



## Town Council Meeting Agenda

MEETING DATE: November 9<sup>th</sup>, 2023

LOCATION: Pendleton Town Hall  
100 W. State Street  
Pendleton, Indiana

TIME: 6:00 p.m.

### ORDER OF BUSINESS

- I. CALL TO ORDER
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. ROLL CALL AND DETERMINATION OF QUORUM
- IV. APPROVAL OF MINUTES FROM PRIOR MEETING
- V. CLERK-TREASURER'S REPORT
  - A. Motion to approve the claims for the month of October.
  - B. Clerk-Treasurer's report
- VI. DEPARTMENT REPORTS
  - A. Police
  - B. Court
  - C. Park
  - D. Plan
  - E. Town Manager
- VII. OLD BUSINESS
  - A.
- VIII. NEW BUSINESS
  - A. Annexation of Larry Street by Joseph Kilmer
  - B. Annexation of Fall Creek Drive by the Town of Pendleton
  - C. Ordinance 23-35 Amending the UDO
  - D. Ordinance 23-36 Amending the Stormwater Management Ordinance
  - E. Ordinance 23-37 Tax Anticipation Loan for SMFPT
  - F. Resolution R23-10 Amended 457 Contribution Plan
  - G. Resolution R23-11 Amended PERF Plan
  - H. Resolution R23-12 Additional Appropriation Public Safety LIT
    - a. Open Public Hearing
  - I. Resolution R23-13 Transfers Between Classifications
  - J. Resolution R23-14 Amending the Comprehensive Plan
- IX. PUBLIC COMMENTS
- X. ADJOURNMENT Next Town Council Meeting on December 14<sup>th</sup>, 2023

The Pendleton Town Council met in regular session at 6:00 PM on October 12, 2023, at Pendleton Town Hall, 100 West State Street, Pendleton, Indiana. All documents presented are on file in the Clerk-Treasurer's office and may be reviewed upon request. Town Council President Marissa Skaggs called the meeting of the Pendleton Town Council to order.

Council Members present were President Marissa Skaggs, Vice President Shane Davis, Steve Denny, and Jerry Burmeister. Jennifer Roberts was absent. Four of five members confirmed a quorum.

Also representing the Town were Clerk-Treasurer Willie Boles, Town Manager Scott Reske, Town Marshal Marc Farrer, Deputy Clerk-Treasurer Dawn Speedy, and Town Attorney Jeff Graham. The minutes from the meeting of September 14, 2023, were approved as presented.

### **CLERK-TREASURER'S REPORT**

Clerk-Treasurer Willie Boles presented claims for September 2023. The financial report is not ready yet and will be sent to Council once complete.

A MOTION TO APPROVE THE CLAIMS AS PRESENTED WAS MADE BY SHANE DAVIS AND SECONDED BY STEVE DENNY. MOTION CARRIED WITH VOTE OF FOUR TO ZERO.

### **DEPARTMENT REPORTS**

- Police Department – Farrer presented the report and discussed plans for the April 8, 2024 solar eclipse
- Town Court – not present
- Park Department – not present
- Planning – not present
- Town Manager Scott Reske - presented the report

### **OLD BUSINESS**

#### **Ordinance 23-25 regulating overnight public parking in designated areas**

- second reading

A MOTION TO APPROVE ORDINANCE 23-25 ON SECOND READING WAS MADE BY SHANE DAVIS AND SECONDED BY JERRY BURMEISTER. MOTION CARRIED WITH VOTE OF FOUR TO ZERO.

**Ordinance 23-29 2024 budget & public hearing**

CLOSE PUBLIC MEETING & OPEN PUBLIC HEARING AT 6:23 PM

- 2024 budget
- second reading

CLOSE PUBLIC HEARING & OPEN PUBLIC MEETING AT 6:25 PM

A MOTION TO APPROVE ORDINANCE 23-29 ON SECOND READING WAS MADE BY SHANE DAVIS AND SECONDED BY STEVE DENNY. MOTION CARRIED WITH A VOTE OF FOUR TO ZERO.

**Ordinance 23-30 2024 salary ordinance**

- second reading

A MOTION TO APPROVE ORDINANCE 23-30 ON SECOND READING WAS MADE BY SHANE DAVIS AND SECONDED BY JERRY BURMEISTER. MOTION CARRIED WITH VOTE OF FOUR TO ZERO.

**NEW BUSINESS**

**Resolution R23-08 additional appropriation for local roads and streets fund & public hearing**

CLOSE PUBLIC MEETING & OPEN PUBLIC HEARING AT 6:28 PM

- Additional appropriation for the LRS fund
- LRS fund was not appropriated in the budget, because expenditures were not expected

CLOSE PUBLIC HEARING & OPEN PUBLIC MEETING AT 6:31 PM

A MOTION TO APPROVE RESOLUTION R23-08 WAS MADE BY SHANE DAVIS AND SECONDED BY STEVE DENNY. MOTION CARRIED WITH A VOTE OF FOUR TO ZERO.

**Resolution R23-09 intergovernmental agreement for building inspection services**

A MOTION TO APPROVE RESOLUTION R23-09 WAS MADE BY JERRY BURMEISTER AND SECONDED BY SHANE DAVIS. MOTION CARRIED WITH VOTE OF FOUR TO ZERO.

**Ordinance 23-34 amendment to UDO**

- Plan Commission gave a favorable recommendation

A MOTION TO APPROVE ORDINANCE 23-34 WAS MADE BY STEVE DENNY AND SECONDED BY JERRY BURMEISTER. MOTION CARRIED WITH VOTE OF FOUR TO ZERO.

**PUBLIC COMMENTS**

- Bret Rhea made a comment concerning the police department.

**ADJOURNMENT**

- Next Town Council meeting is scheduled for November 9, 2023
- There being no other business brought before this Town Council, the public meeting adjourned at 6:40 pm.

Prepared by \_\_\_\_\_  
Dawn Speedy  
Deputy Clerk-Treasurer

Approved by \_\_\_\_\_  
Marissa Skaggs  
Council President

Total Claims for the month of September 2023	\$	2,512,354.82
Electric Revenue Received	\$	943,260.55
Water Revenue Received	\$	113,495.66
General Fund Balance	\$	1,424,373.96
Park Fund Balance	\$	515,968.90
Cumulative Capital Fund Balance	\$	268,552.04
Cumulative Capital Improvement Fund Balance	\$	38,309.82
Motor Vehicle Highway Fund Balance	\$	396,638.41
Motor Vehicle Highway Restricted Fund Balance	\$	272,998.30
Local Roads and Streets Fund Balance	\$	209,543.95

General Fund Comparison Balance For The End of September

General Fund 2021	General Fund 2022	General Fund 2023
\$ 691,921.64	\$ 1,120,499.93	\$ 1,424,373.96

Total Claims for the month of October 2023	\$	2,393,597.87
Electric Revenue Received	\$	924,851.44
Water Revenue Received	\$	142,003.71
General Fund Balance	\$	1,405,995.96
Park Fund Balance	\$	492,337.93
Cumulative Capital Fund Balance	\$	268,552.04
Cumulative Capital Improvement Fund Balance	\$	38,309.82
Motor Vehicle Highway Fund Balance	\$	391,627.08
Motor Vehicle Highway Restricted Fund Balance	\$	259,623.99
Local Roads and Streets Fund Balance	\$	219,002.47

General Fund Comparison Balance For The End of October

General Fund 2021	General Fund 2022	General Fund 2023
\$ 515,307.81	\$ 1,028,850.78	\$ 1,405,995.96

# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

## TOWN OF PENDLETON

GOVERNMENTAL UNIT

AGENCY

APV Register Batch - October 2023

Page 1 of 6 Pages

Installed by the TOWN OF PENDLETON-2018

General Form No. 364 (1997) APVREGISTER\_SUM.FRX

NOTES:(1) Use both sides of the form if needed. Signatures of governing board should appear only on the final page of each meeting in which accounts payable vouchers are allowed.  
(2) The Memorandum is for entering action on accounts payable vouchers if disallowed in whole or in part, if continue to a later meeting of governing board, or for other pertinent information.

