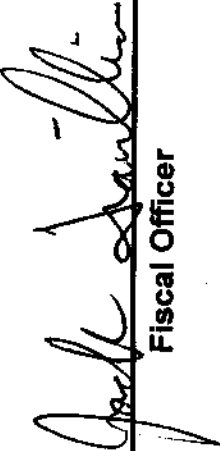
Water Adjusted	\$-15.93
Water Tax Adjusted	\$4.78
Water Penalty Adjusted	\$0.00
0.00000	0.00000
Trash Adjusted	
Misc Adjusted	\$0.00
Misc Penalty Adjusted	\$0.00
Operator AMY	\$0.00
Total	\$-11.15

Matthew Richardson

Attested - Jacob J. Smith

I hereby certify that each of the above listed vouchers and the invoices, or bills attached there to, are true and correct and I have audited same in accordance with IC5-11-10-1.6.

February 9, 2009


Fiscal Officer







ALLOWANCE OF ACCOUNTS PAYABLE VOUCHERS

TOWN OF GREENVILLE

JANUARY/FEBRUARY 2009

We have examined the Accounts Payable Vouchers listed on the foregoing Register of Accounts Payable Vouchers consisting of 1 pages and except for accounts payables not allowed as shown on the Register such accounts payables are hereby allowed in the total amount of \$ 12,194.11.

Dated this 9th day of February 2009.

 _____
 _____
 _____
 _____
 _____
 _____

Signatures of Governing Board

APPROVED BY THE STATE BOARD OF ACCOUNTS FOR THE TOWN OF GREENVILLE-2004


ACCOUNTS PAYABLE REGISTER

FEBRUARY 09, 2009

APPROPRIATION/PO NUMBER	VENDOR	DESCRIPTION	PO NUM	INVOICE	DATE	AMOUNT	CK NUM	CK DATE	NOFAY	MEMORANDUM
601001112.000	4406 PAYROLL	GARY	0		//	1931.18	839	01/22/2009		
601001112.000	4406 PAYROLL	AMY	0		//	998.13	840	01/22/2009		
601001111.000	4406 PAYROLL	MICHAEL	0		//	743.84	841	01/22/2009		
601001111.000	4406 PAYROLL	STEVEN	0		//	956.22	842	01/22/2009		
601001120.000	4407 PAYROLL	JACK	0		//	455.57	849	01/31/2009		
601001120.000	4407 PAYROLL	HANZEL	0		//	400.34	850	01/31/2009		
601001120.000	4407 PAYROLL	TALBOTTE	0		//	481.36	851	01/31/2009		
601001120.000	4407 PAYROLL	RANDAL	0		//	405.34	853	01/31/2009		
601001120.000	4407 PAYROLL	CHARLES	0		//	380.34	853	01/31/2009		
601001120.000	4407 PAYROLL	PATTY	0		//	409.14	854	01/31/2009		
601001111.000	4408 PAYROLL	MICHAEL	0		//	743.63	857	02/05/2009		
601001111.000	4408 PAYROLL	STEVEN	0		//	956.21	858	02/05/2009		
601001112.000	4408 PAYROLL	GARY	0		//	1931.18	855	02/05/2009		
601001112.000	4408 PAYROLL	AMY	0		//	998.13	856	02/05/2009		
601001352.000	4409 Pearce Bottled Gas	SEE ATTACHED INVOICE	0	34055	//	632.23	0	02/06/2009		
601001350.000	4410 AT&T CORPORATION	OFFICE PHONES	0	812923982101	//	255.80	0	02/06/2009		
601001360.000	4411 GREENER, LINDA	OFFICE CLEANING	0		//	220.00	0	02/06/2009		
601001210.000	4412 A E BOYCE	LASER W-2 STATE LOCAL EMPLOYEE	0	0382050	//	8.81	0	02/06/2009		
601001210.000	4412 A E BOYCE	W3 1099 1096	0	0381450	//	28.90	0	02/06/2009		
601001210.000	4412 A E BOYCE	1000 ENVELOPES	0	0382175	//	149.26	0	02/06/2009		
601001210.000	4412 A E BOYCE	PAYROLL SCHEDULE AND VOUCHER	0	0382301	//	108.34	0	02/06/2009		
601001355.000	4413 Greenville Water Utility	OFFICE	0		//	17.33	0	02/06/2009		
601001130.000	4414 HUMANA INC.	INSURANCE	0		//	2086.34	0	02/06/2009		
601001351.000	4415 DUKE ENERGY	CLARK ST	0		//	50.58	0	02/06/2009		
601001351.000	4415 DUKE ENERGY	PEKIN ROAD	0		//	231.19	0	02/06/2009		
601001351.000	4415 DUKE ENERGY	CLARK ST	0		//	101.43	0	02/06/2009		
601001351.000	4415 DUKE ENERGY	WIND HILL DR	0		//	8.40	0	02/06/2009		
601001130.000	4416 AIG LIFE INSURANCE COMPAN	INSURANCE	0		//	725.33	0	02/06/2009		
601001590.000	4417 Gary Getrost	SEE ATTACHED RECEIPTS FOR PETTY CAS	0		//	270.12	0	02/06/2009		
601001230.000	4418 HAUB HARDWARE	KEY CUT...GLOVES	0	078834	//	13.16	0	02/06/2009		
601001230.000	4419 HOME DEPOT	PAINT SUPPLIES FOR OFFICE AND MISC	0		//	391.23	0	02/06/2009		
601001230.000	4420 OFFICE DEPOT	INK CMBO INK HP	0		//	89.98	0	02/06/2009		
601001360.000	4421 STANTEC CONSULTING	SEE ATTACHED INVOICE	0	278582	//	1620.25	0	02/06/2009		
601001590.000	4422 DIAMOND RESEARCH CORPORATION	PADGE 5103 EVERETTE AVE	0		//	50.00	0	02/06/2009		
601001360.000	4423 ASSOCIATED APPRAISAL	APPRAISAL 5101 EVERETT AVE LOT 1	0		//	500.00	0	02/06/2009		

I hereby certify that each of the above listed vouchers and the invoices, or bills attached there to, are true and correct and I have audited same in accordance with IC5-11-10-1.6.

February 9, 2009


Fiscal Officer

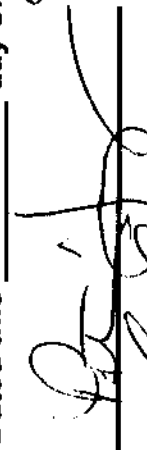

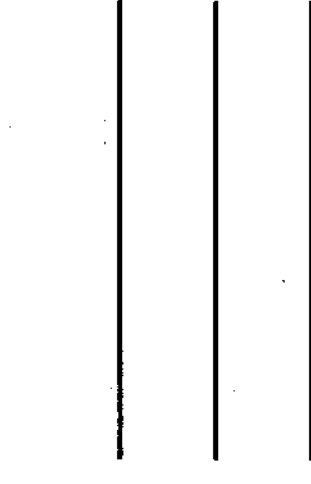
ALLOWANCE OF ACCOUNTS PAYABLE VOUCHERS

TOWN OF GREENVILLE

FEBRUARY 09, 2009

We have examined the Accounts Payable Vouchers listed on the foregoing Register of Accounts Payable Vouchers consisting of 2 pages and except for accounts payables not allowed as shown on the Register such accounts payables are hereby allowed in the total amount of \$ 33,962.66.

Dated this _____ 9th day of February 2009.

 _____
 _____
 _____

Signatures of Governing Board

ACCOUNTS PAYABLE REGISTER
JANUARY/FEBRUARY 2009

APPROPRIATION/ VOUCHER NUMBER	VENDOR	DESCRIPTION	PO NUM	INVOICE	DATE	AMOUNT	CK NUM	CK DATE	NO PAY	MEMORANDUM
101001131.000	8008 INDIANA DEPT OF WORKFORCE	UNEMPLOYMENT 1208	0		12/31/2008	12.47	5660	01/20/2009		
101001113.000	8009 PAYROLL	BURKHART	0		01/13/2009	796.37	440	01/29/2009		
101001113.000	8009 PAYROLL	MOORE	0		01/31/2009	234.65	441	01/29/2009		
101001113.000	8009 PAYROLL	BURKHART	0		01/31/2009	796.37	442	01/29/2009		
101001113.000	8009 PAYROLL	WISMAN	0		01/31/2009	265.30	443	01/29/2009		
101001112.000	8010 PAYROLL	TRAVILLIAN	0		01/31/2009	66.57	444	01/31/2009		
101001111.000	8010 PAYROLL	RICHARDSON	0		01/31/2009	141.15	446	01/31/2009		
101001111.000	8010 PAYROLL	BARCLAY	0		01/31/2009	104.75	445	01/31/2009		
101001111.000	8010 PAYROLL	JOHNS	0		01/31/2009	109.75	447	01/31/2009		
101001111.000	8010 PAYROLL	WRIGHT	0		01/31/2009	84.75	448	01/31/2009		
101001111.000	8010 PAYROLL	HAYES	0		01/31/2009	113.54	449	01/31/2009		
101001111.000	8011 First Harrison Bank	FED/FICA/MED WH	0		01/31/2009	94.13	0	02/07/2009		
101001112.000	8011 First Harrison Bank	FED/FICA/MED WH	0		01/31/2009	172.05	0	02/07/2009		
101001113.000	8011 First Harrison Bank	FED/FICA/MED WH	0		01/31/2009	549.99	0	02/07/2009		
101001131.000	8011 First Harrison Bank	MATCHING	0		01/31/2009	282.43	0	02/07/2009		
101001111.000	8012 Greenville Water Utility	STATE/COUNTY WH	0		01/31/2009	26.93	0	02/07/2009		
101001112.000	8012 Greenville Water Utility	STATE/COUNTY WH	0		01/31/2009	11.38	0	02/07/2009		
101001113.000	8012 Greenville Water Utility	STATE/COUNTY WH	0		01/31/2009	123.98	0	02/07/2009		
101001210.000	8013 JACK TRAVILLIAN	STAMPS FROM POST OFFICE	0		01/16/2009	42.00	0	02/07/2009		
201001362.000	8014 JACK'S AUTO CARE	OIL CHANGE 97 JEEP	0	26473	01/12/2009	24.88	0	02/07/2009		
101001315.000	8015 LAW OFFICES OF RICHARD FO	WRITE CERT LETTER	0	1241	02/01/2009	85.00	0	02/07/2009		
101001315.000	8015 LAW OFFICES OF RICHARD FO	REVIEW JAN ORDINANCES	0	1241	02/01/2009	578.00	0	02/07/2009		
101001315.000	8015 LAW OFFICES OF RICHARD FO	ATTEND REG MEETING	0	1241	02/01/2009	238.00	0	02/07/2009		
101001315.000	8015 LAW OFFICES OF RICHARD FO	VARIOUS PHONE CALLS	0	1241	02/01/2009	85.00	0	02/07/2009		
101001315.000	8015 LAW OFFICES OF RICHARD FO	REVIEW FEB ORDINANCES	0	1241	02/01/2009	255.00	0	02/07/2009		
101001315.000	8015 LAW OFFICES OF RICHARD FO	MODIFY ORDINANCES	0	1241	02/01/2009	204.00	0	02/07/2009		
201001324.000	8016 AT&T CORPORATION	MARSHAL'S PHONE	0		01/15/2009	45.92	0	02/07/2009		
201001324.000	8017 NEXTEL / SPRINT	MARSHAL'S CELL PHONE	0		01/15/2009	80.21	0	02/07/2009		
201001361.000	8018 SILLINGS & COMPANY, LLC	4 HOURS ON 1/18	0	457	01/21/2009	340.00	0	02/07/2009		
201001361.000	8018 SILLINGS & COMPANY, LLC	19 HOURS 1/26-1/30	0	456	01/21/2009	1579.00	0	02/07/2009		
201001361.000	8018 SILLINGS & COMPANY, LLC	2.5 HOURS ON 2/3	0	459	02/05/2009	212.50	0	02/07/2009		
201001361.000	8019 EARTH FIRST OF KENTUCKIAN	4.43 TONS OF SALT	0	40510	01/18/2009	708.80	0	02/07/2009		
201001361.000	8019 EARTH FIRST OF KENTUCKIAN	18.27 TONS 1-26/1-30	0	40672	01/18/2009	2923.20	0	02/07/2009		
201001361.000	8019 EARTH FIRST OF KENTUCKIAN	SALT 2.11 TONS 1/31	0	40688	01/18/2009	337.50	0	02/07/2009		
201001351.000	8020 DUKE ENERGY	JANUARY SERVICE	0		01/30/2009	353.78	0	02/09/2009		
101001290.000	8021 MARATHON PETROLEUM CO.	JANUARY FUEL	0		01/30/2009	114.66	0	02/09/2009		
*** Total ***						12194.11				

ACCOUNTS PAYABLE REGISTER

FEBRUARY 09, 2009

APPROPRIATION/ VOUCHER NUMBER	VENDOR	DESCRIPTION	PO NUM	INVOICE	DATE	AMOUNT	CK NUM	CK DATE	NO PAY	MEMORANDUM
601001360.000	4424 Environmental Laboratories	2 @ 14.00 EA	0	2009010383	//	28.00	0	02/06/2009		
601001360.000	4424 Environmental Laboratories	3 @ 14.00	0	2009010184	//	42.00	0	02/06/2009		
601001351.000	4425 HARRISON REMC	SUMP PUMP OLD VINCENNES	0	12303	//	43.07	0	02/06/2009		
601001354.000	4426 Floyds Knobs Water	FK 1 40,000 GALL	0		//	89.60	0	02/06/2009		
601001354.000	4426 Floyds Knobs Water	FK 2	0		//	4941.44	0	02/06/2009		
601001360.000	4427 IUPPS	134 @ .90 QTR	0	20417	//	120.60	0	02/06/2009		
601001354.000	4428 Ramsey Water	100,000 GALLONS	0		//	427.12	0	02/06/2009		
601001354.000	4428 Ramsey Water	METER USAGE	0		//	18.65	0	02/06/2009		
601001320.000	4429 Jacobi Oil Service	GASOLINE WORK TRUCKS	0		//	185.67	0	02/06/2009		
601001320.000	4430 BIG O TIRES	2 TIRES \$ 10	0	110397	//	153.84	0	02/06/2009		
601001111.000	4431 INDIANA DEPT OF REVENUE	STATE	0		//	122.50	0	02/06/2009		
601001111.000	4431 INDIANA DEPT OF REVENUE	COUNTY	0		//	41.44	0	02/06/2009		
601001112.000	4431 INDIANA DEPT OF REVENUE	STATE	0		//	245.53	0	02/06/2009		
601001112.000	4431 INDIANA DEPT OF REVENUE	COUNTY	0		//	83.05	0	02/06/2009		
601001120.000	4431 INDIANA DEPT OF REVENUE	STATE	0		//	104.59	0	02/06/2009		
601001120.000	4431 INDIANA DEPT OF REVENUE	COUNTY	0		//	35.38	0	02/06/2009		
601001590.000	4431 INDIANA DEPT OF REVENUE	STATE TOWN COUNCIL	0		//	20.12	0	02/06/2009		
601001590.000	4431 INDIANA DEPT OF REVENUE	COUNTY TOWN COUNCIL	0		//	6.81	0	02/06/2009		
601001590.000	4431 INDIANA DEPT OF REVENUE	CLERK TREASURER STATE	0		//	8.50	0	02/06/2009		
601001590.000	4431 INDIANA DEPT OF REVENUE	CLERK TREASURER COUNTY	0		//	2.88	0	02/06/2009		
601001590.000	4431 INDIANA DEPT OF REVENUE	MARSHAL STATE	0		//	92.84	0	02/06/2009		
601001590.000	4431 INDIANA DEPT OF REVENUE	MARSHAL COUNTY	0		//	31.34	0	02/06/2009		
601001111.000	4432 First Harrison Bank	FICA	0		//	223.40	0	02/06/2009		
601001111.000	4432 First Harrison Bank	MEDICARE	0		//	52.24	0	02/06/2009		
601001111.000	4432 First Harrison Bank	FEDERAL	0		//	388.47	0	02/06/2009		
601001112.000	4432 First Harrison Bank	FICA	0		//	447.74	0	02/06/2009		
601001112.000	4432 First Harrison Bank	MEDICARE	0		//	104.71	0	02/06/2009		
601001112.000	4432 First Harrison Bank	FEDERAL	0		//	852.38	0	02/06/2009		
601001120.000	4432 First Harrison Bank	FICA	0		//	195.86	0	02/06/2009		
601001120.000	4432 First Harrison Bank	MEDICARE	0		//	45.80	0	02/06/2009		
601001120.000	4432 First Harrison Bank	FEDERAL	0		//	245.42	0	02/06/2009		
601001131.000	4432 First Harrison Bank	FICA	0		//	867.04	0	02/06/2009		
601001131.000	4432 First Harrison Bank	MEDICARE	0		//	202.80	0	02/06/2009		
601001501.000	4433 INDIANA DEPARTMENT OF REV	\$48200.08 X 7% = 3374.01	0		//	3374.01	0	02/06/2009		
601001350.000	4434 VERIZON WIRELESS	CELL PHONES	0		//	179.69	0	02/06/2009		
601001360.000	4435 LAW OFFICES OF RICHARD FO	SEE ATTACHED INVOICE	0	1242	//	76.50	0	02/06/2009		
604001590.000	4436 Greenville Water Utility	TRANSFER INTEREST	0		//	276.92	1740	02/06/2009		
604001590.000	4436 Greenville Water Utility	VOIDED OUTSTANDING CHECKS	0		//	258.02	1740	02/06/2009		

*** Total ***

33962.86

**TOWN OF GREENVILLE
ORDINANCE NO. 2008-T-93**

**ORDINANCE CONCERNING ESTABLISHING THE GREENVILLE
TOWN MARSHAL AS THE AGENT FOR COLLECTING
HANDGUN LICENSING FEES AND SUBMITTING REQUIRED
DOCUMENTATION TO THE INDIANA STATE POLICE IN
ACCORDANCE WITH INDIANA STATUE IC 35-47-2-3 FOR THE
TOWN OF GREENVILLE, INDIANA**

WHEREAS, The State of Indiana has adopted a lifetime handgun license, relevant statue IC-35-47-2-3 with a State of Indiana required fees effective July 1st, 2006.

WHEREAS, The Town Council of Greenville, Indiana is desirous of adopting these licensing fees and collecting the fees for the State of Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

SECTION ONE:

- 1) All Fees required per State of Indiana licensing schedule dated July 1st, 2006 to be collected by the Greenville Town Marshall in accordance with Indiana State Statue IC-35-47-2-3 attached.
- 2) All appropriate Indiana forms and finger printing to be completed by the Town Marshal or his designees for his review and signature in accordance with Indiana Statue IC-35-47-2-3 attached and forwarded to the ISP Firearms Section including appropriate fees. See how do I apply for a Handgun license? Finger Printing Form FD-258-ORI.
- 3) All payments are to be made by certified check or money order only. One check is to be made payable to the Town of Greenville for local fees. One check is to be made payable to the State of Indiana for state fees. Fees can not be combined on one certified check or money order. If application is rejected only a portion of those fees in accordance with schedule dated July 1st, 2006 of fee assessments is refundable.

ORDINANCE NO. 2008-T-93

- 4) All fees collected and applications and finger printing information obtained by the Town Marshal is to be copied and a file generated for each applicant and submitted to the Greenville Town Clerk or the Greenville Water Company Clerk daily to be kept on file at the Greenville Town Hall.
- 5) The local fee collected by certified checks or money orders collected by the Town Marshal is to be submitted to the Greenville Town Clerk or the Greenville Water Company Clerk the next business working day for deposit in the Town of Greenville Banking Account.
- 6) All fees collected under this ordinance are for the sole use of the Town of Greenville, Indiana Marshal's Department and shall be used pursuant to IC 35-47-2-3 (h) or successors statute.
- 7) The Greenville Town Clerk or a member or the Board of the Town of Greenville shall provide the Floyd County Sheriffs Department a copy of this Ordinance. Pursuant to IC35-47-2 et sec, the Floyd County Sheriffs Department shall direct applicants for a handgun license that reside in the Town of Greenville to the Greenville Town Marshal for licensing.

ORDINANCE NO. 2008-T-93

HANDGUN LICENSING FEE SCHEDULE

Effective July 1ST, 2006

LICENSE TYPE	LOCAL FEE	STATE FEE
Four Year Hunting and Target	\$10/\$5 Refundable*	\$5
Four Year Personal Protection	\$10/\$5 Refundable*	\$30
Lifetime Hunting and Target/ No Current License	\$50/\$30 Refundable*	\$25
Lifetime Hunting and Target/ Current Valid License	\$40/\$30 Refundable*	\$20
Lifetime Personal Protection/ No Current License	\$50/\$30 Refundable*	\$75
Lifetime Personal Protection/ Current Valid License	\$40/\$30 Refundable*	\$60
Retired Law Enforcement Officer	Not Provided in Law	Fee Exempt
Retired Corrections Officer	Not Provided in Law	Fee Exempt
Firearms Dealer	Not Provided in Law	Fee Exempt

*A portion of the local fee is refundable if a license is not issued. The entire state fee is refundable if no license is issued.

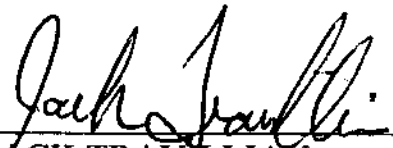
ORDINANCE NO. 2008-T-93

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA,
ON THE 9th DAY OF FEBRUARY, 2009.

PRESIDENT OF THE TOWN
BOARD OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,

ATTEST:


JACK TRAVILLIAN
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

**Information Maintained by the Office of Code Revision Indiana Legislative Services Agency**

12/11/2008 12:43:39 PM EST

IC 35-47-2

Chapter 2. Regulation of Handguns

IC 35-47-2-1**Carrying a handgun without a license or by person convicted of domestic battery**

Sec. 1. (a) Except as provided in subsection (b) and section 2 of this chapter, a person shall not carry a handgun in any vehicle or on or about the person's body, except in the person's dwelling, on the person's property or fixed place of business, without a license issued under this chapter being in the person's possession.

(b) Unless the person's right to possess a firearm has been restored under IC 35-47-4-7, a person who has been convicted of domestic battery under IC 35-42-2-1.3 may not possess or carry a handgun in any vehicle or on or about the person's body in the person's dwelling or on the person's property or fixed place of business.

As added by P.L.311-1983, SEC.32. Amended by P.L.326-1987, SEC.1; P.L.195-2003, SEC.6; P.L.98-2004, SEC.155; P.L.118-2007, SEC.35.

IC 35-47-2-2**Excepted persons**

Sec. 2. Section 1 of this chapter does not apply to:

- (1) marshals;
- (2) sheriffs;
- (3) the commissioner of the department of correction or persons authorized by him in writing to carry firearms;
- (4) judicial officers;
- (5) law enforcement officers;
- (6) members of the armed forces of the United States or of the national guard or organized reserves while they are on duty;
- (7) regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state who are at or are going to or from their place of assembly or target practice;
- (8) employees of the United States duly authorized to carry handguns;
- (9) employees of express companies when engaged in company business;
- (10) any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carrying a handgun in the usual or ordinary course of that business; or
- (11) any person while carrying a handgun unloaded and in a secure wrapper from the place of purchase to his dwelling or fixed place of business, or to a place of repair or back to his dwelling or fixed place of business, or in moving from one dwelling or business to another.

As added by P.L.311-1983, SEC.32.

IC 35-47-2-3

Application for license to carry handgun; procedure

Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

(1) to the chief of police or corresponding law enforcement officer of the municipality in which the applicant resides;

(2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which the applicant resides after the applicant has obtained an application form prescribed by the superintendent; or

(3) if the applicant is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which the applicant has a regular place of business or employment.

The superintendent and local law enforcement agencies shall allow an applicant desiring to obtain or renew a license to carry a handgun to submit an application electronically under this chapter if funds are available to establish and maintain an electronic application system.

(b) The law enforcement agency which accepts an application for a handgun license shall collect the following application fees:

(1) From a person applying for a four (4) year handgun license, a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued.

(2) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty dollar (\$50) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.

(3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar (\$40) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.

Except as provided in subsection (h), the fee shall be deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund and used by the agency to train law enforcement officers in the proper use of firearms or in other law enforcement duties, or to purchase firearms or firearm related equipment, or both for the law enforcement officers employed by the law enforcement agency. The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been

suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

- (1) has a proper reason for carrying a handgun;
- (2) is of good character and reputation;
- (3) is a proper person to be licensed; and
- (4) is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years in the case of a four (4) year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A four (4) year license shall be valid for a period of four (4) years from the date of issue. A lifetime license is valid for the life of the individual receiving the license. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of these individuals. However, a lifetime license is automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

(1) neither opposes nor supports an individual's right to bear arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

(1) has been convicted of a felony;

(2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;

(3) is under eighteen (18) years of age;

(4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or

(5) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

(1) changes the person's name;
 (2) changes the person's address; or
 (3) experiences a change, including an arrest or a conviction, that may affect the person's status as a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a license; the person shall, not later than thirty (30) days after the date of a change described under subdivision (3), and not later than sixty (60) days after the date of the change described under subdivision (1) or (2), notify the superintendent, in writing, of the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2), the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

(k) The state police department shall adopt rules under IC 4-22-2 to implement an electronic application system under subsection (a). Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from

every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

As added by P.L.311-1983, SEC.32. Amended by P.L.26-1990, SEC.15; P.L.48-1993, SEC.5; P.L.140-1994, SEC.6; P.L.269-1995, SEC.6; P.L.2-1996, SEC.284; P.L.27-2001, SEC.1; P.L.120-2001, SEC.1; P.L.49-2005, SEC.2; P.L.187-2005, SEC.3; P.L.190-2006, SEC.2; P.L.155-2007, SEC.1.