Check Date	Vendor	Name of Claimant	Office Department	Amount of Voucher	Amount Allowed	Warrant	Check/Memorandum (See Note (2) Above)
10/10/2023	344	MAD CO TREASURER	COURT FEES CONVEYED	95.50	95.50	10930	Fees and Fines
10/10/2023	525	TOWN OF PENDLETON	COURT FEES CONVEYED	227.50	227.50	10931	Fees and Fines
10/02/2023	1182	ANIXTER INC	E/CAP/EQMT PURCHASE	2489.74	2489.74	55163	BOM PREWIRE
10/02/2023	589	AT&T MOBILITY	POLICE/TELEPHONE	584.48	584.48	55164	AIR CARDS
10/02/2023	70	BLUE GRASS FARMS, INC	TREE /OTHER	140.00	140.00	55165	HERITAGE OAK
10/02/2023	549	CENTERPOINT ENERGY	POLICE/GAS CO	133.88	133.88	55166	GAS
10/02/2023	1537	LIGHTSPEED COMMERCE INC	PARK/GOLF/SERVICE	385.00	385.00	55167	LIGHTSPEED MONTHLY SUBSCRIPTION
10/02/2023	113	COM NET, LLC	E/OP/COMMUNICATION	143.25	143.25	55168	ANSWERING SERVICE
10/02/2023	397	COMCAST CABLE	W/OP/COMMUNICATION	468.17	468.17	55169	313 WATER TOWER DR
10/02/2023	1321	CORE & MAIN LP	W/OP/EQUIPMENT	1668.90	1668.90	55170	HYMAX CPLGS
10/02/2023	1776	DNR DIVISION OF FORESTRY	TREE /OTHER	30.00	30.00	55171	TREE STEWARDS WORKSHOP- KERRY
10/02/2023	150	DOLLAR GENERAL CHARGE	POLICE/OFFICE SUPPLIES	42.50	42.50	55172	MISC SUPPLIES
10/02/2023	176	FALL CREEK REG WASTE DIS	POLICE/WATER &	1922.05	1922.05	55173	SEWER
10/02/2023	671	FRONTIER	MVH/TELEPHONE	375.42	375.42	55174	COMMUNICATIONS
10/02/2023	1507	GRAE PROPERTIES, LLC	E/OP/RENT OF LOT	1500.00	1500.00	55175	PARKING LOT LEASE
10/02/2023	252	IMPA	E/OP/POWER PURCHASED	683519.26	683519.26	55176	ELECTRIC PURCHASED
10/02/2023	740	JAMES COOK	STORM/TRAINING	13.00	13.00	55177	PARKING REIMBURSEMENT FOR
10/02/2023	1532	MADISON COUNTY TENNIS &	ECON DEV/TIF/WELLNESS	11152.88	11152.88	55178	DEFERRED PAYMENTS
10/02/2023	1628	ODP BUSINESS SOLUTIONS,	W/OP/UTILITY OFFICE	113.26	113.26	55179	MISC SUPPLIES
10/02/2023	403	OW KROHN & ASSOCIATES,	W/OP/CONSULTING FEES	6000.00	6000.00	55180	UTILITY RATE STUDY
10/02/2023	301	SERVICE MASTER OF	E/OP/MAINTENANCE OF	638.00	638.00	55181	JANITORIAL SERVICES
10/02/2023	1665	THE SKILLMAN CORPORATION	ECON DEV/TIF/PROJECTS	9250.00	9250.00	55182	PHASE 1 SPORTS FACILITIES
10/02/2023	316	TIMES POST	W/OP/UTILITY OFFICE	37.00	37.00	55183	12 MONTHS RENEWAL SUBSCRIPTION
10/02/2023	544	UTILITY SUPPLY CO	W/OP/EQUIPMENT	1248.48	1248.48	55184	SAFETY FL REP KIT W/ BOTH CPLG
10/02/2023	1690	WALKER HUGHES	SMFPT HEALTH	17718.47	17718.47	55185	10/01/2023 TO 11/01/2023
10/02/2023	1703	PRINCIPAL LIFE INSURANCE	SMFPT LIFE INSURANCE	86.68	86.68	55186	10/01/2023 TO 10/31/2023
10/02/2023	1777	ASC GRAPHICS	SMFPT OTHER/VEHICLES	4306.00	4306.00	55187	MATERIAL FOR LETTERING OF ALL
10/03/2023	167	ACUSHNET COMPANY	PARK/GOLF/PRO SHOP	2286.40	2286.40	55189	MISC SUPPLIES
10/03/2023	17	ALTEC INDUSTRIES, INC	E/OP/EQUIPMENT MAINT	424.41	424.41	55190	TOOL REPAIRS
10/03/2023	1425	PWD SYSTEMS, LLC	PARK/GARAGE AND	299.80	299.80	55191	PET WASTE BAGS
10/03/2023	62	BAXTER PEST	PARK/STRUCTURES	66.00	66.00	55192	116 FALLS PARK DR
10/03/2023	696	BEST EQUIPMENT CO INC	MVH/EQUIPMENT	6.09	6.09	55193	TURBO GASKET
10/03/2023	1602	CIVICPLUS, LLC	E/OP/EQUIPMENT MAINT	2716.88	2716.88	55194	PREMIUM WEB OPEN ANNUAL
10/03/2023	1489	GRAHAM, HOPPER, FARRER &	E/OP/LEGAL	6000.00	6000.00	55195	OCTOBER 2023 BUDGETED FEES
10/03/2023	1700	HILLYARD	PARK/GARAGE AND	372.31	372.31	55196	TISSUE PAPER
10/03/2023	242	HUDSON TOOL RENTAL INC	PARK/GOLF/EQUIP REPAIR	230.00	230.00	55197	GOLF COURSE PORTABLE TOILET
10/03/2023	1364	IMPACT POWER	POLICE/EQUIPMENT	1095.59	1095.59	55198	RECHARGEABLE BATTERY
10/03/2023	821	INNOVATIVE TECH. SOL. INC	E/OP/EQUIPMENT MAINT	102.00	102.00	55199	INTECH MAX SERVER/INTECH MAX
10/03/2023	842	MISTER ICE OF INDIANAPOLIS	PARK/GOLF/EQUIPMENT	166.00	166.00	55200	ICE MACHINE LEASE
10/03/2023	26	MOTOROLA	ARPA	26358.60	26358.60	55201	VIDEO AS A SERVICE ANNUALLY