IC 35-47-2-4

Qualified or unlimited licenses to carry handguns; fees; exemptions from payment of fees

~~Sec. 4. (a) Licenses to carry handguns shall be either qualified or unlimited, and are valid for:~~

- ~~(1) four (4) years from the date of issue in the case of a four (4) year license; or
 (2) the life of the individual receiving the license in the case of a lifetime license.~~

~~A qualified license shall be issued for hunting and target practice. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.~~

~~(b) In addition to the application fee, the fee for:~~

~~(1) a qualified license shall be:~~

~~(A) five dollars (\$5) for a four (4) year qualified license;~~

~~(B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; or~~

~~(C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and~~

~~(2) an unlimited license shall be:~~

~~(A) thirty dollars (\$30) for a four (4) year unlimited license;~~

~~(B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; or~~

~~(C) sixty dollars (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.~~

~~The superintendent shall charge a twenty dollar (\$20) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited in accordance with subsection (e).~~

~~(c) Licensed dealers are exempt from the payment of fees specified in subsection (b) for a qualified license or an unlimited license.~~

~~(d) The following officers of this state or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a~~



APPLICATION FOR HANDGUN LICENSE

Online State Form
Approved by State Board of Accounts, 2008

Instructions:

1. All questions must be answered.
2. THE INDIANA STATE POLICE IS NOT RESPONSIBLE FOR INCORRECT INFORMATION.
3. The applicant **must visit** his/her **local law enforcement agency** with payment to complete.

County of License: _____

Name: Last First Middle

Address: _____

(line 2) _____

City: _____ State: _____ ZIP code: _____

EMail: _____

Date of Birth: _____ Sex: Male Female Height: _____ Ft.

Telephone number: _____ Weight: _____ Lb

Build: _____

Scars, Marks, or Tattoos: None

Race:	Hair Color:	Eye Color:
AMERICAN INDIAN OR ALASKAN	BALD/UNKNOWN	BLACK BLUE
ASIAN OR PACIFIC ISLANDER	BLONDE	BROWN GRAY
BLACK	BROWN	GREEN HAZEL
MULTI-RACIAL	GREEN	MAROON MULTICOI
UNKNOWN	PINK	PINK UNKNOWNI
WHITE	RED	SANDY
	WHITE	

Employer/Business

Occupation: _____

Name: _____

Address: _____

City: _____ State: _____ ZIP code: _____

Place of Birth

City:

State:

Additional QuestionsAre you a U.S. Citizen? Yes No If non U.S. Citizen, enter your INS registration number: I have been a resident of Indiana from To Have you had a previous handgun license? Yes No Year: Previous License number: Has your handgun license ever been suspended/revoked? Yes No Year: State Charges: Have you ever been convicted of any misdemeanor or felony violation, including DUI? Yes No Charges:

Have you ever been treated for psychiatric health care or an emotional or mental illness? Yes No

a. Year of recent treatment:

b. Submit documentation/recommendation from treating mental health professional or treatment center.

Are you prohibited by court order from possessing a firearm? Yes No

Type of Handgun License

4 Year Hunting and Target \$5

4 Year Personal Protection \$30

Firearms Dealer - Fee Exempt

Lifetime Hunting and Target / No Current License \$25

Lifetime Hunting and Target/Current Valid License \$20

Lifetime Personal Protection / No Current License \$75

Lifetime Personal Protection/Current Valid License \$60

Retired Corrections Officer - Fee Exempt

Retired Police Officer - Fee Exempt

Submit

Note: Indiana Statutes can be looked up online at www.in.gov/legislative/.

How do I apply for a handgun license?

The relevant statute is IC 35-47-2-3.

The application is really a two part process beginning with a recommendation from your local law enforcement agency and then the application is sent to the Indiana State Police. The Indiana State Police Superintendent is charged with the responsibility of actually issuing the license and administering the licensing program.

If you live in a city or town, then you must begin the application process with the police department in that city or town. If you do not live in a city or town, then you must begin the process with the sheriff of the county in which you reside. The local department will charge a fee at that time; however, another fee will have to be provided to the state when it is forwarded to the State Police. Please see the fee schedule at the bottom of the FAQ page. Please understand that if someone else types your application for you, you are responsible for reviewing and verifying that the information on the application is correct before you sign the application.

Some local departments will mail the application to the Indiana State Police for you and others will have you mail it.

An application is currently composed of three separate documents: 1) the original application, 2) the supplemental application, and 3) a blue FBI applicant fingerprint card.

The first is the application itself, which is composed of three carbonless sheets. The white copy is sent to the state after being completed and signed by the chief of police, town marshal, or sheriff over the jurisdiction in which you reside. The yellow copy is retained by the local agency and the pink copy is your receipt. The class of license you are applying for will actually be selected on the supplemental application.

The supplemental form is one sheet and contains the lifetime handgun license selections and the fee schedule that began July 1, 2006.

Finally a fingerprint card must be completed. Please make sure that all identifiers on the fingerprint card are completed or the application packet will be returned to you.

A money order or certified check made payable to the state of Indiana for the proper amount must be included.

How do I get a duplicate handgun license?

Complete the "Duplicate Handgun License Request and

Notification of Name or Address Change Form" and mail it to the firearms section with a money order for \$20. If it is hand written, please make sure that it is printed and legible.

My name or address has changed. Do I have to pay for a duplicate license?

No. Complete the "Duplicate Handgun License Request and Notification of Name or Address Change Form" and mail or fax the form to the firearms section. Check that you are notifying the section of your information change only. The change will be made in the firearms database and there is no fee for this service. If you want a license issued with the changes on it, then yes, the \$20 fee for the duplicate license does apply.

Does the State Police set the fees for handgun licenses?

No. The fees for handgun licenses are established in state statute. Laws in the state are passed by the legislature (Fees: IC 35-47-2-3 & 4).

How long does it normally take to receive a handgun license?

If the form is completed properly and the applicant has no background problems, the license is routinely issued in 4 to 8 weeks. Please be aware that improperly completed applications and those with background problems may take longer.

I currently have a handgun license and I want a lifetime license. When can I apply for my lifetime license?

According to IC 35-47-2-6, the period during which an application for the renewal of an existing license may be filed begins one hundred eighty (180) days before the expiration of the existing license.

I am currently a four year personal protection license holder and I want a lifetime license, do I still have to wait within 180 days of my current licenses expiration before I can apply for the lifetime license?

Yes (Re: IC 35-47-2-6).

Who may not be eligible for a license to carry?

IC 35-47-2-3

- (g) A license to carry a handgun shall not be issued to any person who:
- (1) has been convicted of a felony;

(2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;

(3) is under eighteen (18) years of age;

(4) is under twenty-three (23) years of age
delinquent child for an act that would be a felony if committed by an adult; or

(5) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed.

How does a conviction of domestic battery affect my right to carry a handgun?

IC 35-47-2-1

Carrying a handgun without a license or by person convicted of domestic battery

35-47-2-1 Sec. 1. (a) Except as provided in subsection (b) and section 2 of this chapter, a person shall not carry a handgun in any vehicle or on or about the person's body, except in the person's dwelling, on the person's property or fixed place of business, without a license issued under this chapter being in the person's possession.

(b) Unless the person's right to possess a firearm has been restored under IC 3-7-13-5 or IC 33-28-4-8, a person who has been convicted of domestic battery under IC 35-42-2-1.3 may not possess or carry a handgun in any vehicle or on or about the person's body in the person's dwelling or on the person's property or fixed place of business.

What is the definition of a "proper person" to be licensed?

35-47-1-7 Sec. 7. "Proper person" means a person who:

(1) does not have a conviction for resisting law enforcement under IC 35-44-3-3 within five (5) years before the person applies for a license or permit under this chapter;

(2) does not have a conviction for a crime for which the person could have been sentenced for more than one (1) year;

(3) does not have a conviction for a crime of domestic violence (as defined in IC 35-41-1-6.3), unless a court has restored the person's right to possess a firearm under IC 3-7-13-5;

(4) is not prohibited by a court order from possessing a handgun;

(5) does not have a record of being an alcohol or drug abuser as defined in this chapter;

(6) does not have documented evidence which would give rise to a reasonable belief that the person has a propensity for violent or emotionally unstable conduct;

(7) does not make a false statement of material fact on the person's application;

(8) does not have a conviction for any crime involving an inability to safely handle a handgun;

(9) does not have a conviction for violation of the provisions of this article within five (5) years of the person's application; or

(10) does not have an adjudication as a delinquent child for an act that would be a felony if committed by an adult, if the person applying for a license or permit under this chapter is less than twenty-three (23) years of age.

What is the legal definition of a handgun under Indiana Law?

IC 35-47-1-6 "Handgun"

35-47-1-6 Sec. 6. "Handgun" means any firearm:

(1) designed or adapted so as to be aimed and fired from one (1) hand, regardless of barrel length; or

(2) any firearm with:

(A) a barrel less than sixteen (16) inches in length; or

(B) an overall length of less than twenty-six (26) inches.

What states honor my Indiana handgun license?

Indiana honors all other states handgun licenses. Not all other states honor Indiana's license. Websites and organizations such as the NRA do attempt to track this information. Each state regulates this area differently and there is no obligation for one state to notify another state of any change in their law; therefore the department does not attempt to track this information.

Note: Illinois issues a Firearms Owners Identification (FOI) card. This card relates to the purchasing of firearms, not a permit to routinely carry a handgun and is therefore is not honored as such in Indiana.

I am a resident of another state and I have a valid handgun license issued by my home state. Does Indiana honor my states license?

Yes. Indiana honors valid handgun licenses issued by another state.

IC 35-47-2-21

Recognition of retail dealers' licenses and licenses to carry handguns issued by other states

35-47-2-21 Sec. 21. (a) Retail dealers' licenses issued by other states or foreign countries will not be recognized in Indiana except for sales at wholesale.

(b) Licenses to carry handguns, issued by other states or foreign countries, will be recognized according to the terms thereof but only while the holders are not residents of Indiana.

Does the state regulate the purchasing of handguns?

The relevant chapter in statute is IC 35-47-2.5

The state does require handgun dealers to have an Indiana dealer's license. Indiana law requires the dealer to complete a check through the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation and for prospective purchasers to complete federal form 4473 on each purchase.

If I purchase a handgun from a private person, do I have to complete a transfer form?

No. Indiana does not require the completion of a form for a private purchase nor do you have to route the transfer through a dealer. Recommend reviewing statutes in IC 35-47-2.5 which is the chapter regulating the sale of handguns in regards to a private sale or purchase.

IC 35-47-2.5-14

Providing handgun to ineligible purchaser; exemptions

Sec. 14. (a) This section does not apply to a person who provides a handgun to the following:

- (1) A child who is attending a hunters safety course or a firearms safety course or an adult who is supervising the child during the course.
- (2) A child engaging in practice in using a firearm for target shooting at an established range or in an area where the discharge of a firearm is not prohibited or is supervised by:
 - (A) a qualified firearms instructor; or
 - (B) an adult who is supervising the child while the child is at the range.
- (3) A child engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under Section 501(c)(3) of the Internal Revenue Code that uses firearms as a part of a performance or an adult who is involved in the competition or performance.
- (4) A child who is hunting or trapping under a valid license

issued to the child under IC 14-22.

(5) A child who is traveling with an unloaded firearm to or from an activity described in this section.

(6) A child who:

- (A) is on real property that is under the control of the child's parent, an adult family member of the child, or the child's legal guardian; and
- (B) has permission from the child's parent or legal guardian to possess a firearm.

(b) A person who purchases a handgun with the intent to:

- (1) resell or otherwise provide the handgun to another person who the person knows or has reason to believe is ineligible for any reason to purchase or otherwise receive from a dealer a handgun; or
- (2) transport the handgun out of the state to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm; commits a Class D felony.

(c) If the violation of this section involves a transfer of more than one (1) handgun, the offense is a Class C felony.

As added by P.L.17-1997, SEC.8.

IC 35-47-2.5-15

Ineligible purchaser attempting to purchase handgun; violation

Sec. 15. (a) A person who is ineligible to purchase or otherwise receive or possess a handgun in Indiana who knowingly or intentionally solicits, employs, or assists any person in violating section 14 of this chapter commits a Class D felony.

(b) If the violation involves a transfer of more than one (1) handgun, the offense is a Class C felony.

As added by P.L.17-1997, SEC.8.

Why do you not wait to cash my check until you process the application?

Indiana Board of Accounts procedures require the money be deposited within 24 hours.

I have a felony record, can I possess a firearm?

No, federal law prohibits a convicted felon from owning a firearm.

I have a felony record, can I possess a cap and ball musket?

Yes, unless your felony conviction is for a crime listed under IC 35-47-4-5.

IC 35-47-4-5

Unlawful possession of firearm by serious violent felon

35-47-4-5 Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

(A) Indiana; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2;

or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

- (4) battery as a:
 - (A) Class A felony (IC 35-42-2-1(a)(5));
 - (B) Class B felony (IC 35-42-2-1(a)(4)); or
 - (C) Class C felony (IC 35-42-2-1(a)(3));
 - (5) aggravated battery (IC 35-42-2-1.5);
 - (6) kidnapping (IC 35-42-3-2);
 - (7) criminal confinement (IC 35-42-3-3);
 - (8) rape (IC 35-42-4-1);
 - (9) criminal deviate conduct (IC 35-42-4-2);
 - (10) child molesting (IC 35-42-4-3);
 - (11) sexual battery as a Class C felony (IC 35-42-4-8);
 - (12) robbery (IC 35-42-5-1);
 - (13) carjacking (IC 35-42-5-2);
 - (14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));
 - (15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);
 - (16) assisting a criminal as a Class C felony (IC 35-44-3-2);
 - (17) resisting law enforcement as a Class B felony or Class C felony (IC 35-44-3-3);
 - (18) escape as a Class B felony or Class C felony (IC 35-44-3-5);
 - (19) trafficking with an inmate as a Class C felony (IC 35-44-3-9);
 - (20) criminal gang intimidation (IC 35-45-9-4);
 - (21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);
 - (22) incest (IC 35-46-1-3);
 - (23) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
 - (24) dealing in methamphetamine (IC 35-48-4-1.1);
 - (25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
 - (26) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
 - (27) dealing in a schedule V controlled substance (IC 35-48-4-4).
- (c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.

Does Indiana statute require me to carry the handgun on my person concealed or exposed?

Indiana law is silent on this issue; however, carrying an exposed weapon in public may alarm some people. Also, the right to carry a firearm may be restricted on private property and businesses by the owners. Be attentive for signs warning of restricted areas when carrying firearms into public places. If approached by law enforcement for official business such as traffic stops or complaint related inquiries, it is recommended that you tell the officer in a non-threatening manner that you are carrying a weapon or have a weapon in the vehicle and that you have a valid permit. A law enforcement officer does have the right to inspect the permit.

Does Indiana state law define areas where it is illegal to carry a handgun even with a permit?

Yes, and for your information the following state statutes and administrative code references are provided. Please be aware that local municipalities and counties may have enacted ordinances that are not listed, primarily limiting firearms in public buildings and property. Also, the right to carry a firearm may be restricted on private property and businesses by the owners. Be attentive for signs warning of restricted areas when carrying firearms into public places.

School Property

IC 35-47-9

Chapter 9. Possession of Firearms on School Property and School Buses

IC 35-47-9-1

Exemptions from chapter

35-47-9-1 Sec. 1. This chapter does not apply to the following:

(1) A:

- (A) federal;
- (B) state; or
- (C) local;

law enforcement officer.

(2) A person who has been employed or authorized by:

(A) a school; or

(B) another person who owns or operates property being used by a school for a school function;

to act as a security guard, perform or participate in a school function, or participate in any other activity authorized by a school.

(3) A person who:

(A) may legally possess a firearm; and

(B) possesses the firearm in a motor vehicle that is being operated by the person to transport another person to or from a school or a school function.

IC 35-47-9-2

Possession of firearms on school property, at school function, or on school bus; felony

35-47-9-2 Sec. 2. A person who possesses a firearm:

(1) in or on school property;

(2) in or on property that is being used by a school for a school function; or

(3) on a school bus;

commits a Class D felony.

Airports and Aircraft

IC 35-47-6

Chapter 6. Weapons on Aircraft

IC 35-47-6-0.5

Applicability of chapter

35-47-6-0.5 Sec. 0.5. (a) Except as provided in subsection (b), this chapter does not apply to an official or employee:

(1) of:

(A) the United States;

(B) a state or political subdivision of a state;

(C) an operator (as defined in IC 5-23-2-8); or

(D) any other entity that has been granted statutory authority to enforce the penal laws of

Indiana;

(2) who has been granted the power to effect arrests under Indiana law; and

(3) who has been authorized by the official's or employee's agency or employer to carry firearms.

(b) An individual described in subsection (a) is subject to the applicable regulations of the United States concerning the possession and carriage of firearms on aircraft or in areas of an airport to which access is controlled by the inspection of persons and property.

IC 35-47-6-1

Firearm, explosive, or deadly weapon; possession in commercial or chartered aircraft

35-47-6-1 Sec. 1. A person who boards a commercial or charter aircraft having in his possession:

(1) a firearm;

(2) an explosive; or

(3) any other deadly weapon;

commits a Class C felony.

IC 35-47-6-1.1

Undisclosed transport of dangerous device

35-47-6-1.1 Sec. 1.1. (a) As used in this section, "dangerous device" means:

(1) a firearm;

(2) a destructive device (as defined in IC 35-47.5-2-4); or

(3) a weapon of mass destruction (IC 35-41-1-29.4).

(b) A person who checks an item to be transported on a commercial passenger airline and who:

(1) knows the item contains a dangerous device; and

(2) knowingly or intentionally fails to disclose orally or in writing to the person to whom possession of the item is delivered for carriage that the item contains a dangerous device; commits undisclosed transport of a dangerous device, a Class A misdemeanor.

IC 35-47-6-1.3

Firearm, explosive, or deadly weapon; possession in controlled access areas of an airport

35-47-6-1.3 Sec. 1.3. A person who knowingly or intentionally enters an area of an airport to which access is controlled by the inspection of persons and property while the person:

(1) possesses:

(A) a firearm;

(B) an explosive; or

(C) any other deadly weapon; or
(2) has access to property that contains:
(A) a firearm;
(B) an explosive; or
(C) any other deadly weapon;
commits a Class A misdemeanor.

IC 35-47-6-1.4

Unlawful entry to restricted area of airport

35-47-6-1.4 Sec. 1.4. (a) This section does not apply to a person who is:

- (1) employed by:
 - (A) an airport;
 - (B) an airline; or
 - (C) a law enforcement agency; and
- (2) acting lawfully within the scope of the person's employment.

(b) A person who knowingly or intentionally enters an area of an airport to which access is controlled by the inspection of persons or property without submitting to the inspection commits a Class A misdemeanor.

IC 35-47-6-1.6

Disrupting operation of aircraft; Class B felony

35-47-6-1.6 Sec. 1.6. (a) A person who knowingly or intentionally uses force or violence or the threat of force or violence to disrupt the operation of an aircraft commits a Class B felony.

(b) A person who knowingly or intentionally uses force or violence or the threat of force or violence to hijack an aircraft in flight commits a Class A felony.

(c) For purposes of this section, an aircraft is considered to be in flight while the aircraft is:

- (1) on the ground in Indiana:
 - (A) after the doors of the aircraft are closed for takeoff; and
 - (B) until the aircraft takes off;
- (2) in the airspace above Indiana; or
- (3) on the ground in Indiana:
 - (A) after the aircraft lands; and
 - (B) before the doors of the aircraft are opened after landing.

IC 35-47-6-3

Consent to search of person or personal belongings

35-47-6-3 Sec. 3. Any person purchasing a ticket to board any commercial or charter aircraft shall by such purchase consent to a search of his person or personal belongings by the company selling said ticket to him. In case said person shall refuse to submit to a search of his person or personal belongings by said aircraft company, the person refusing may be denied the right to board said commercial or charter aircraft.

Off Road Vehicles

IC 14-16-1

Chapter 1. Off-Road Vehicles

IC 14-16-1-23

Restrictions on operation

Sec. 23. (a) An individual shall not operate a vehicle under any of the following conditions:

(1) At a rate of speed greater than is reasonable and proper having due regard for existing conditions or in a manner that unnecessarily endangers the person or property of another.

(2) While:

(A) under the influence of an alcoholic beverage; or

(B) unlawfully under the influence of a narcotic or other habit forming or dangerous depressant or stimulant drug.

(3) During the hours from thirty (30) minutes after sunset to thirty (30) minutes before sunrise without displaying a lighted headlight and a lighted taillight.

(4) In a forest nursery, a planting area, or public land posted or reasonably identified as an area of forest or plant reproduction and when growing stock may be damaged.

(5) On the frozen surface of public waters within:

(A) one hundred (100) feet of an individual not in or upon a vehicle; or

(B) one hundred (100) feet of a fishing shanty or shelter;

except at a speed of not more than five (5) miles per hour.

(6) Unless the vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(7) Within one hundred (100) feet of a dwelling between midnight and 6:00 a.m., except on the individual's own property or property under the individual's control or as an invited guest.

(8) On any property without the consent of the landowner or tenant.

(9) While transporting on or in the vehicle a firearm unless the firearm is:

(A) unloaded; and

(B) securely encased or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism.

(10) On or across a cemetery or burial ground.

(11) Within one hundred (100) feet of a slide, ski, or skating area, except for the purpose of servicing the area.

(12) On a railroad track or railroad right-of-way, except railroad personnel in the performance of duties.

(13) In or upon a flowing river, stream, or creek, except for the purpose of crossing by the shortest possible route, unless the river, stream, or creek is of sufficient water depth to permit movement by flotation of the vehicle at all times.

(14) An individual shall not operate a vehicle while a bow is present in or on the vehicle if the nock of an arrow is in position on the string of the bow.

(b) Subsection (a)(9) does not apply to a person who is carrying a handgun if the person:

(1) has been issued an unlimited handgun license to carry a handgun under IC 35-47-2; or

(2) is not required to possess a license to carry a handgun under IC 35-47-2-2.

Weapons on Riverboats

Rule 7. Weapons

68 IAC 1-7-1 Weapons on the riverboat

Authority: IC 4-33-4-1; IC 4-33-4-2; IC 4-33-4-3

Affected: IC 4-33-8; IC 35-41-1-17

Sec. 1. (a) The following definitions apply throughout this rule:

(1) "Federal enforcement officer" has the meaning set forth in 5 U.S.C. 8331 or IC 35-41-1-17, or both.

(2) "Law enforcement officer" has the meaning set forth in IC 35-41-1-17.

(3) "Security personnel" means an employee of the riverboat licensee or a supplier licensee who:

(A) holds the appropriate level of occupational license under IC 4-33-8 and 68 IAC 2-3; and

(B) is employed in the riverboat licensee's security department or by a supplier licensee that contractually provides security services to a riverboat licensee.

(b) No individual other than an enforcement agent shall carry a weapon on board the riverboat. A law enforcement officer or a federal enforcement officer:

(1) whose sole purpose for being on the riverboat is the performance of official duties; and

(2) who has advised the enforcement agent or the commission that the officer will be on board the riverboat; shall be allowed to carry a weapon on board the riverboat.

(c) The riverboat licensee shall post a sign in a prominent place at the point of passenger ingress stating, "No weapons are allowed beyond this point. Failure to comply with this rule may result in the immediate removal from the riverboat, immediate detention by security personnel, the imposition of civil penalties, or exclusion under IC 4-33.".

(d) The riverboat licensee shall provide a secure place to which patrons do not have access to store weapons checked by:

(1) patrons;

(2) off duty law enforcement officers; or

(3) off duty federal enforcement officers.

(e) Security personnel may carry a weapon on board the riverboat during times that patrons are not present.

(Indiana Gaming Commission; 68 IAC 1-7-1; filed Jun 23, 1995, 2:30 p.m.: 18 IR 2649; readopted filed Oct 15, 2001, 4:34 p.m.: 25 IR 898; filed Dec 18, 2006, 1:16 p.m.: 20070117-IR-068060190FRA)

DNR Property

312 IAC 8-2-3

Please go to the Legislative Service website to search for latest information on this administrative code (<http://www.in.gov/legislative/iac/>).

CJIS Fingerprint Supply Requisition Form (Descriptions)

The FD-258 is the Applicant Fingerprint Card (white card with blue ink). This card is used by
 (1) Law Enforcement Agencies in Fingerprinting applicants for Law Enforcement Positions,
 (2) Officials and Local Governments for purpose of employment, licensing and permits.
 (3) U.S. Government agencies and other entities required by Federal Law.
 (4) Officials of Federally chartered or insured banking institutions.

This card will not have the ORI # pre-printed unless you choose the column that says, "Quantity With ORI".