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Page 2 of 6 Pages

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10/03/2023	664	PEPSI-COLA	PARK/GOLF/CONCESSION	808.29	808.29	55202	DRINKS
10/03/2023	336	PLYMATE APPAREL & MATS	PARK/GARAGE AND	319.24	319.24	55203	MISC SUPPLIES
10/03/2023	1381	SCOTT BERTRAM	LECE/OTHER	37.10	37.10	55204	MEAL REIMBURSEMENT FOR TRAINING
10/03/2023	675	THE TRANSFER CONNECTION	PARK/GOLF/PRO SHOP	3613.40	3613.40	55205	PRO SHOP ATTIRE
10/03/2023	1206	US UNIFORM & SUPPLY	POLICE/CLOTHING POLICE	957.88	957.88	55206	LUCAS TRAYLOR SHIRTS
10/03/2023	192	VERIZON WIRELESS	PLANNING/TELEPHONE	2064.26	2064.26	55207	CELL PHONES
10/03/2023	514	AFLAC	PAY-AFLAC	1401.84	1401.84	55208	OCTOBER
10/03/2023	1579	DELTA DENTAL	POLICE/MEDICAL	2440.09	2440.09	55209	OCTOBER
10/04/2023	86	BROWNSTOWN ELEC SPLY	E/CAP/EQMT PURCHASE	13465.57	13465.57	55210	MISC SUPPLIES
10/04/2023	1660	COLFAX COMMUNICATIONS	W/OP/PROMOTIONS	1200.00	1200.00	55211	OCTOBER 2023 CONSULTING FEES
10/04/2023	1725	CULLIGAN WATER	E/OP/UTILITY OFFICE	149.95	149.95	55212	WATER
10/04/2023	968	DAILY REPORTER	W/OP/LEGALS &	591.50	591.50	55213	WATER JOB POSTING
10/04/2023	1561	DC CONSTRUCTION	LOCAL ROAD	35673.13	35673.13	55214	MILLING WORK
10/04/2023	233	E&E GARAGE DOORS	E/OP/MAINTENANCE OF	145.00	145.00	55215	REPLACE KEYLESS OPENER FOR
10/04/2023	656	GORDON FOOD SERVICE	PARK/GOLF/CONCESSION	400.15	400.15	55216	CONCESSIONS
10/04/2023	1759	HANESBRANDS INC	PARK/GOLF/PRO SHOP	1164.18	1164.18	55217	MISC ATTIRE
10/04/2023	923	LEXIS NEXIS	POLICE/IT	91.50	91.50	55218	SEPTEMBER 2023 CONTRACT FEE
10/04/2023	1592	LINDE GAS & EQUIPMENT INC	MVH/GARAGE AND MISC	43.47	43.47	55219	CYLINDER RENT
10/04/2023	1488	MADISON COUNTY ECONOMIC	ECON DEV/TIF/CED FEE	1210.00	1210.00	55220	SEPTEMBER 2023 SERVICE FEE
10/04/2023	1166	NINESTAR	POLICE/TELEPHONE	2911.60	2911.60	55221	COMMUNICATIONS
10/04/2023	691	SECURITAS ELECTRONIC	E/OP/EQUIPMENT MAINT	61.20	61.20	55222	TOWN HALL MONITORING
10/04/2023	1402	TANTALUS SYSTEMS INC.	E/OP/TRAINING	1500.00	1500.00	55223	KYLE DISHMAN TANTALUS TRAINING
10/04/2023	1620	KATHRYN L EDWARDS	HISTORIC - FACADE	10106.50	10106.50	55224	FINAL INSTALLMENT 111 N MAIN ST
10/05/2023	99999	IU HEALTH	E/OP/MEDICAL	206.00	206.00	55225	ACCT# 98198930 GREGORY
10/05/2023	1365	AMAZON CAPITAL SERVICES	PARK/GOLF/EQUIP REPAIR	8913.70	8913.70	55228	MISC SUPPLIES
10/05/2023	1619	HC3, INC	E/OP/UTILITIY BILLING	2176.51	2176.51	55229	UTILITY MAILINGS
10/05/2023	248	IUPPS INC	E/OP/COMMUNICATION	382.85	382.85	55230	SEPTEMBER 2023 TICKETS
10/05/2023	99999	JEFF HARRIS	PARK/GARAGE AND	200.00	200.00	55231	12 BARRELS
10/05/2023	682	MENARDS - ANDERSON	E/OP/MAINTENANCE OF	688.91	688.91	55232	ELECTRIC BLDG REMODEL
10/05/2023	1504	PLANT GROWTH	E/OP/MAINTENANCE OF	359.00	359.00	55233	URBAN FORESTRY
10/05/2023	301	SERVICE MASTER OF	POLICE/STATION REPAIRS	432.39	432.39	55234	CARPET CLEANING AT STATION
10/06/2023	1205	BANNING ENGINEERING	ECON DEV/TIF/PROJECTS	2000.00	2000.00	55235	PENDLETON BUSINESS PARK TRAIL
10/06/2023	663	CINTAS CORPORATION	MVH/GARAGE AND MISC	1882.77	1882.77	55236	MISC SUPPLIES
10/06/2023	1350	DITCH WITCH MIDWEST	W/OP/EQUIPMENT	1238.04	1238.04	55237	4" HOSE/PROSPECTOR NOZZLE
10/06/2023	193	GALLS, AN ARAMARK CO.	POLICE/CLOTHING POLICE	225.00	225.00	55238	TAC FRIEND OR FOE CAP 2.0
10/06/2023	99999	KIKTHAWENUND CHAPTER,	MVH/REPAIRS TO	1013.00	1013.00	55239	CAP/POST FOR REVOLUTIONARY WAR
10/06/2023	99999	KRISTI SWANGO	PARK/GARAGE AND	100.00	100.00	55240	PHOTOGRAPHY FOR PARK GRAND
10/06/2023	433	PENDLETON TIRE INC	MVH/VEHICLE	1041.00	1041.00	55241	TIRE REPAIR
10/06/2023	1585	iWorQ SYSTEMS, INC	E/OP/UTILITIY BILLING	333.33	333.33	55242	ADDITIONAL LETTER/FORMS
10/10/2023	344	MAD CO TREASURER	USER FEE/COURT COST	140.00	140.00	55243	Fees and Fines



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10/10/2023	9	CO-ALLIANCE COOPERATIVE,	SMFPT FUEL	2426.90	2426.90	55244	PDX-4 115.60 GAL X 3.66 = 424.14
10/10/2023	28	DAN FESLER	SMFPT STATION	55.00	55.00	55245	5 BAGS OF SOLAR SALT
10/10/2023	563	GOODRICK AUTO / TRUCK	SMFPT OTHER/VEHICLES	771.44	771.44	55246	SQUAD 83
10/10/2023	682	MENARDS - ANDERSON	SMFPT STATION	528.31	528.31	55247	60" STEEL HANDLE, VEHICLE BRUSH
10/10/2023	688	NAPA AUTO PARTS	SMFPT OTHER/VEHICLES	0.71	0.71	55248	HOSE CLAMP
10/10/2023	1140	O'REILLY AUTO PARTS	SMFPT OTHER/VEHICLES	10.62	10.62	55249	MARKER LIGHT (ENGINE 82)
10/10/2023	1686	BOUND TREE MEDICAL, LLC	SMFPT EMS SUPPLIES	258.88	258.88	55250	CURAPLEX COHESIVE ELASTIC
10/10/2023	1688	ASCENSION ST VINCENT	SMFPT	68.42	68.42	55251	PHYSICALS
10/10/2023	1691	MEDBILL	SMFPT OTHER/EMS	3074.52	3074.52	55252	BILLING 72,806.35 X 5.5% = 4004.35
10/10/2023	1700	HILLYARD	SMFPT STATION	213.24	213.24	55253	TOILET TISSUE
10/10/2023	1702	LIFELINK LLC	SMFPT EMS SUPPLIES	222.00	222.00	55254	POWERHEART G5 PEDS PADS
10/10/2023	1745	AIRGAS USA, LLC	SMFPT EMS SUPPLIES	12.80	12.80	55255	CYLINDER MED LARGE FOR OXYGEN
10/10/2023	1780	INDY CHAMBER	SMFPT HEALTH	180.00	180.00	55256	DUES FOR ENROLLMENT OF CHAMBER
10/10/2023	1686	BOUND TREE MEDICAL, LLC	SMFPT EMS SUPPLIES	1301.34	1301.34	55257	MULTI TRAUMA DRESSING, CURAPLEX
10/10/2023	137	MONARCH BEVERAGE CO.	PARK/GOLF/CONCESSION	251.90	251.90	55258	Alcohol
10/10/2023	1577	TELADOC	GENERAL/MEDICAL	288.20	288.20	55259	October
10/11/2023	1320	TODD MILLER	PARK/COMPLEX/ACTIVITIE	1200.00	1200.00	55260	Sports Complex Director
10/11/2023	1767	ISAIAH JACKSON III	PARK/COMPLEX/GROUND	595.00	595.00	55261	Co-ed Softball Umpire 3 games on 9/12/23
10/11/2023	1079	TIM BOYD	PARK/COMPLEX/GROUND	1365.00	1365.00	55262	Co-ed Softball Umpire 4 games on 8/1/23
10/13/2023	1713	POLICE AND FIREMENS	PAY-FIREMANS	633.56	633.56	55263	101323 payroll
10/16/2023	485	SIGN-AGE INC	TREE /OTHER	480.70	480.70	55264	Full Color Decals
10/17/2023	370	AUTOZONE, INC	E/OP/MAINT/TRANSPORTA	22.68	22.68	55265	VEHICLE REPAIRS
10/17/2023	1205	BANNING ENGINEERING	ECON DEV/TIF/LEGAL	100.00	100.00	55266	PENDLETON BUSINESS PARK TRAIL
10/17/2023	2	BOYCE, INC	E/OP/UTILITY OFFICE	47.25	47.25	55267	DOCULIVERY
10/17/2023	1423	COMMONWEALTH	STORM/CONSULTING	3720.77	3720.77	55268	MS4 GENERAL PERMIT
10/17/2023	1775	GET THREADS, LLC	E/OP/UTILITY OFFICE	316.00	316.00	55269	CT CLOTHING
10/17/2023	1489	GRAHAM, HOPPER, FARRER &	PLANNING/LEGAL	280.00	280.00	55270	PENDLETON GENERAL FILE
10/17/2023	1749	HANNUM, WAGLE & CLINE	W/CAPITAL	4930.00	4930.00	55271	PENDLETON WATERMAIN EXTENSION
10/17/2023	842	MISTER ICE OF INDIANAPOLIS	E/OP/GARAGE SUPPLIES	149.00	149.00	55272	ICE MACHINE LEASE
10/17/2023	1140	O'REILLY AUTO PARTS	PARK/GARAGE AND	233.54	233.54	55273	MISC SUPPLY
10/17/2023	1766	REEDY FINANCIAL GROUP, PC	GEN/PROFESSIONAL SVS.	5050.10	5050.10	55274	PLANNING & BUDGETING
10/17/2023	1247	RYAN BRASHEARS	W/OP/MISC BENEFITS	103.98	103.98	55275	BOOT REIMBURSEMENT
10/17/2023	636	THE EBIZ SHOP, LLC	E/OP/COMMUNICATION	1325.00	1325.00	55276	SOCIAL MEDIA CAMPAIGN
10/17/2023	1451	U.S. BANK NATIONAL	E/OP/UTILITY OFFICE	1041.11	1041.11	55277	COPIER LEASE
10/17/2023	192	VERIZON WIRELESS	W/OP/COMMUNICATION	180.28	180.28	55278	MACHINE TO MACHINE
10/17/2023	1584	EMPLOYEE BENEFITS	E/OP/MEDICAL	60.00	60.00	55279	HSA Fee
10/17/2023	9	CO-ALLIANCE COOPERATIVE,	SMFPT FUEL	1803.17	1803.17	55280	PDX - 4 348.40 GAL X 3.51 = 1233.68
10/17/2023	945	KNOX COMPANY	SMFPT EQUIPMENT	3041.00	3041.00	55281	KNOX BOX UNITS FOR TRUCKS
10/17/2023	1686	BOUND TREE MEDICAL, LLC	SMFPT EMS SUPPLIES	33.49	33.49	55282	COBAN SELF-ADHERENT WRAP 1X5
10/17/2023	1140	O'REILLY AUTO PARTS	SMFPT OTHER/VEHICLES	46.69	46.69	55283	LED LIGHT FOR MEDIC 81

# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

## TOWN OF PENDLETON

GOVERNMENTAL UNIT

AGENCY

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Page 4 of 6 Pages

Installed by the TOWN OF PENDLETON-2018

General Form No. 364 (1997) APVREGISTER\_SUM.FRX

Check Date	Vendor	Name of Claimant	Office Department	Amount of Voucher	Amount Allowed	Warrant	Check/Memorandum (See Note (2) Above)
10/17/2023	1686	BOUND TREE MEDICAL, LLC	SMFPT EMS SUPPLIES	31.47	31.47	55284	HANDLE, LARYNGOSCOPE, INTUBRITE,
10/17/2023	1699	ASCENSION ST. VINCENT	SMFPT EMS SUPPLIES	353.67	353.67	55285	SEPTEMBER 2023
10/17/2023	1588	OHIO FIRST RESPONDER	FIRE SERVICE	337.50	337.50	55286	Semi-Annual Performance Report
10/20/2023	1420	BAKER TILLY MUNICIPAL	W/OP/CONSULTING FEES	4195.00	4195.00	55288	BILLING FOR FISCAL PLAN AND
10/20/2023	784	BANE-WELKER EQUIPMENT	PARK/REPAIRS EQUIP(INC	10.75	10.75	55289	MISC PARTS
10/20/2023	1544	BARNES & THORNBURG LLP	IMPACT	14758.00	14758.00	55290	LEGAL SERVICES RENDERED FOR
10/20/2023	68	BEST WAY DISPOSAL, INC	TRASH CONTRACT	29934.75	29934.75	55291	TOWN TRASH CONTRACT
10/20/2023	1479	BOBS GARAGE DOORS, LLC	STORAGE/REPAIRS TO	296.59	296.59	55292	STORAGE DOOR REPAIRS
10/20/2023	1781	C&H PRECISION WEAPONS,	ARPA	1135.20	1135.20	55293	SWMP-509T-ST
10/20/2023	1529	CDM SMITH INC.	IMPACT	12645.00	12645.00	55294	US 36 PEDESTRIAN CONNECTIVITY
10/20/2023	9	CO-ALLIANCE COOPERATIVE,	MVH/FUEL	6715.48	6715.48	55295	FUEL
10/20/2023	1772	COLORART, LLC	E/OP/UTILITY OFFICE	466.35	466.35	55296	ENVELOPES
10/20/2023	968	DAILY REPORTER	PLANNING/LEGALS	181.35	181.35	55297	NOPH
10/20/2023	1021	DOXPOP, LLC	POLICE/IT	45.00	45.00	55298	SUBSCRIPTION SERVICE
10/20/2023	1406	ECONO SIGNS, LLC	MVH/STREET SIGNS	259.91	259.91	55299	HIGH INTENSITY STREET SIGNS
10/20/2023	187	FOP LODGE 48	PAY-FOP DUES	244.47	244.47	55300	SEPTEMBER 2023 WITHHELD
10/20/2023	1050	GOLF CARS PLUS	PARK/GOLF/EQUIP REPAIR	28.86	28.86	55301	RED KEY CODE YAMAHA
10/20/2023	656	GORDON FOOD SERVICE	PARK/GOLF/CONCESSION	352.85	352.85	55302	CONCESSIONS
10/20/2023	1057	HAWKINS, INC.	W/OP/CHEMICALS	595.06	595.06	55303	CHEMICALS
10/20/2023	111	INDIANA MEDIA GROUP	PLANNING/LEGALS	216.29	216.29	55304	BOARD OF ZONING
10/20/2023	821	INNOVATIVE TECH. SOL. INC	PERPETUATION/PROFESSI	115.00	115.00	55305	COURT IT WORK
10/20/2023	1240	J & M GOLF INC	PARK/GOLF/PRO SHOP	310.32	310.32	55306	ZNRGY FLTSO
10/20/2023	682	MENARDS - ANDERSON	W/OP/WATER GARAGE	1509.14	1509.14	55308	MISC SUPPLIES
10/20/2023	377	MOFAB INC.	MVH/STREET SIGNS	52.60	52.60	55309	MISC SUPPLIES
10/20/2023	433	PENDLETON TIRE INC	E/OP/MAINT/TRANSPORTA	2435.50	2435.50	55310	TIRES FOR SMALL BUCKET TRUCK
10/20/2023	1468	MULTI SERVICE TECHNOLOGY	W/OP/MISC BENEFITS	200.00	200.00	55311	ADAM SMITH BOOTS
10/20/2023	1633	ROGER C YATTAW	E/OP/MAINTENANCE OF	120.00	120.00	55312	WINDOW CLEANING TOWN HALL
10/20/2023	1106	RPM MACHINERY	W/OP/EQUIPMENT	178.50	178.50	55313	GLASS/STRIP/WINDOW ADHESIVE
10/20/2023	1551	CDP ENTERPRISES	PARK/REPAIRS EQUIP(INC	15.03	15.03	55314	MISC REPAIR SUPPLIES
10/23/2023	1574	GROW PROPERTIES LLC	HISTORIC - FACADE	16667.00	16667.00	55315	Grow Properties first installment
10/24/2023	32	ANDERSON CITY UTILITIES	ECON DEV/TIF/67TH	168.40	168.40	55316	NEW ROAD DESIGN
10/24/2023	62	BAXTER PEST	E/OP/MAINTENANCE OF	172.00	172.00	55317	ALLTRA QUARTERLY
10/24/2023	1087	CONTINENTAL UTILITY	E/OP/UTILITY OFFICE	12.00	12.00	55318	ACH TRANSACTION
10/24/2023	180	FILBRUN PEAT MOSS	PARK/EQUIP	3464.00	3464.00	55319	5' METAL SWING SET FRAME
10/24/2023	656	GORDON FOOD SERVICE	MVH/GARAGE AND MISC	439.40	439.40	55320	MISC SUPPLIES
10/24/2023	1782	GREGORY HELSELL	PARK/MUSEUM REPAIR	1500.00	1500.00	55321	CHRISTMAS LIGHTS INSTALLED AT
10/24/2023	1700	HILLYARD	PARK/GARAGE AND	206.76	206.76	55322	TISSUE TOILET PAPER
10/24/2023	872	INDIANA STATE POLICE	USER FEE/LECE	24.00	24.00	55323	SEPTEMBER 2023 LECE
10/24/2023	1658	JM TEST SYSTEMS, INC	E/OP/EQUIPMENT MAINT	667.54	667.54	55324	ANNUAL GLOVE TESTING
10/24/2023	1504	PLANT GROWTH	PARK/GROUNDS REPAIRS	31.80	31.80	55325	VITAL BLEND

# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

## TOWN OF PENDLETON

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Page 5 of 6 Pages

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10/24/2023	469	REYNOLDS FARM EQMT INC	PARK/REPAIRS EQUIP(INC	1797.94	1797.94	55326	GATOR REPAIR
10/24/2023	1562	SOUND BILLING, LLC	E/OP/MAINT/TRANSPORTA	446.56	446.56	55327	2021 FORD TRUCK OIL CHANGE
10/24/2023	675	THE TRANSFER CONNECTION	PARKS/UNIFORMS	70.00	70.00	55328	ZIP UP HOODIES
10/24/2023	1320	TODD MILLER	PARK/COMPLEX/ACTIVITIE	1200.00	1200.00	55329	SPORTS COMPLEX DIRECTOR
10/24/2023	871	TOWN OF INGALLS	USER FEE/LECE	32.00	32.00	55330	JULY - SEPTEMBER 2023 LECE
10/25/2023	9	CO-ALLIANCE COOPERATIVE,	SMFPT FUEL	880.15	880.15	55331	PDX-4 204.40 GAL X 3.73 = 763.64
10/25/2023	62	BAXTER PEST	SMFPT STATION	78.00	78.00	55332	4TH QTR TREATMENT
10/25/2023	176	FALL CREEK REG WASTE DIS	SMFPT UTILITIES STATION	41.08	41.08	55333	08/16/2023 TO 09/16/2023
10/25/2023	309	DUKE ENERGY PAYMENT	SMFPT UTILITIES STATION	179.02	179.02	55334	SEPT 8 TO OCT 6,2023
10/25/2023	549	CENTERPOINT ENERGY	SMFPT UTILITIES STATION	93.18	93.18	55335	09/07/2023 TO 10/06/2023
10/25/2023	589	AT&T MOBILITY	SMFPT UTILITIES STATION	531.08	531.08	55336	SEPT 12TH TO OCT 11TH 2023
10/25/2023	682	MENARDS - ANDERSON	SMFPT STATION	29.97	29.97	55337	SMOKE DETECTORS BATTERIES
10/25/2023	1140	O'REILLY AUTO PARTS	SMFPT OTHER/VEHICLES	37.28	37.28	55338	WPER BLADES
10/25/2023	1642	NELSON & CO. LLC	SMFPT OTHER/UNIFORMS	47.50	47.50	55339	QTY 25 USA FLAG SEW ON PATCH
10/25/2023	1686	BOUND TREE MEDICAL, LLC	SMFPT EMS SUPPLIES	2094.87	2094.87	55340	IV CATHETER, VIALON
10/25/2023	1702	LIFELINK LLC	SMFPT EMS SUPPLIES	2589.60	2589.60	55341	POWERHEART G5 AED
10/25/2023	99999	Jason Clendenen	E/METER/REFUND	3.15	3.15	55342	Utility Refund
10/25/2023	434	PENDLETON UTILITIES	W/DEP/METERS	695.00	695.00	55343	Water Meter Refund Applied
10/26/2023	3	Wills & Son Inc	MVH/STREET & ROAD	575.00	575.00	55344	S PENDLETON AVE STRIPING
10/26/2023	770	ADVANCED TURF SOLUTIONS	PARK/GOLF/GROUNDS	271.25	271.25	55345	PUREWAY FAIRWAY BLEND
10/26/2023	1565	DROPBOX, INC.	E/OP/UTILITY OFFICE	3240.00	3240.00	55346	DROPBOX STANDARD USER LICENSE
10/26/2023	433	PENDLETON TIRE INC	MVH/EQUIPMENT	10.00	10.00	55347	TIRE REPAIR
10/26/2023	1504	PLANT GROWTH	E/OP/MAINTENANCE OF	3733.60	3733.60	55348	URBAN FORESTRY
10/26/2023	1783	SUNBELT SOLOMON	E/OP/EQUIPMENT MAINT	1990.28	1990.28	55349	OLD TRANSFORMER TESTING AND
10/26/2023	1784	USI CONSULTANTS, INC	ARPA	7515.00	7515.00	55350	PENDLETON SALT STORAGE
10/26/2023	397	COMCAST CABLE	SMFPT UTILITIES STATION	22.56	22.56	55351	10/24/23 TO 11/23/23
10/26/2023	1519	STRYKER SALES	SMFPT EMS SUPPLIES	807.82	807.82	55352	RAINBOW PATIENT CABLE,
10/26/2023	1599	INGALLS WATER COMPANY	SMFPT UTILITIES STATION	52.33	52.33	55353	08/09/2023 TO 09/07/2023
10/26/2023	1677	ESO SOLUTIONS, INC	SMFPT	6010.00	6010.00	55354	OCTOBER 1, 2023 TO SEPTEMBER 30,
10/27/2023	1713	POLICE AND FIREMENS	PAY-FIREMANS	633.56	633.56	55355	102723 payroll
10/31/2023	1365	AMAZON CAPITAL SERVICES	E/DEP/OFFICE EQUIP &	2131.66	2131.66	55356	MISC COMPUTER SUPPLIES FOR NEW
10/31/2023	549	CENTERPOINT ENERGY	POLICE/GAS CO	174.71	174.71	55357	GAS
10/31/2023	1087	CONTINENTAL UTILITY	W/OP/UTILITY OFFICE	700.00	700.00	55358	CREDIT CARD TERMINAL
10/31/2023	193	GALLS, AN ARAMARK CO.	ARPA	751.24	751.24	55359	Z-FOLDED COMBAT GAUZE LE
10/31/2023	656	GORDON FOOD SERVICE	PARK/GOLF/CONCESSION	153.98	153.98	55360	CONCESSIONS
10/31/2023	712	INTERNATIONAL	POLICE/IT	525.00	525.00	55361	IACP DEPARTMENT SUBSCRIPTION
10/31/2023	634	KOORSEN FIRE & SECURITY	PARK/REPAIRS EQUIP(INC	712.95	712.95	55362	ANNUAL SPRINKLER SYSTEM
10/31/2023	961	MAXIM AUTOMATION, INC	W/DEP/EQUIPMENT MAINT	5710.00	5710.00	55363	LATEST VERSION OF WIN911 AND ONE
10/31/2023	137	MONARCH BEVERAGE CO.	PARK/GOLF/CONCESSION	274.30	274.30	55364	ALCOHOL
10/31/2023	1628	ODP BUSINESS SOLUTIONS,	W/OP/UTILITY OFFICE	33.48	33.48	55365	MISC OFFICE SUPPLIES

# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

## TOWN OF PENDLETON

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Page 6 of 6 Pages

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10/31/2023	1080	KENDEL ENTERPRISES, INC	COURT/OFFICE SUPPLIES	729.00	729.00	55366	SHREDDING OF OLD COURT
10/31/2023	766	QUILL CORP.	W/OP/UTILITY OFFICE	249.76	249.76	55367	MISC OFFICE SUPPLIES
10/31/2023	485	SIGN-AGE INC	TREE /OTHER	108.00	108.00	55368	TREE PLANTING SIGNS
10/31/2023	1402	TANTALUS SYSTEMS INC.	E/OP/TRAINING	1500.00	1500.00	55369	2023 TANTALUS UNIVERSITY JACOB
10/31/2023	1206	US UNIFORM & SUPPLY	POLICE/CLOTHING POLICE	1167.70	1167.70	55370	FARRER USU SAFARILAND
10/02/2023	1580	VSP INSURANCE CO. (CT)	POLICE/MEDICAL	838.30	838.30	M52966	VISION OCTOBER
10/02/2023	1571	UNITED HEALTHCARE	GENERAL/MEDICAL	66377.16	66377.16	M52968	October health insurance
10/02/2023	1578	THE STANDARD	PAY-LFE INSURANCE	2327.74	2327.74	M52969	The Standard
10/02/2023	348	FIRST MERCHANTS	PARK/OFFICE SUPPLIES	60.61	60.61	M53007	CHARGE CARD FEES
10/04/2023	1040	IN TREASURER OF STATE	W/OP/LEGALS &	5850.00	5850.00	M53009	STATE BOARD OF ACCOUNTS WATER
10/04/2023	1040	IN TREASURER OF STATE	E/OP/LEGALS &	11820.00	11820.00	M53010	SBOA ELECTRIC AUDIT
10/05/2023	701	TRANSFERS	MVH/VEHICLE	5400.00	5400.00	M53013	GOLF CART PURCHASED FROM PARKS
10/02/2023	348	FIRST MERCHANTS	GENERAL/BANK SERVICE	179.13	179.13	M53017	Bank Analysis Fee
10/14/2023	256	IN DEPT OF REVENUE	PAY-STATE W/H	29242.43	29242.43	M53080	September payroll
10/14/2023	267	IN DEPT OF REVENUE	E/OP/SALES TAX	58941.26	58941.26	M53081	September reports
10/14/2023	312	IN DEPT OF REVENUE	PARK/GOLF/FOOD &	63.76	63.76	M53082	September reports
10/16/2023	701	TRANSFERS	USER FEE/LECE	28.00	28.00	M53086	Third Quarter July-September
10/16/2023	434	PENDLETON UTILITIES	PARK/POOL/ELECTRIC	21479.81	21479.81	M53120	Utilities
10/24/2023	1756	WEX BANK	MVH/FUEL	6978.85	6978.85	M53159	FUEL
10/24/2023	814	MASTERCARD/BUSINESS	PARK/POOL/SUPPLIES	2614.96	2614.96	M53176	BLINK
10/27/2023	990	INDIANA CHILD SUPPORT	PAY-SUPPORT O	1838.00	1838.00	M53251	October payroll
10/30/2023	348	FIRST MERCHANTS	PAY-DIRECT DEPOSIT	303122.52	303122.52	M53252	october payroll
10/30/2023	1785	LENDERS ESCROW AND	ECON DEV/TIF/PROJECTS	206530.51	206530.51	M53253	Purchase 239 Mill Road
10/30/2023	451	PERF OF INDIANA	GEN CT OFFICE / PERF	54029.21	54029.21	M53254	October payroll
10/27/2023	585	INTERNAL REVENUE SVC	GEN/FICA	88469.19	88469.19	M53255	october payroll
10/27/2023	1584	EMPLOYEE BENEFITS	PAY HSA CONTRIBUTIONS	8110.76	8110.76	M53257	october payroll
10/27/2023	1714	NATIONWIDE RETIREMENT	PAY-457 DEF COMP	8733.29	8733.29	M53258	october payroll
10/31/2023	257	INDIANA DEPT OF	PLANNING/UNEMPLOYME	879.86	879.86	M53259	2023 payroll 3rd quarter
10/13/2023	1600	PAYROLL	GEN/TOWN COUNCIL	92912.34	92912.34	M53263	Town Council
10/13/2023	1600	PAYROLL	PLANNING/SALARIES	54357.16	54357.16	M53264	Planning
10/13/2023	1600	PAYROLL	SMFPT FIRE CHIEF	71673.59	71673.59	M53265	SMFPT chief wages
10/27/2023	1600	PAYROLL	GEN/TOWN COUNCIL	84090.27	84090.27	M53266	Town Council
10/27/2023	1600	PAYROLL	PLANNING/SALARIES	40552.39	40552.39	M53267	Planning
10/27/2023	1600	PAYROLL	SMFPT FIRE CHIEF	58683.88	58683.88	M53268	SMFPT chief wages
10/30/2023	1600	PAYROLL	SMFPT FIRE CHIEF	33166.34	33166.34	M53269	SMFPT chief wages
		<b>Checks: 0- 55370</b>		2393597.87	2393597.87		

I hereby certify that each of the above listed vouchers and the invoices, or bills attached thereto, are true and correct and I have audited same in accordance with IC 5-11-10-1.6

\_\_\_\_\_

\_\_\_\_\_

Fiscal Officer

ALLOWANCE OF ACCOUNTS PAYABLE VOUCHERS

TOWN OF PENDLETON

We have examined the Accounts Payable Vouchers listed on the foregoing Register of Accounts Payable Vouchers consisting of \_\_\_\_\_<sup>6</sup> pages and except for accounts payables not allowed as shown on the Register such accounts payables are hereby allowed in the total amount of \$ 2393597.87 .

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signatures of Governing Board

# Pendleton Police Department

## Monthly Report-----October 2023

- 1) 10/15- **Pursuit**- Officers of the Pendleton Police Department were involved in a pursuit of a serious violent felon. The suspects actions resulted in a fatality crash, and he has been charged and pending trial.
- 2) 10/16- **Firearm qualifications**- All Officers qualified with the new 9mm pistols, which included the Holosun red dot optic.
- 3) 10/30- **Tac-Med Training**- Under the guidance of Officer Silva, Officers were placed in realistic scenarios and being fired upon using simunition rounds. Officers had to react to threats and then provide medical care to the wounded Officers.
- 4) 10/31- **New Hire**- Officer Kenneth Wes Owen started his first shift after returning t the Pendleton Police Department.

### Dispatch recorded calls for October-----1369

Traffic Crash Investigations-----17

Adult Criminal Arrests-----30

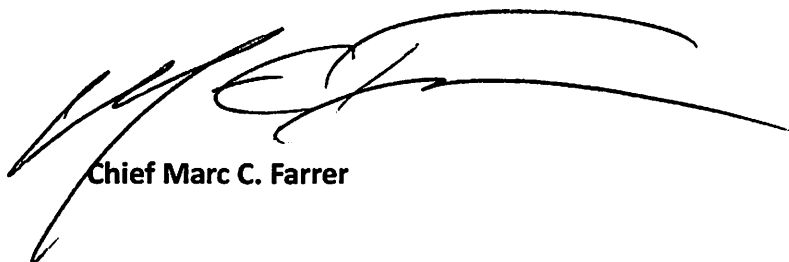
Juvenile Criminal Arrests-----2

Ordinance Violations-----2

Ordinance Warnings-----2

Indiana Code Warnings-----48

Indiana Code Citations-----47



Chief Marc C. Farrer



# Incident Breakdown By Month Report

Print Date/Time: 11/01/2023 07:56

Login ID: cwhtsel

Pendleton Police

ORI Number: IN0480500

Incident Type	January		February		March		April		May		June		July		August		September		October		November		December		Yearly Totals
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
911 Investigation	10	8.3	11	9.1	13	10.7	8	6.6	12	9.9	17	14.0	14	11.6	16	13.2	12	9.9	8	6.6	0	0.0	0	0.0	121
Abandoned	0	0.0	4	28.6	0	0.0	2	14.3	0	0.0	1	7.1	1	7.1	3	21.4	1	7.1	2	14.3	0	0.0	0	0.0	14
Accident Property	9	4.0	20	8.8	20	8.8	29	12.8	28	12.4	20	8.8	21	9.3	29	12.8	30	13.3	20	8.8	0	0.0	0	0.0	226
Accident w/Injuries	5	5.9	11	12.9	5	5.9	8	9.4	12	14.1	11	12.9	3	3.5	10	11.8	13	15.3	7	8.2	0	0.0	0	0.0	85
Alarm Burglary	6	7.0	10	11.6	13	15.1	10	11.6	10	11.6	6	7.0	6	7.0	8	9.3	6	7.0	11	12.8	0	0.0	0	0.0	86
Alarm Hold Up	1	7.1	0	0.0	1	7.1	2	14.3	4	28.6	3	21.4	0	0.0	0	0.0	0	0.0	3	21.4	0	0.0	0	0.0	14
All Other Offense	4	3.8	7	6.7	6	5.7	13	12.4	11	10.5	8	7.6	16	15.2	14	13.3	16	15.2	10	9.5	0	0.0	0	0.0	105
Animal Complaint	2	5.3	3	7.9	3	7.9	3	7.9	2	5.3	4	10.5	7	18.4	4	10.5	6	15.8	4	10.5	0	0.0	0	0.0	38
Assault	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2
Assist	1	8.3	1	8.3	0	0.0	0	0.0	2	16.7	3	25.0	1	8.3	1	8.3	3	25.0	0	0.0	0	0.0	0	0.0	12
Assist EMS	2	6.1	5	15.2	3	9.1	3	9.1	4	12.1	5	15.2	2	6.1	2	6.1	1	3.0	6	18.2	0	0.0	0	0.0	33
Assist Police	6	7.2	5	6.0	11	13.3	8	9.6	10	12.0	9	10.8	6	7.2	6	7.2	11	13.3	11	13.3	0	0.0	0	0.0	83
Auto Aid	24	10.2	18	7.6	22	9.3	22	9.3	31	13.1	19	8.1	29	12.3	29	12.3	23	9.7	18	7.6	1	0.4	0	0.0	236
Battery	5	14.7	1	2.9	3	8.8	3	8.8	2	5.9	2	5.9	3	8.8	5	14.7	6	17.6	4	11.8	0	0.0	0	0.0	34
Burglary	3	18.8	0	0.0	1	6.3	1	6.3	4	25.0	2	12.5	1	6.3	1	6.3	0	0.0	3	18.8	0	0.0	0	0.0	16
Child Offense	4	33.3	0	0.0	1	8.3	1	8.3	1	8.3	1	8.3	2	16.7	0	0.0	1	8.3	1	8.3	0	0.0	0	0.0	12
Civil Dispute	1	25.0	0	0.0	1	25.0	0	0.0	0	0.0	1	25.0	1	25.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	4
Damage to	2	6.5	3	9.7	2	6.5	7	22.6	4	12.9	2	6.5	2	6.5	2	6.5	3	9.7	4	12.9	0	0.0	0	0.0	31
DCS Assist	1	20.0	0	0.0	1	20.0	0	0.0	1	20.0	1	20.0	0	0.0	1	20.0	0	0.0	0	0.0	0	0.0	0	0.0	5
Disturbance - Non	0	0.0	3	13.6	2	9.1	5	22.7	1	4.5	2	9.1	6	27.3	1	4.5	0	0.0	2	9.1	0	0.0	0	0.0	22
Domestic	6	15.0	2	5.0	3	7.5	5	12.5	7	17.5	4	10.0	5	12.5	2	5.0	4	10.0	2	5.0	0	0.0	0	0.0	40
Drug Investigation	4	23.5	1	5.9	0	0.0	1	5.9	3	17.6	0	0.0	1	5.9	6	35.3	0	0.0	1	5.9	0	0.0	0	0.0	17
Escort	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Follow Up	9	6.7	11	8.2	17	12.7	16	11.9	38	28.4	12	9.0	7	5.2	9	6.7	6	4.5	9	6.7	0	0.0	0	0.0	134
Fraud	3	15.0	3	15.0	0	0.0	4	20.0	3	15.0	1	5.0	1	5.0	3	15.0	1	5.0	1	5.0	0	0.0	0	0.0	20
Harassment	1	7.1	1	7.1	0	0.0	1	7.1	1	7.1	0	0.0	3	21.4	4	28.6	0	0.0	3	21.4	0	0.0	0	0.0	14