FD-258 (Front)

APPLICANT		LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK LAST NAME: <u>NAM</u> FIRST NAME: _____ MIDDLE NAME: _____				ORI: _____		LEAVE BLANK	
SIGNATURE OF PERSON FINGERPRINTED		ALIAS: <u>AKA</u>		ORI: _____		DATE OF BIRTH: <u>DOB</u> Month: _____ Day: _____ Year: _____		CLASS: _____		REF: _____	
RESIDENCE OF PERSON FINGERPRINTED		CITIZENSHIP: <u>CIT</u>		SEX: _____ RACE: _____ HGT: _____ WGT: _____ HAIR: _____ EYES: _____		PLACE OF BIRTH: <u>POB</u>		DATE: _____		SIGNATURE OF OFFICIAL TAKING FINGERPRINTS	
DATE		TOUR NO.: <u>OCA</u>		FBI NO.: <u>FBI</u>		ARMED FORCES NO.: <u>MNU</u>		SOCIAL SECURITY NO.: <u>SOC</u>		MISCELLANEOUS NO.: <u>MNU</u>	
EMPLOYEE AND ADDRESS		FBI NO.: _____		ARMED FORCES NO.: _____		SOCIAL SECURITY NO.: _____		MISCELLANEOUS NO.: _____		LEAVE BLANK	
REASON FINGERPRINTED		FBI NO.: _____		ARMED FORCES NO.: _____		SOCIAL SECURITY NO.: _____		MISCELLANEOUS NO.: _____		LEAVE BLANK	
1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE		6. L. THUMB	
7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE		11. L. THUMB		12. L. INDEX	
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				3. THUMB		8. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY			

FD-258 (Back)

**FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
CJIS DIVISION/CLARKSBURG, WV 26306**

APPLICANT

1. LOOP



CENTER OF LOOP

DELTA

THE LINES BETWEEN CENTER OF LOOP AND DELTA MUST SHOW

2. WHORL



DELTA

THESE LINES RUNNING BETWEEN DELTAS MUST BE CLEAR

3. ARCH



ARCHES HAVE NO DELTAS

TO OBTAIN CLASSIFIABLE FINGERPRINTS:

1. USE BLACK PRINTER'S INK
2. DISTRIBUTE INK EVENLY ON INKING SLAB
3. WASH AND DRY FINGERS THOROUGHLY
4. ROLL FINGERS FROM NAIL TO NAIL, AND AVOID ALLOWING FINGERS TO SLIP
5. BE SURE IMPRESSIONS ARE RECORDED IN CORRECT ORDER
6. NOTIFY IN THE APPROPRIATE FINGER BLOCKS IF APPLICANT IS MISSING ONE OR MORE FINGERS FOR ANY REASON. IF NOT MISSING, ALL TEN IMPRESSIONS MUST BE PROVIDED WITH SCARS AND DEFECTS NOTATED
7. IF SOME PHYSICAL CONDITION MAKES IT IMPOSSIBLE TO OBTAIN PERFECT IMPRESSIONS, SUBMIT THE BEST THAT CAN BE OBTAINED
8. EXAMINE THE COMPLETED PRINTS TO SEE IF THEY CAN BE CLASSIFIED, BEARING IN MIND THAT MOST FINGERPRINTS FALL INTO THE PATTERNS SHOWN ON THIS CARD (OTHER PATTERNS OCCUR INFREQUENTLY AND ARE NOT SHOWN HERE)

THIS CARD FOR USE BY:

1. LAW ENFORCEMENT AGENCIES IN FINGERPRINTING APPLICANTS FOR LAW ENFORCEMENT POSITIONS*
2. OFFICIALS OF STATE AND LOCAL GOVERNMENTS FOR PURPOSES OF EMPLOYMENT, LICENSING, AND PERMITS, AS AUTHORIZED BY STATE STATUTES AND APPROVED BY THE ATTORNEY GENERAL OF THE UNITED STATES. LOCAL AND COUNTY ORDINANCES, UNLESS SPECIFICALLY BASED ON APPLICABLE STATE STATUTES DO NOT SATISFY THIS REQUIREMENT.
3. U.S. GOVERNMENT AGENCIES AND OTHER ENTITIES REQUIRED BY FEDERAL LAW**
4. OFFICIALS OF FEDERALLY CHARTERED OR INSURED BANKING INSTITUTIONS TO PROMOTE OR MAINTAIN THE SECURITY OF THOSE INSTITUTIONS.

LEAVE THIS SPACE BLANK

INSTRUCTIONS:

- * 1. PRINTS MUST FIRST BE CHECKED THROUGH THE APPROPRIATE STATE IDENTIFICATION BUREAU, AND ONLY THOSE FINGERPRINTS FOR WHICH NO DISQUALIFYING RECORD HAS BEEN FOUND LOCALLY SHOULD BE SUBMITTED FOR FBI SEARCH.
 2. PRIVACY ACT OF 1974 (PL 93-502) REQUIRES THAT FEDERAL STATE, OR LOCAL AGENCIES INFORM INDIVIDUALS WHOSE SOCIAL SECURITY NUMBER IS REQUESTED WHETHER SUCH DISCLOSURE IS MANDATORY OR VOLUNTARY, BASIS OF AUTHORITY FOR SUCH SOLICITATION AND USES WHICH WILL BE MADE OF IT.
 - ** 2. IDENTITY OF PRIVATE CONTRACTORS SHOULD BE SHOWN IN SPACE "EMPLOYER AND ADDRESS". THE CONTRIBUTOR IS THE NAME OF THE AGENCY SUBMITTING THE FINGERPRINT CARD TO THE FBI.
 4. FBI NUMBER, IF KNOWN, SHOULD ALWAYS BE FURNISHED IN THE APPROPRIATE SPACE
- MISCELLANEOUS NO. - RECORD; OTHER ARMED FORCES NO. PASSPORT NO. (FP); ALIEN REGISTRATION NO. (AR); PORT SECURITY CARD NO. (PS); SELECTIVE SERVICE NO. (SS); VETERANS' ADMINISTRATION CLAIM NO. (VA)

FD-258 (REV. 5-11-99)

U.S. GOVERNMENT PRINTING OFFICE: 2005-090-41200099

CJIS FINGERPRINT SUPPLY REQUISITION FORM

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-004**

**ORDINANCE CONCERNING THE HIRING OR REMOVAL OF DEPUTY
TOWN MARSHALS AND THE APPOINTMENT OF RESERVE
OFFICERS FOR THE TOWN OF GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, is the entity for establishing legislative authority for the Town of Greenville and the Greenville Town Marshal Department.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

DEPUTY MARSHAL STAFFING:

- The town council recognizes the need for additional police officers pursuant to State of Indiana Code 36-5-7-6
- The Greenville Marshal Department is to have no more than two paid deputies at any time. The additional deputies for the Greenville Town Marshal Department should be appointed by the Greenville Town Marshal. The deputy shall serve at the pleasure of the Greenville Town Marshal and shall be subject to the orders of said Marshal, who may discharge him at any time. The Greenville Town Marshal is authorized to hire up to two (2) additional deputies with the funding available from annual budget.
- The council will solely be responsible for paying the salaries; the council shall set the monthly wages for each additional deputy with available funding not to exceed budgetary restraints issued by State of Indiana statutes.

RESERVE OFFICER STAFFING:

Section 2: Appointment

- The Town Marshal of Greenville is hereby authorized to appoint or remove as many Reserve Officers as he deems necessary to protect the citizens of Greenville and enforce its ordinances authorized under Indiana Code 36-8-3-20.

Section 3: Duties

- The authority of the Reserve Officer shall at all times be auxiliary to the authority of the Greenville Town Marshal as authorized under Indiana Administrative Code 250 IAC 2-6-1, 250 IAC 2-6-2 and 250 IAC 2-9-1.

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REFERENCED CODES:

1C 36-5-7-6

Deputy marshals; appointment; powers and liabilities; bond, compensation, and term; dismissal; procedure

Sec. 6. (a) The town legislative body shall by ordinance fix the number of deputy marshals. The town legislative body may by ordinance authorize the marshal to appoint deputy marshals. Deputy marshals have the powers and liabilities of the marshal in executing the orders of the legislative body or enforcing laws.

(b) One (1) deputy marshal may be designated as the town humane officer. He has the duties prescribed by 1C 36-8 for city humane officers.

(c) The legislative body shall fix the amount of bond, compensation, and term of service of deputy marshals. The marshal may dismiss a deputy marshal at any time. However, a deputy marshal who has been employed by the town for more than six (6) months after completing the minimum basic training requirements adopted by the law enforcement training board under 1C 5-2-1-9 may be dismissed only if the procedure prescribed by section 3 of this chapter is followed.

As added by Acts 1980, P.L.212, SEC.4. Amended by P.L.51-1999, SEC.1.

1C 36-8-3-20

Police reserve officers

Sec. 20. (a) This section applies to counties and towns as well as cities.

(b) A unit may provide by ordinance for any number of police reserve officers.

(c) Police reserve officers shall be appointed by the same authority that appoints regular members of the department.

(d) Police reserve officers may be designated by another name specified by ordinance.

(e) Police reserve officers may not be members of the regular police department but have all of the same police powers as regular members, except as limited by the rules of the department. Each department may adopt rules to limit the authority of police reserve officers.

(f) To the extent that money is appropriated for a purpose listed in this subsection, police reserve officers may receive any of the following:

(1) A uniform allowance.

(2) Compensation for time lost from other employment because of court appearances.

(3) Insurance for life, accident, and sickness coverage.

(4) In the case of county police reserve officers, compensation for lake patrol duties that the county sheriff assigns and approves for compensation.

(g) Police reserve officers are not eligible to participate in any pension program provided for regular members of the department.

(h) A police reserve officer may not be appointed until he has completed the training and probationary period specified by rules of the department.

(i) A police reserve officer appointed by the department after June 30, 1993, may not:

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- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the police reserve officer successfully completes a pre-basic course under 1C 5-2-1-9(f).

(j) A police reserve officer may be covered by the medical treatment and burial expense provisions of the worker's compensation law (1C 22-3-2 through 1C 22-3-6) and the worker's occupational diseases law (1C 22-3-7). If compensability of the injury is an issue, the administrative procedures of 1C 22-3-2 through 1C 22-3-6 and 1C 22-3-7 shall be used to determine the issue.

(k) A police reserve officer carrying out lake patrol duties under this chapter is immune from liability under 1C 34-30-12, notwithstanding the payment of compensation to the officer. *As added by Acts 1981, P.L.309, SEC.52. Amended by P.L.30-1992, SEC.6; P.L.72-1992, SEC.3; P.L.57-1995, SEC.10; P.L.1-1998, SEC. 212.*

250 IAC 2-1-7 "Duty status" defined

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-11

Sec. 7. "Duty status" means that an individual is on the department or agency payroll and that any injury or illness that occurs to the individual while at the academy will be covered by the employing department or agency under worker's compensation. The term also applies to any unpaid reserve police officer, special deputy, or special police officer assigned by a department to attend training presented by the board; it shall be the responsibility of the officer's department, not the board, to pay for expenses that result from any injury or illness incurred by a reserve police officer, special deputy, or special police officer during assigned training. *(Law Enforcement Training Board; 250 IAC 2-1-7; filed Dec 23, 2003, 3:00p.m.: 27IR 1552)*

250 IAC 2-1-8 "Inservice training" defined

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-11

Sec. 8. "Inservice training" means training received by a law enforcement officer or reserve police officer after the calendar year in which the officer successfully completes the basic training mandated for that officer. *(Law Enforcement Training Board; 250 IAC 2-1-8; filed Dec 23, 2003, 3:00p.m.: 27 IR 1552)*

250 IAC 2-1-9 "Instructor" defined

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-12

Sec. 9. "Instructor" means any person certified or approved by the board to provide prebasic, basic, or inservice instruction to Indiana law enforcement officers and support personnel. *(Law Enforcement Training Board; 250 IAC 2-1-9; filed Dec 23, 2003, 3:00p.m.: 27IR 1553)*

250 IAC 2-1-10 "Law enforcement officer" defined

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-2; 1C 5-2-1-11

Sec. 10. "Law enforcement officer" means any person hired by and on the payroll of the state or one (1) of its political subdivisions, whether part-time or full-time, to enforce all or some of the penal laws of the state and who has the power to effect arrests of persons who violate those laws. *(Law Enforcement Training Board; 250 IAC 2-1-10; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553)*

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250 IAC 2-1-11 "Learning objective" defined

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-11

Sec. 11. "Learning objective" means a precise statement that describes what the learner must know and be able to do following successful completion of a training program. (*Law Enforcement Training Board; 250 IAC 2-1-11; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

250 IAC 2-1-12 "Prebasic course" defined

Authority: 1C 5-2-1-9
Affected: 1C 36-8-3-20

Sec. 12. "Prebasic course" means any course developed or certified by the board under 1C 5-2-1-9(f). (*Law Enforcement Training Board; 250 IAC 2-1-12; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

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250 IAC 2-1-13 "Reserve police officer" defined

Authority: 1C 5-2-1-9
Affected: 1C 36-8-3-7; 1C 36-8-3-20; 1C 36-8-10-6; 1C 36-8-10-10.6

Sec. 13. "Reserve police officer" means any member of a police reserve unit created under 1C 36-8-3-20, whether called reserve police officer, reserve officer, or by another name. Not included in this definition are the following:

- (1) Additional deputies or assistants appointed by a sheriff in an emergency under 1C 36-8-10-6.
- (2) Special deputies or legal deputies appointed by a sheriff under 1C 36-8-10-10.6.
- (3) Special police officers, who are not regular police officers, who are appointed by a municipal safety board under 1C 36-8-3-7 to do special duty within the city.

(*Law Enforcement Training Board; 250 IAC 2-1-13; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

250 IAC 2-1-14 "Safety hazard" defined

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-9

Sec. 14. "Safety hazard" means a risk of injury or death that is greater than the risk of injury or death that an experienced instructor might expect during a routine training exercise. (*Law Enforcement Training Board; 250 IAC 2-1-14; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

Rule 2. Basic Training Mandated for Law Enforcement Officers Appointed on or after July 6, 1972

250 IAC 2-2-1 Mandatory basic training; waiver

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-11

Sec. 1. All law enforcement officers appointed by the state or any of its political subdivisions on or after July 6, 1972, whether the appointment is on a probationary, permanent, or other than probationary or permanent basis, shall, within one (1) year of the date of the officer's first or original appointment, whether on a full-time or part-time basis, successfully complete the appropriate minimum basic training course prescribed by the board and described in 2501 AC 2-4. Provided, however, that any such officer who

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has had previous law enforcement experience, including basic law enforcement training meeting or exceeding the standards enumerated in 250 IAC 2-4, may, upon proof of such previous experience and training and upon recommendation by the executive director and approval by the board, obtain a waiver of the training mandated herein or be allowed to test out on any or all phases of the basic course; however, this waiver provision is not applicable to persons certified by the board solely upon successful completion of the town marshal basic training program prescribed in 250IAC 2-4. (*Law Enforcement Training Board; 250IAC 2-2-1; filed Dec 23, 2003. 3:00 p.m.: 27 IR 1553*)

250 IAC 2-2-2 Location of training course

Authority: 1C 5-
2-1-9 Affected:
1C 5-2-1-9

Sec. 2. The minimum basic training course shall be taken at the Indiana law enforcement academy operated by the board at Plainfield or at any board-approved school or academy utilizing board-approved instructors, curriculum, attendance requirements, equipment, and facilities. Attendance at schools other than the Indiana law enforcement academy shall, except in exceptional cases recognized by the board, be limited to officers and recruits of the agency conducting the school. (*Law Enforcement Training Board; 250 IAC 2-2-2; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1553*)

250 IAC 2-2-3 Failure to timely complete course

Authority: 1C 5-
2-1-9 Affected:
1C 5-2-1-9

examination by a physician of the board's choice and may reject the applicant if the applicant does not meet the physical requirements of this section. (*Law Enforcement Training Board; 250IAC 2-3-9; filed Dec 23, 2003, 3:00 p.m.: 27 IK 1555*)

250 IAC 2-3-10 Trainees not yet hired by a law enforcement agency

Authority: 1C 5-2-1-9
Affected: 1C 5-2-1-12; 1C 5-2-1-15

Sec. 10. Preservice tuition trainees who have been investigated and recommended for enrollment in a board-approved basic training course, but have not yet been hired by any law enforcement agency, must meet all of the requirements in this rule before being accepted for law enforcement basic training. In addition, each preservice tuition trainee must do the following:

(1) Obtain a permit from the state that authorizes the trainee to carry a handgun back and forth between home and the Indiana law enforcement academy. The permit must remain valid throughout the period of time that the preservice tuition trainee is attending basic law enforcement training.

(2) Provide proof of full coverage automobile insurance and health and accident insurance, the proof to be accompanied by endorsements stating no exclusions are present that would prohibit payment because the insured is participating in law enforcement basic training. All such insurance must remain valid throughout the period of time that the preservice tuition trainee is attending basic law enforcement training.

(*Law Enforcement Training Board; 250 IAC 2-3-10; filed Dec 23, 2003, 3:00p.m.: 27IR 1555*)

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Rule 4. Minimum Curriculum, Attendance, Equipment, and Facility Requirements

250 IAC 2-4-1 Minimum basic training course; town marshal basic training program

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-11

Sec. 1. Requirements for the minimum basic training course necessary to satisfy the mandate contained in 250IAC 2-2 shall be as follows:

- (1) For all jurisdictions except towns having no more than one (1) town marshal and two (2) deputies, whether employed on a part-time or full-time basis, shall consist of not less than four hundred eighty (480) hours of classroom and practical training, and the subject matter covered shall be approved by the board prior to the beginning date of each basic training course.
- (2) The town marshal basic training program shall consist of not less than three hundred twenty (320) hours in residence at the Indiana law enforcement academy to which may be added home study assignments. The subject matter covered shall be approved by the board prior to the beginning date of each town marshal basic training program.
- (3) Persons successfully completing the town marshal program are eligible for employment as a law enforcement officer only in towns employing the town marshal system and having no more than one (1) marshal and two (2) deputies.
- (4) Town marshal program graduates who are subsequently hired by a department that is not authorized to enroll officers in the town marshal basic training program shall, within one (1) year of their new appointment date, successfully complete the four hundred eighty (480) hour minimum basic training course described in this section. Town marshal program graduates who fail to successfully complete the minimum basic training course within one (1) year of their new appointment date shall not perform any of the duties of a law enforcement officer or exercise the power of arrest until they have successfully completed the basic training program described in this section.

(5) The minimum hours and subject matter prescribed in subdivisions (1) and (2) may be increased by the board.

(Law Enforcement Training Board; 250 IAC 2-4-1; filed Dec 23, 2003, 3:00p.m.: 27 IR 1555)

250 IAC 2-4-2 Approval of learning objectives, lecture outlines, examinations, and other instructional material

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-11

Sec. 2. Copies of learning objectives, lecture outlines, examinations, and other course material used to satisfy the basic training requirements in section 1 of this rule shall, upon written request by the executive director, be provided to the board prior to the

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250 IAC 2-6-1 Prebasic training course

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-15

Sec. 1. (a) Every law enforcement officer and every reserve police officer appointed after June 30, 1993, who has not successfully completed basic training as prescribed in 250 IAC 2-3 must successfully complete the prebasic training course prescribed in this section before that officer can make an arrest, conduct a search or seizure of persons or property, or carry a firearm as part of the duties of a law enforcement officer or reserve police officer.

(b) The prebasic course:

- (1) shall consist of forty (40) hours of instruction;
- (2) must include the subjects of arrest, search and seizure, use of force, and firearms qualification; and
- (3) must be offered periodically at regional sites throughout the state.

(c) Course materials, instructors, and sites for the prebasic course are to be provided by the board.

(d) In addition, the board may certify prebasic courses that may be conducted by other public or private entities, including colleges and universities. (*Law Enforcement Training Board; 250 IAC 2-6-1; filed Dec 23, 2003, 3:00 p.m.: 27IR 1557*)

250 IAC 2-6-2 Successful completion permits temporary exercise of police powers Authority: 1C 5-2-1-9 Affected: 1C 5-2-1-9

Sec. 2. Successful completion of the prebasic course authorizes a law enforcement officer to:

- (1) make arrests;
- (2) conduct searches and seizures of persons and property; and
- (3) carry a firearm;

for one (1) year after the date the law enforcement officer is appointed. (*Law Enforcement Training Board; 250 IAC 2-6-2; filed Dec 23, 2003, 3:00p.m.: 27IR 1557*)

Rule 7. Inservice Training

250 IAC 2-7-1 Mandatory inservice training

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-9

Sec. 1. Any person who has successfully completed basic training and has been appointed to a law enforcement department or agency as a law enforcement officer, whether on a part-time or full-time basis, is not eligible for continued employment unless the officer successfully completes the minimum required inservice training each year. Subject matter for this training must meet the following requirements:

- (1) The subject must be included within the minimum basic training curriculum approved by the board or must be approved by the board based upon a need expressed by the law enforcement agency or department employing the officer.
- (2) The subject must be presented under one (1) of the following conditions:

- (A) By a law enforcement training board-certified instructor.
- (B) At a law enforcement training board-certified school or academy.

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(C) At a school or academy in another state that has been certified by that state's equivalent to the board, at the federal level, or at an accredited college, university, or vocational school when the subject is determined by the board to be law enforcement related.

(D) By an agency or entity, public or private, that has received written approval by the board, through its executive director, to provide inservice training for Indiana law enforcement officers and has agreed to comply and does comply with the board's rules and guidelines for presenting, evaluating, and reporting the training.

(Law Enforcement Training Board; 250 IAC 2-7-1; filed Dec 23, 2003, 3:00 p.m.: 27 IR 1557)

250 IAC 2-8-5 Cover letter and opinion required if inservice training not completed

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-1

Sec. 5. When a law enforcement officer or reserve police officer fails to comply with a training mandate, the chief executive officer of the department or agency shall call the deficiency to the attention of the executive director through a cover letter attached to the department's annual training status report. The chief executive officer shall also state his opinion as to the reason the officer failed to complete the required training. *(Law Enforcement Training Board; 250 IAC 2-8-5; filed Dec 23, 2003, 3.00p.m.: 271R 1559)*

Rule 9. Reserve Police Officers

250 IAC 2-9-1 Reserve police officer training

Authority: 1C 5-2-
1-9 Affected: 1C
36-8-3-20

Sec. 1. (a) All reserve police officers defined in 1C 36-8-3-20 appointed after June 30, 1993, whether called reserve police officers or by another title, shall successfully complete the prebasic training course prescribed by the board before the reserve police officer may:

- (1) exercise any power of arrest;
- (2) conduct any search or seizure of a person or property; or
- (3) carry a firearm.

(b) The chief executive officer of a department may not adopt the prescribed prebasic training course as the only curriculum for satisfying the department training requirement prescribed in 1C 36-8-3-20.

(c) In addition to the department training program required by 1C 36-8-3-20, each reserve police officer is encouraged to do the following:

- (1) Complete a board-approved reserve police officer academy program within one (1) year of the date of appointment as a reserve police officer.
- (2) Complete, each year thereafter, the same amount of inservice training that paid law enforcement officers are mandated to complete.

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(d) Reserve police officers who voluntarily and successfully complete a reserve police officer academy program certified by the board shall be eligible for consideration for a waiver of basic training by the board should the reserve police officer academy program graduate subsequently accept employment with a department that participates in the town marshal basic training program. However, as a condition of the waiver, the board may require the reserve police officer academy program graduate, hired by a small town department, to test out on all or any part of the town marshal basic training program. Further, persons who are granted a waiver of training through this process are limited to service in a department having no more than one (1) marshal and two (2) deputy marshals. *(Law Enforcement Training Board; 250 IAC 2-9-1; filed Dec 23, 2003, 3:00p.m.: 27IR 1559)*

250 IAC 2-9-2 Reserve police officer academy certification

Authority: 1C
5-2-1-9
Affected: 1C
5-2-1-9

Sec. 2. (a) A department acting alone, or two (2) or more departments acting together, may develop a reserve police officer academy and apply to the board for certification of the academy. An academy certified by the board as a reserve police officer academy must use board-certified instructors and a board-approved curriculum.

(b) Equipment and training facilities, including classrooms used by towns, cities, counties, or agencies or departments of the state to conduct a reserve police officer academy, shall be subject to inspection and approval by the board through its executive director or a designee.

(c) The minimum curriculum, attendance requirements, learning objectives, lecture outlines, examinations, and other instructional materials used for reserve police officer training in the reserve police officer academy are subject to inspection and

1C-5-2-1-9

Rules; basic training; pre-basic training; inservice training; town marshal and executive training programs; fire investigators; handgun safety; refresher course; gaming agents; securities enforcement

Sec. 9. (a) The board shall adopt in accordance with 1C 4-22-2 all necessary rules to carry out the provisions of this chapter. The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, law enforcement training centers, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

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(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (1C 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form 1-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(b) Except as provided in subsection (1), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person

fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), (1), (r), and (s), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

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- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) This subsection does not apply to:

- (1) a gaming agent employed as a law enforcement officer by the Indiana gaming commission; or
- (2) an:
 - (A) attorney; or
 - (B) investigator;

designated by the securities commissioner as a police officer of the state under IC 23-2-1-15(i).

Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, the lawful use of force, and the operation of an emergency vehicle. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of at least forty (40) hours of course work. The board may prepare the classroom part of the pre-basic course using available technology in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including postsecondary educational institutions.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes the mandatory inservice training requirements established by rules adopted by the board. Inservice training

must include training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the board, and training concerning human and sexual trafficking. The board may approve courses offered by other public or private training entities, including postsecondary

educational institutions, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to either of the following:

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-004**

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (1C 36-5-7) and having not more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(i) The board shall adopt rules under 1C 4-22-2 to establish an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.
- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief refers to:

- (1) the police chief of any city;
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under 1C 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the executive training program.

(1) A fire investigator in the division of fire and building safety appointed after December 31, 1993, is required to comply with the basic training standards established under this chapter.

(m) The board shall adopt rules under 1C 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by 1C 11-13-1-3.5(3).

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-004**

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and
- (3) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

(o) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) has not been employed as a law enforcement officer for at least six (6) years and less than ten (10) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement;
- (3) is hired under subdivision (1) in an upper level policymaking position; and
- (4) completed at any time a basic training course certified by the board before the officer is hired under subdivision (1).

A refresher course established under this subsection may not exceed one hundred twenty (120) hours of course work. All credit hours received for successfully completing the police chief executive training program under subsection (i) shall be applied toward the refresher course credit hour requirements, (p) Subject to subsection (q), an officer to whom subsection (n) or (o) applies must successfully complete the refresher course described in subsection (n) or (o) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;
- (2) search; and
- (3) seizure.

(q) A law enforcement officer who has worked as a law enforcement officer for less than twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) is not eligible to attend the refresher course described in subsection (n) or (o) and must repeat the full basic training course to regain law enforcement powers. However, a law enforcement officer who has worked as a law enforcement officer for at least twenty-five (25) years before being hired under subsection (n)(1) or (o)(1) and who otherwise satisfies the requirements of subsection (n) or (o) is not required to repeat the full basic training course to regain law enforcement power but shall attend the refresher course described in subsection (n) or (o) and the pre-basic training course established under subsection (f).

(r) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

(s) This subsection applies only to a securities enforcement officer designated as a law enforcement officer by the securities commissioner. A securities enforcement officer may exercise the police powers described in subsection (d) if:

- (1) the securities enforcement officer successfully completes the pre-basic course established in subsection (f); and
- (2) the securities enforcement officer successfully completes any other training courses established by the securities commissioner in conjunction with the board.

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-T-004**

(t) As used in this section, "upper level policymaking position" refers to the following:

(1) If the authorized size of the department or town marshal system is not more than ten (10) members, the term refers to the position held by the police chief or town marshal.

(2) If the authorized size of the department or town marshal system is more than ten (10) members but less than fifty-one (51) members, the term refers to:

(A) the position held by the police chief or town marshal; and

(B) each position held by the members of the police department or town marshal system in the next rank and pay grade immediately below the police chief or town marshal.