# Incident Breakdown By Month Report

Print Date/Time: 11/01/2023 07:56

Login ID: gw2tsel

Pendleton Police

ORI Number: IN0480500

Incident Type	January		February		March		April		May		June		July		August		September		October		November		December		Yearly Totals
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Intoxicated Person	0	0.0	2	33.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	16.7	2	33.3	1	16.7	0	0.0	0	0.0	6
Lost/Found	1	5.9	1	5.9	0	0.0	0	0.0	2	11.8	3	17.6	1	5.9	2	11.8	3	17.6	4	23.5	0	0.0	0	0.0	17
Missing/Runaway	2	15.4	1	7.7	1	7.7	0	0.0	0	0.0	4	30.8	0	0.0	3	23.1	2	15.4	0	0.0	0	0.0	0	0.0	13
Motor Check	5	5.7	4	4.6	5	5.7	4	4.6	10	11.5	19	21.8	10	11.5	10	11.5	11	12.6	9	10.3	0	0.0	0	0.0	87
Motor Vehicle	0	0.0	0	0.0	3	30.0	0	0.0	1	10.0	1	10.0	0	0.0	2	20.0	2	20.0	1	10.0	0	0.0	0	0.0	10
New Call	0	0.0	3	21.4	0	0.0	2	14.3	1	7.1	2	14.3	2	14.3	2	14.3	1	7.1	1	7.1	0	0.0	0	0.0	14
Open	0	0.0	4	30.8	2	15.4	0	0.0	2	15.4	2	15.4	1	7.7	2	15.4	0	0.0	0	0.0	0	0.0	0	0.0	13
Ordinance	3	9.4	2	6.3	1	3.1	3	9.4	1	3.1	2	6.3	3	9.4	6	18.8	9	28.1	2	6.3	0	0.0	0	0.0	32
Patrol Check	826	10.3	783	9.7	726	9.0	597	7.4	591	7.3	662	8.2	908	11.3	940	11.7	1026	12.7	981	12.2	15	0.2	0	0.0	8055
Property Check	169	13.9	166	13.6	168	13.8	115	9.4	113	9.3	96	7.9	100	8.2	117	9.6	131	10.7	34	2.8	11	0.9	0	0.0	1220
Public Assist	1	6.3	0	0.0	0	0.0	1	6.3	4	25.0	2	12.5	4	25.0	2	12.5	0	0.0	2	12.5	0	0.0	0	0.0	16
Resisting	0	0.0	0	0.0	0	0.0	1	25.0	0	0.0	0	0.0	0	0.0	0	0.0	3	75.0	0	0.0	0	0.0	0	0.0	4
Retail Theft	0	0.0	0	0.0	0	0.0	0	0.0	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2
Robbery - Armed	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Sex Offense	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Shooting	0	0.0	1	16.7	0	0.0	0	0.0	3	50.0	0	0.0	1	16.7	0	0.0	1	16.7	0	0.0	0	0.0	0	0.0	6
Sick/Injured	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Suicide	1	4.3	0	0.0	1	4.3	2	8.7	2	8.7	2	8.7	4	17.4	3	13.0	3	13.0	5	21.7	0	0.0	0	0.0	23
Suspicious Activity	21	7.3	28	9.7	29	10.1	23	8.0	28	9.7	39	13.5	26	9.0	32	11.1	31	10.8	31	10.8	0	0.0	0	0.0	288
Theft	5	9.1	3	5.5	9	16.4	4	7.3	4	7.3	8	14.5	5	9.1	5	9.1	5	9.1	7	12.7	0	0.0	0	0.0	55
Traffic Problem	7	9.7	4	5.6	5	6.9	6	8.3	5	6.9	14	19.4	9	12.5	10	13.9	7	9.7	5	6.9	0	0.0	0	0.0	72
Traffic Stop	199	8.0	155	6.3	249	10.0	247	10.0	208	8.4	240	9.7	444	17.9	259	10.4	347	14.0	131	5.3	0	0.0	0	0.0	2479
Transport	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1
Trespass	0	0.0	0	0.0	0	0.0	0	0.0	1	50.0	0	0.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2
Trouble With	8	5.4	15	10.1	4	2.7	13	8.7	19	12.8	17	11.4	21	14.1	21	14.1	16	10.7	15	10.1	0	0.0	0	0.0	149
Warrant Service	3	12.5	3	12.5	5	20.8	2	8.3	1	4.2	0	0.0	5	20.8	3	12.5	2	8.3	0	0.0	0	0.0	0	0.0	24





# Incident Breakdown By Month Report

Print Date/Time: 11/01/2023 07:56  
 Login ID: cwhetsel  
 Year: 2023

Pendleton Police  
 ORI Number: IN0480500  
 Incident Type: All

Incident Type	January		February		March		April		May		June		July		August		September		October		November		December		Yearly Totals
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Welfare Check	6	5.4	13	11.6	12	10.7	6	5.4	14	12.5	16	14.3	4	3.6	15	13.4	16	14.3	10	8.9	0	0.0	0	0.0	112
<b>Total:</b>	1368	9.7	1309	9.3	1348	9.6	1179	8.4	1203	8.5	1265	9.0	1688	12.0	1591	11.3	1761	12.5	1369	9.7	27	0.2	0	0.0	14108

# October 2023 Accidents

## ACCIDENT SEARCH

Print Date/Time: 11/1/2023 10:18:11 AM

Accident Date/Time	Accident Type	Location
10/30/2023 17:30:00	Rear End	S RT 67 / W RT 38, Pendleton
10/27/2023 22:43:00	Same Direction Sideswipe	217 MM I 69 N, Pendleton
10/26/2023 16:50:00	Left Turn	W RT 38 / S RT 67, Pendleton
10/26/2023 02:07:00	Collision with animal other	218 MM I 69 S, Pendleton
10/25/2023 07:26:00	Left Turn	S RT 67 / E STATE ST, Pendleton
10/23/2023 07:42:00	Ran off Road	218 MM I 69 S, Pendleton
10/23/2023 06:49:00	Rear End	S RT 67 / E STATE ST, Pendleton
10/19/2023 18:34:00	Opposite Direction Sideswipe	W STATE ST / N PENDLETON AVE, Pendleton
10/19/2023 15:57:00	Rear End	E WATER ST / N EAST ST, Pendleton
10/18/2023 03:25:00	Right Angle	S RT 67 / HUNTSVILLE RD, Pendleton
10/17/2023 10:47:00	Other	116 E STATE ST, Pendleton
10/17/2023 10:45:00	Ran off Road	W CORD 600 S / S CORD 400 W
10/13/2023 07:34:00	Rear End	W RT 38 / W STATE ST, Pendleton
10/09/2023 08:21:00	Rear End	S RT 67 / N PENDLETON AVE, Pendleton
10/03/2023 23:57:00	Ran off Road	E STATE ST / N CAROLINE ST, Pendleton
10/03/2023 16:20:00	Right Angle	0 W USHY 36, Pendleton
10/03/2023 07:15:00	Head-on collision	1 ARABIAN DR, Pendleton