(3) If the authorized size of the department or town marshal system is more than fifty (50) members, the term refers to:

{A} the position held by the police chief or town marshal; and

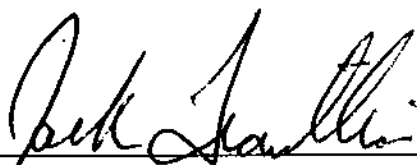
{B} each position held by the members of the police department or town marshal.

➤ This ordinance replaces ordinances: Ordinance 2006-T-060 and Ordinance 2007-T-82.
These ordinances are to be placed in the inactive or voided ordinance file.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE
9th DAY OF FEBRUARY, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

Town of Greenville
P.O. Box 188
Greenville, In. 47124

This document is a partial transcript from a taped conversation between Greenville Town Officials and Indiana State Police Representatives. Conversation was held at the Indiana Law Enforcement Academy located in Plainfield, Indiana on December 4th, 2008.

Those present were as follows:

Town of Greenville;

Talbotte Richardson, Town of Greenville Board President
Bob Wright, Town of Greenville Police Commissioner
William Burkhart, Town of Greenville Marshal
David Moore, Town of Greenville Deputy Marshal

Indiana State Police Academy Representatives;

Lt. Norman Camere
Attorney Charles Braun

Subject: OFFICER RE-INSTATEMENT, CONTINUING EDUCATION REQUIREMENTS, POLICE DEPARTMENT STAFFING AND RESERVE OFFICERS:

OFFICER RE-INSTATEMENT:

The conversation began with David Moore talking about the statue on arrest powers. He stated that if you are away from Law Enforcement for two years or less you can be rehired as an officer, put on a badge and gun and perform your duties. If it is four years to six years you have to do the pre-basic again.

David Moore continued; I went through the Academy in 1995. I left the Marshal's Department in 2004. I was hired back into the Marshal's Department in 2006. I was within two weeks but with my discussions with you we decided it was prudent for me to go ahead and do the 40 hour basic. I was doing the on-line courses and Marshal Cameron at that time came up here for two months for his training. When he returned for some reason he decided he no longer wanted me as a Deputy Marshal. Marshal Cameron left in 2007 and William Burkhart was hired as Marshal at that time. At that time Marshal Burkhart wanted me to be his Deputy Marshal. I started in October of 2008. Less than the six years, but more than the two years we have discussed. As I see it statutorily I should take the 40 hour pre-basic. I am doing that now, I am doing the modules.

What our questions are:

{A} According to the statue we believe I still have my police powers.

{B} We believe I have to finish the basic between now and October 2009 because I only have six months to complete the basic.

Mr. Braun began by asking what is the last date that you worked in any capacity and I don't care for whom as a police officer? Just going back from today's date. Okay, it says here left in January 2007, who left in January 2007?

David responded I did.

Mr. Braun continued, and then the last time you worked as a Police Officer was January of 2007.

David responded that is correct.

Mr. Braun asked David; have you been reappointed by the town at this time?

David responded; yes I have, that was in October of 2008.

Mr. Braun stated we don't have to go back to your earlier coming and going. We just have to go back to when you were appointed on October 2008. When was the last time you worked as an active police officer and that would have been January 2007 and that would have been in the capacity of a Marshal, or Deputy Marshal for the town?

David responded a Deputy Marshal.

Mr. Braun continued; then that would be under two years. When you re-enter the police force you go back to the last active day you were a police officer in calculating the two year, four year, six year period. It looks like you are under the two year rule if you worked in the capacity of a police officer in January 2007 {see **minutes of Town of Greenville February 12th, 2007**}. So your reappointment was under two years from the January 2007 last worked period. You do not have to take the pre-basic because you re-entered the police force less than two years and you were ready to go automatically.

David stated; then I have all my powers as a police officer including arrest powers.

Mr. Braun stated normally you have six months to complete your re-entry requirements. But you don't have any re-entry requirements because you came in under the two year rule.

CONTINUING EDUCATION REQUIREMENTS:

Marshal Burkhardt began by stating; right now we have three officers: Myself, David Moore and James Wisman. I have a question for myself and James. On the in-service hours for 2008, that is 16 hours correct?

Mr. Braun stated; yes, just so you know for any year when a police officer works one day or more the full 16 hours is required for that calendar year. The continuing education is on a calendar year basis. If an officer is on December 31st, 2007 is deployed to Afghanistan and is in the military for a full year and doesn't come back to his department until a year later January 1st of 2009. Since he did not work even one day in that year there would not be any continuing education required. But if he came back on December 31st of 2008 he would have to do the full 16 hours. So in any year if a police officer works one day or more they must meet the 16 hour requirement to be legal and there is no prorating of it.

David Moore stated; I have a question, I was hired in October and I have to have 16 hours by December 31st?

Mr. Braun stated; that is correct. It can be any subject taught here at the Academy or any subject the local police administrator deems appropriate for that officer.

Mr. Braun continued; effective January 1st, 2009 we are raising the continuing education requirements to 24 hours a year, not 16 hours. There will be subjects that will be required to be addressed. Minimum hours in three subjects, two hours fire arms, two hours emergency vehicle operation and two hours physical tactics. As long as those are met the remaining hours can be in any subject that is taught at the Academy or what your department deems appropriate. But that does not start until January 1st, 2009. So for this year the 16 hours is in any subject.

David Moore stated; that could be a problem.

Lt. Camere stated; I may be able to help you out there. Do you have a person who is an instructor down there from another Marshal's Agency, another law enforcement agency like the Sheriff's Department or something like that? That is currently certified that can give you some instructions.

David Moore stated; yes we have Rick Denny from New Albany. But they are all geared up for January to give week long classes to get everybody certified for 2009. I need to call him and see what he can do.

Lt. Camere stated; you may want to talk to him and Rick may say we don't have anything going on, but under my umbrella you could go in and review rules and regulations. All types of different things you could do such as SOP's to gain some hours that way. I know we are talking that we have less than four weeks until the end of the year. I am sure you can find them somewhere. Do you have a training council that you are part of? You could contact the training council and find an instructor that would be willing to work with you.

David Moore stated; I will give Rick a call when I get back and see what we can do.

Lt. Camere stated; contact him, contact your training council, contact your EMS. You could do CPR, AED all kinds of different things to get those out of the way.

David Moore asked; does the Red Cross do CPR?

Lt. Camere stated; to do that, you will want to write this down. You can do CPR, AED that would qualify for some of the requirements that our Marshals have to meet. It has to be child, infant and adult. You could do a standard first aid class for eight hours from the American Heart Association or the American Red Cross. There are two or three of these places that are recognized to help you out. You could get a fire arms instructor and go on the range. It doesn't say how many hours you must have. You could go out for two hours or maybe Rick provides you and the rest of the people in the Marshal's Department the fire arms, the physical tactics and a number of things he could teach. Maybe he can't teach all of them, but maybe he has someone who is certified to teach those.

Mr. Braun stated; now if you get past the end of the year the statue states that person who has not complied with the continuing education requirements is to be removed from the public payroll. This is an issue that could come up if you do not get the training by the end of the year. I have found departments that have had employees in the situation. One approach would be to give that person civilian duties until they do come into compliance with the continuing education requirements, rather than remove them from the public payroll as a police officer. They just continue their salary and give them civilian duties on a temporary basis until they comply.

The critical issue is that at the end of the year if the 16 hours are not met that person should not be carrying a gun, should not be directing traffic, should not be in a squad car, should not be arresting people or ticketing people, because you would be subjecting your town to some really bad civil liability exposure. But if a person is answering the phone at the department headquarters, or is interviewing crime victims, or is doing evidence scene investigation, or is working in terms of animal shelter issues, or doing civilian duties they are not acting as police officers. Hopefully that will eliminate civil liability exposure. But as we look at it I don't believe you will have a problem getting your remaining hours needed.

David Moore stated; that basically covers it. We wanted to know everything we need to do to stay compliant.

Marshal Burkhart asked if there were any difference in-service requirements for a Marshal than a Deputy Marshal.

Mr. Braun stated; the in-service requirements are the same for all officers no matter what the position is. Town Marshals do not have any special requirements for in-service training.

POLICE DEPARTMENT STAFFING:

Marshal Burkhardt began by stating; what we have now is a three man police department. Our second deputy has a full time job so he will not be able to take off and come up here. In March he is going to become a reserve officer. We are considering hiring another deputy to replace him. We are trying to work this out because we don't want to have four officers and for that fourth officer to have to come up here for 15 weeks. So if you will please explain the rule of a three person versus a four person police department.

Mr. Braun stated; there are two basic training courses. One is for any town Marshal or police department that employs three or fewer full or part time paid regular officers, reserve officers do not count because they are volunteers. So if you have three or fewer paid career full or part time officers when they have to get there basic training, they can either go to the shortened town marshal basic training program, or they have the right to be sent to the full basic training program. The full basic training program is presently 15 weeks and the town marshal program is 8 weeks. That is how a three or fewer person department works for basic training requirements.

When you get to the fourth person as a paid career full or part time officer, not again as a reserve, that fourth person has to go through the 15 week basic training. The first three are grandfathered, as long as they stay in that department. They can continue to go into other departments that have three or fewer. A town marshal basic training course graduate can only work for a town marshal police department that employs three or fewer. If you are a basic training 15 week graduate you can work for any department. So the fourth person would have to go through the 15 week basic training course, the fifth person would have to, the six person would have to and so on. But the first three are grandfathered.

In-service hours don't make any difference whether it is a three person or it is a five person department. The only difference is what basic training at the Academy you need to go to. Just so you know there is another potential legal issue that comes up when you get to a larger department beyond three. Under federal law, the Federal Labor Standards Act if a local governmental unit employees five or more police officers, full or part time paid in any payroll, those officers are entitled to overtime. But if you are four or less, there are no overtime requirements. Now the town could be benevolent and provide it. So if you are talking about increasing the size of your department when you hit five there is no way out. Those are the only two legal issues I can think of that are tied to how many police officers are on the department.

President Richardson stated; we have been told that our marshals can only work 40 hours period. We have been told that if we worked them more than 40 hours we had to pay them time and a half. But that isn't correct; we only have to pay them straight time for any hours over 40 hours a week.

Mr. Braun stated; that is correct. Most small departments do not realize they are excluded the way you people are. Now you can give the pay for over 40 hours in money or comp time. But the federal law says an officer's comp time bank can not exceed more than 480 hours at any one time.

With respect to the town marshal the law supports having an annual salary contract with out any references to hours worked. It would be difficult to do that with a deputy marshal because they would have the argument that they are hourly employees. Most employees in the United States are hourly employees, but agency heads can go by contract.

Marshal Burkhardt stated; another question is Deputy Wisman. He was sworn in on March 17th, 2008. He took his pre-basic test on March 24th, 2008. He was qualified with fire arms June 26th, 2008. That was the first time we could get a qualified instructor to go over it with him. We have not been able to get his physical tactics done. So he has not been able to sign off on his pre-basic. We have contacted the different counties in the area and have not been able to get that done. When I turn in his training for 2008 he will be lacking because we have not been able to get that done.

Mr. Braun stated; under 5219 a newly appointed police officer has one year to complete basic training or they lose their police powers. Since this was a newly appointed police officer they have until March of 2009 to complete their basic training. The only time that pre-basic becomes an issue if you want to use this new recruit as an active law enforcement officer during that year they have to complete basic training. That is the only way you can use one of these new recruits that have not yet completed basis training is sending them through the pre-basic course. That has not been done yet?

Marshal Burkhardt stated; he has completed everything except his physical tactics. So no he has not completed his pre-basic.

Mr. Braun stated; this would not be a good time to use that person for law enforcement duties. Because they haven't any law enforcement powers until they complete pre-basic training.

Marshal Burkhardt stated; he has never arrested anybody. He will ride with me and fill out a citation but I will sign it. What about driving the police vehicle?

Mr. Braun stated; I would not do that. If he was to get into a fatal accident they are going to say this person was not a legal police officer driving an emergency police vehicle. I would not risk that. I would not even have him wear a badge or carry a weapon because until he completes pre-basic he does not have any police powers. Now the pre-basic has to be completed within a year so he is still in the time frame to complete it because he has until March. Is he going to come here to take basic training next year?

Marshal Burkhardt stated; no, he is going to go into reserve status and we have another recruit that will be attending the Academy next year.

RESERVE OFFICERS:

Mr. Braun stated; reserve officers are not subject to mandatory continuing education requirements. Only career paid full or part time officers are required to take the continuing education classes. Pre-basic is the minimal requirements for a reserve officers and they need the pre-basic for their first year in order to be able to use police powers.

President Richardson asked; let me make sure I have this correct. A reserve officer has to have all the pre-basic training. Where does he get his arrest powers from?

Mr. Braun stated; from being appointed as a reserve under 368320. That would require your town to have a local ordinance creating a reserve unit. If you have it or when you have it, normally the town marshal organizes the reserve unit. The marshal makes the appointments. The reserve officer receives authority under the town marshal like special deputies do under the county sheriff. The same party who appoints the regular officers also appoints the reserve officers. Under state law the council appoints the marshal and the marshal appoints the deputies. But either the council or the marshal can appoint the reserve officers.

President Richardson asked; What I understand is we can have a marshal, two deputy marshals and reserve officers and as long as they take the pre-basis they will all have arrest powers.

Mr. Braun stated; that is correct. Reserve officers have the same powers as regular career officers have unless the town limits it under home rule.

Marshal Burkhardt asked; was there a bill introduced this year concerning if you hired a reserve and they did not complete their training by July 30th of 2008 and they did not go to the Academy within that year by August 1st, 2009 they would not have any arrest powers?

Mr. Braun stated; you are correct, but it was a bill that never passed.

Mr. Braun stated; I want the four of you to understand I am not trying to be your town attorney here. You want to affirm and re-affirm with your town attorney these issues.

This transcript of the conversation between the Indiana Police Academy and Officials of the Town of Greenville was transcribed to the best of my ability. This transcript does not include all conversations recorded. It contains only those items considered to be relevant to the topics listed.

Randal Johnes Vice President Greenville Town Board

**CC: Talbotte Richardson, President Greenville Town Board
Bob Wright, Council Member Greenville Town Board and Police Commissioner
William Burkhart, Marshal Town of Greenville
David Moore, Deputy Marshal Town of Greenville
James Wisman, Deputy Marshal Town of Greenville
Hanzel Barclay, Council Member Greenville Town Board
Patti Hayes, Council Member Greenville Town Board
Rick Fox, Town of Greenville Attorney
Jack Travillian, Greenville Town Clerk {for town record}**

Ordinance No. 2006-T-060
An Ordinance for Additional Deputies for
Greenville Police Department

Be it ordained, by the town council of the Town of Greenville, of the State of Indiana that:

Whereas, the council of the Town of Greenville, State of Indiana is the entity for establishing legislative authority of the Town of Greenville and the Greenville Town Police Department.

Whereas, the town council recognizes the need for additional police officers pursuant State of Indiana Code 35-5-7.4

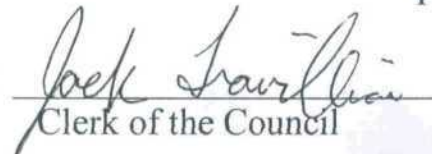
Whereas, the additional deputies for the Greenville Town Police Department should be appointed by the marshal with approval of the Town of Greenville Town Council. The deputy shall serve at the pleasure of the Greenville Marshal and shall be subject to the orders of said Marshal, who may discharge him at any time. **Therefore**, the town marshal shall be authorized to hire up to two (2) additional deputies with the funding available from annual budget.

Whereas, the council will solely be responsible for paying the salary, the council shall set the monthly wages for each additional deputy with available funding not to exceed budgetary restraints issued by State of Indiana statutes.

Now therefore be it ordained, that the Greenville Town Council has deliberated and discussed the above ordinance and trust that it is in the best interest for public safety of the citizens of the Town of Greenville.

Adopted by the Town Council of the Town of Greenville, Indiana this 10 (tenth) day of July 2006.


Presiding Officer

ATTEST: 
Clerk of the Council

3-3

Ordinance 2007-T-82

An ordinance to establish the office of Reserve Officer; to prescribe the duties of said office; to authorize the Town Marshal to appoint any person or persons to said office;

THE TOWN OF GREENVILLE, FLOYD COUNTY, INDIANA, ORDAINS:

Section 1: Reserve Officer

Whereas, hereby established the position of "Reserve Officer" within the Town of Greenville, Floyd County, Indiana.

Section 2: Appointment

The Town Marshal of Greenville is hereby authorized to appoint a Reserve Officer, who will be confirmed by resolution at any regular meeting of Greenville Town Council, or special meeting called for the purpose of any person or persons to the position of Reserve Officer under such conditions and limitations as may be designated in said resolution. Said Council may similarly by resolution remove any person from said position at any time said Council deems such removal appropriate.

Section 3: Duties

The Reserve Officer, upon appointment, is hereby authorized to temporarily, during the period of his/her appointment and while under the direction of the Greenville Town Marshal or the Floyd County Sheriff to enforce all ordinances of the Town of Greenville whether heretofore or hereafter enacted and regardless of whether such ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer.

The authority of the Reserve Officer shall at all times be auxiliary to the authority of the Greenville Town Marshal and/or any ordinance enforcing officer of the Town. Any ordinance-enforcing authority of Police Officers and other officers specifically designated in any Town ordinance as enforcing officers shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within ordinance.

Section 4: Definitions

The Reserve Officer's authority herein specified shall include investigation of ordinance violations and other suspected criminal activity; serving notice of violations; serving appearance tickets as authorized under Indiana Code 36-5-7-6; appearance in court or other judicial or quasi-judicial proceedings to assist in the prosecution of violators; assisting Police Officers or Deputy Sheriffs in making arrests and such other specific authority or duties as may be delegated to such Reserve Officer by a Greenville Town Marshal or Floyd County Sheriff directing said Reserve Officer.

Section 5: Statutory Reference

The Reserve Officer is hereby declared to be a member of the Greenville Town Marshal Auxiliary under the provisions of Indiana Code 36-5-7-6.

Section 6: Saving Clause

The provisions of the within ordinance are hereby declared to be severable and the invalidation of any one or more of the same for any cause shall not invalidate the remainder of said provisions or of said ordinance.

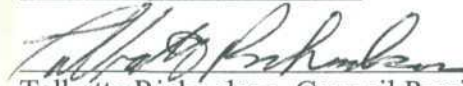

Section 7: Effective Date

This ordinance shall take immediate effect. All ordinances of the Township heretofore or hereafter adopted shall hereafter be supplemented by the terms of the within ordinance.

NOW BE IT FURTHER ORDAINED that all Ordinances of the Town of Greenville, Indiana that are in conflict with this Ordinance are hereby repealed to the extent of such conflict and any ordinances not in conflict with this Ordinance shall remain in full force and effect.

Adopted by the Town of Greenville, Indiana on this tenth (14th) day of January 2008.

Greenville Town Council



Talbotte Richardson, Council President

Hanzel Barclay, Member


Bob Wright, Member

Randal Johnes, Member

Patti Hayes, Member

ATTEST:


Jack Travillian, Clerk of the Council

This Ordinance prepared by Jack Travillian, Clerk/Treasurer.
Subscribed and sworn to before me this tenth (14th) day of ~~December~~ 2007.

14
JANUARY
JLT



CHAPTER 6 - CALENDAR OF MONTHLY DUTIES

This section contains a calendar of monthly duties and while not complete, should be referred to each month to insure that such duties are not overlooked. Duties which reoccur each month are not repeated in the calendar. Monthly duties include:

- (1) At the close of the month, post and close all records as promptly as possible and reconcile with depositories and with utilities or any other department maintaining separate records. Prepare the monthly balance and financial report for the board.
- (2) Report and pay Social Security (FICA) each reporting period to the Internal Revenue Service on or before the dates established by federal regulations. See Federal Circular E for payment procedures and due dates.
- (3) Deposit federal income tax withheld from employees' compensation in accordance with federal regulations. This may vary from one unit to another dependent on the total amount withheld per month. See Federal Circular E for payment procedures and due dates.
- (4) Deposit state and county income tax withheld from employees' compensation within 20 days after the close of each month.
- (5) Report and pay unemployment compensation commitments to Indiana Employment Security Division as required per selected plan.
- (6) Make reports of Utility Receipts Tax due from city or town to Indiana Department of Revenue as required by that agency.
- (7) Make reports of sales tax collected by and due from cities and towns to Indiana Department of Revenue as required by that agency.
- (8) Make reports of police, fire and employee pension payment contributions to the Public Employees' Retirement Fund as required by that agency.
- (9) Make reports and payments of special fuels tax due from cities and towns to Indiana Department of Revenue, Special Fuel Tax Division.

January

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| 15 | Make report and payment for fourth quarter for those cities and towns participating in the Public Employees' Retirement Fund. |
| 20 | Last date to report and make payment of state and county income tax withheld during December to Department of Revenue, Indianapolis. |
| 31 | Last day to make report and complete the payment of federal tax and F.I.C.A. (Social Security Tax) tax withheld in the fourth quarter of the preceding year to the District Director of Internal Revenue. Each employee shall be furnished Form W-2 in duplicate, showing compensation paid during the preceding year, federal tax withheld and social security tax withheld. |

January Continued-

- 31 Last day to provide each employee with Form WH-2 in duplicate or copy of W-2 for state and local income tax withheld.
- Last day to file Form 100-R, Report of Names and Compensation of Officers and Employees, with State Board of Accounts, 302 W. Washington Street, Room E-418, Indianapolis, Indiana, 46204-2738.

February

- 20 Last day to report and make payment of state and county income tax withheld during January to Department of Revenue, Indianapolis.
- 28 Last day to file withholding statements W-2 and WH-2 together with Yearly Reconciliation of Employer's Quarterly Tax Returns W-3 and WH-3 with District Director of Internal Revenue and Indiana Department of Revenue, respectively.

March

- 1 Last day for publishing an Annual Report. [IC 5-3-1-3 (a)]
- Last day to prepare list of old outstanding checks for cancellation. [IC 5-11-10.5-3] See Page 61-14
- 20 Last day to report and make payment of state and county income tax withheld during February to Department of State Revenue, Indianapolis.

April

- 15 Last day to make report on Form URT and payment of Utility Receipts Tax for city or town for the preceding year, if not made January 31, to the Indiana Department of Revenue, State Office Building.
- Make pension report and payment for first quarter for those cities and towns participating in the Public Employees' Retirement Fund.
- 20 Last day to report and make payment of state and county income tax withheld during March to Department of State Revenue, Indianapolis.
- 30 Last day to make report and complete payment of federal tax and F.I.C.A. (Social Security Tax) tax withheld during the first quarter of the year to the District Director of Internal Revenue.
- Make report and file quarterly unemployment compensation report with the Indiana Employment Security Division.
- Last day for filing Annual Utility Report with Utility Regulatory Commission, 302 W. Washington Street, Room E-306, Indianapolis, Indiana, 46204.

May

- 20 Last day to report and make payment of state and county income tax withheld during April to Department of State Revenue, Indianapolis.
- 31 Last day to certify delinquent Barrett Law Assessments to the County Auditor. (IC 36-9-37-23)

June

- 1 Last day to certify names of persons who have money due them for salaries, wages, or other reasons to the county treasurer for determining if such persons owe delinquent taxes. [IC 6-1.1-22-14]
Last day for cities and towns with population of 20,000 or more to file Annual Operational Report of Motor Vehicle Highway Fund with State Board of Accounts, 302 W. Washington Street, Indianapolis, Indiana, 46204-2738
- 20 Last day to report and make payment of state and county income tax withheld during May to Department of State Revenue, Indianapolis.

July

- In connection with preliminary planning and ensuing year's budget, we suggest you consult the Budget Calendar contained in Chapter 5 of this manual, Page 49-1.
- 15 Make pension report and payment for second quarter for those cities and towns participating in the Public Employees' Retirement Fund.
- 20 Last day to report and make payment of state and county income tax withheld during June to the Department of State Revenue, Indianapolis.
- 31 Last day to make report on Form URTQ and payment of Utility Receipts Tax due from city or town for the second quarter of the year to the Indiana Department of Revenue, State Office Building.
- Last day to make report and complete payment of federal tax and F.I.C.A. (Social Security Tax) tax withheld in the second quarter of the year to the District Director of Internal Revenue.
- Make report and file quarterly unemployment compensation report with the Indiana Employment Security Division.

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August

- 1 Review Budget Calendar in Chapter 5, Page 49-1.
- 20 Last day to report and make payment of state and county income tax withheld during July to the Department of State Revenue, Indianapolis.

September

- 20 Last day to report and make payment of state and county income tax withheld during August to the Department of State Revenue, Indianapolis.
- Last day for final passage of ordinance fixing salaries of appointive officers and employees of a city for ensuing year. See Page 61-9 and 61-10.

October

- 15 Make pension report and payment for third quarter for those cities and towns participating in the Public Employees' Retirement Fund.
 - 20 Last day to report and make payment of state and county income tax withheld during September to the Department of State Revenue, Indianapolis.
 - 31 Last day to make report on Form URTQ and payment of Utility Receipts Tax due from city or town for the third quarter of the year to the Indiana Department of Revenue, State Office Building.
- Last day to make report and complete payment of federal tax and F.I.C.A. (Social Security Tax) tax withheld in the third quarter of the year to District Director of Internal Revenue.
- Make report and file quarterly unemployment compensation report with the Indiana Employment Security Division.

November

- 20 Last day to report and make payment of state and county income tax withheld during October to the Department of State Revenue, Indianapolis.

December

- 1 Last day to certify names of persons who have money due them for salaries, wages or other reasons to the County Treasurer for determining if such persons owe delinquent taxes. [IC 6-1.1-22-14]
 - 14 Before December 15, officials must certify delinquent Sewage Accounts to the County Auditor. [IC 36-9-23-33]
 - 20 Last day to report and make payment of state and county income tax withheld during November to the Department of State Revenue, Indianapolis.
- Last day to make report on Form URTQ and payment of Utility Receipts Tax due from city or town for the fourth quarter of the preceding year to Indiana Department of Revenue, State Office Building.
- 31 Review year-end duties, Page 61-3.