Total Rows: 17



# Adult Arrest Charge Summary

Print Date/Time: 11/01/2023 10:20  
Login ID: cwhetsel

From Date: 10/01/2023 00:00  
To Date: 10/31/2023 23:59  
Officer: All

Pendleton Police  
ORI Number: IN0480500  
Ordered By: CrimeCode/Statute

Statute	Crime Code and Description	Counts	# of Arrests using Crime Code
35-43-5-4(b)	26A   Fraud (F6)	1	1
35-48-4-10(C)	35A   Dealing marijuana/hashish/salvia- Felony	2	2
35-48-4-11(a)	35A   Possession marijuana/hash oil/hashish/salvia	4	4
35-48-4-6	35A   Possession cocaine or narcotic drug	2	2
35-48-4-6.1	35A   Possession methamphetamine	1	1
35-48-4-8.3	35B   Possession paraphernalia	1	1
7.1-5-1-3	90C   Public Intoxication (Alcohol)	1	1
9-30-5-1(a)	90D   Operating a vehicle with BAC .08 to .15	1	1
9-30-5-1(b)	90D   Operating a vehicle with BAC of .15 or more	3	3
9-30-5-1(c)	90D   Operating with controlled substance in body	2	2
9-30-5-2(b)	90D   Operating a vehicle while intoxicated- endangerment	6	6
9-24-19-2	90Z   Driving while suspended- prior suspension within 10 years	3	3
9-25-8-2	90Z   Operating or permitting operation without financial responsibility- having a prior unrelated conviction or judgment	2	2
9-26-1-1.1(b)	90Z   Leaving the scene of a crash- property damage	1	1
<b>Totals:</b>		<b>30</b>	<b>30</b>



# Juvenile Arrest Charge Summary

Print Date/Time: 11/01/2023 10:20  
Login ID: cwhetsel

From Date: 10/01/2023 00:00  
To Date: 10/31/2023 23:59  
Officer: All

Pendleton Police  
ORI Number: IN0480500  
Ordered By: CrimeCode/Statute

Statute	Crime Code and Description	Counts	# of Arrests using Crime Code
35-42-2-1(d)(1)	13B   Battery - A misdemeanor (bodily injury)	1	1
35-48-4-11(a)	35A   Possession marijuana/hash oil/hashish/salvia	1	1
<b>Totals:</b>		<b>2</b>	<b>2</b>

# October 2023 Ordinance Tickets

OffenseDateTime	IsWarning	ViolationC	ViolationD	SpeedPost	SpeedActu	Location
10/11/2023 12:25	N	CHP 72-SC	TRUCK ROUTES			238 N PENDLETON AVENUE PENDLETON
10/28/2023 11:21	N	71.01	PARKING-FIRE HYDRANT, FIRE LA			106 N PENDLETON AVENUE PENDLETON

# October 2023 Ordinance Warnings

OffenseDateTime	IsWarr	ViolationC	ViolationD	SpeedPost	SpeedActu	Location
10/2/2023 20:50	Y	CHP 72-SC	STOP INTERSECTIONS			STATE ST. @ PENDLETON AVE.
10/24/2023 21:13	Y	CHP 72-SC	STOP INTERSECTIONS			STATE ST. @ PENDLETON AVE.

# October 2023 IC Code Warnings

1-2

OffenseDateTime	IsWarning	ViolationT	ViolationC	ViolationD	Location
10/2/2023 1:34 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	ST. RD. 67 @ N. PENDLETON AVE.
10/7/2023 23:53 Y		I.C. CODE	9-21-3-7	DISREGARI	ST. RD. 38 @ ST. RD. 67
10/24/2023 19:54 Y		I.C. CODE	9-18.1-11-	OPERATIN	W. STATE ST. @ FALL CREEK DR.
10/2/2023 14:27 Y		I.C. CODE	9-18.1-11-	OPERATIN	SR 67 & 600 S
10/1/2023 20:22 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	STATE RD 132 / S 425 W PENDLETON
10/6/2023 0:20 Y		I.C. CODE	9-21-8-11..	UNSAFE LA	I69
10/8/2023 21:21 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	E WATER ST / EAST ST PENDLETON
10/16/2023 23:51 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	STATE RD 67 / S BROADWAY ST PENDLETON
10/21/2023 18:18 Y		I.C. CODE	9-21-3-7	DISREGARI	W STATE ST / N MAIN ST PENDLETON
10/27/2023 23:04 Y		I.C. CODE	9-21-8-11..	UNSAFE LA	I69
10/28/2023 3:05 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	I69
10/5/2023 21:05 Y		I.C. CODE	36-8-12-11	BLUE LIGH	SR67 / HUNTSVILLE RD
10/6/2023 23:00 Y		I.C. CODE	9-21-8-32	DISREGARI	PENDLETON AVE / WATER ST PENDLETON
10/11/2023 18:42 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	460 FALLS PARK DRIVE PENDLETON
10/6/2023 16:03 Y		I.C. CODE	9-18.1-11-	FAILURE T	SR9
10/7/2023 13:05 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	641 E WATER STREET PENDLETON
10/7/2023 13:21 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	652 E WATER STREET PENDLETON
10/7/2023 13:39 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	649 E WATER STREET PENDLETON
10/16/2023 8:49 Y		I.C. CODE	9-18.1-11-	OPERATIN	US36
10/26/2023 13:51 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	484 E WATER STREET PENDLETON
10/30/2023 13:14 Y		I.C. CODE	9-21-8-11..	UNSAFE LA	1577 STATE STREET PENDLETON
10/31/2023 14:40 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	710 WATER STREET PENDLETON
10/31/2023 15:48 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	593 E WATER STREET PENDLETON
10/21/2023 14:58 Y		I.C. CODE	9-18.1-11-	OPERATIN	SR9
10/22/2023 12:11 Y		I.C. CODE	9-18.1-11-	FAILURE T	US36
10/26/2023 16:33 Y		I.C. CODE	9-18.1-11-	OPERATIN	7394 S 300 W PENDLETON
10/4/2023 6:33 Y		I.C. CODE	9-21-8-2(a	DRIVING LIS	PENDLETON AVE / E INDIANA AVE PENDLETON
10/4/2023 7:59 Y		I.C. CODE	9-21-8-17	DRIVING O	STATE RD 67 / OLD STATE RD 9 S PENDLETON
10/4/2023 10:04 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	I69
10/5/2023 15:12 Y		I.C. CODE	9-21-8-24(	UNSAFELY W	TILE ST / S WEST ST PENDLETON
10/9/2023 11:44 Y		I.C. CODE	9-18.1-2-8	FAILURE T	STATE ST / HERITAGE WAY PENDLETON
10/10/2023 10:09 Y		I.C. CODE	9-21-5-2(a	SPEEDING/	N PENDLETON AVE / FALLS PARK DR PENDLETON
10/13/2023 6:36 Y		I.C. CODE	9-21-3-7	DISREGARI	STATE RD 67 / HUNTSVILLE RD PENDLETON

2-2

10/13/2023 10:27 Y	I.C. CODE 9-21-8-2(a DRIVING LI STATE RD 67 / W ANGLE RD PENDLETON
10/14/2023 13:20 Y	I.C. CODE 9-21-3-7 DISREGARI E STATE ST / N PENDLETON AVE PENDLETON
10/15/2023 6:25 Y	I.C. CODE 9-21-5-2(a SPEEDING, STATE RD 67 / CANDLEWOOD DR PENDLETON
10/15/2023 9:00 Y	I.C. CODE 9-21-5-2(a SPEEDING, STATE RD 67 / W MERCER LN PENDLETON
10/15/2023 9:45 Y	I.C. CODE 9-18.1-4-4 IMPROPER 1553 STATE STREET PENDLETON
10/15/2023 9:45 Y	I.C. CODE 9-21-5-2(a SPEEDING, 1553 STATE STREET PENDLETON
10/15/2023 10:32 Y	I.C. CODE 9-18.1-11- OPERATING STATE RD 67 / W 600 S ANDERSON
10/15/2023 10:32 Y	I.C. CODE 9-21-5-2(a SPEEDING, STATE RD 67 / W 600 S ANDERSON
10/15/2023 11:41 Y	I.C. CODE 9-21-8-30 FAILURE O OLD STATE RD 9 S / STATE RD 67 PENDLETON
10/24/2023 13:04 Y	I.C. CODE 9-21-5-2(a SPEEDING, 3159 FALLS PARK DRIVE PENDLETON
10/24/2023 13:04 Y	I.C. CODE 9-18.1-4-5 OPERATING 3159 FALLS PARK DRIVE PENDLETON
10/28/2023 12:58 Y	I.C. CODE 9-21-8-11.. UNSAFE LA I69
10/28/2023 12:58 Y	I.C. CODE 9-21-8-14 FOLLOWING I69
10/28/2023 13:21 Y	I.C. CODE 9-21-5-2(a SPEEDING, STATE RD 67 / W MERCER LN PENDLETON
10/29/2023 15:32 Y	I.C. CODE 9-21-3-7 DISREGARI STATE RD 67 / E STATE ST PENDLETON

48



# October 2023 IC Code Tickets

OffenseDate	Time	IsWar	ViolationT	ViolationCode	ViolationDescrip	SpeedPost	SpeedActual	Location
10/20/2023	10:32	N	I.C. CODE	35-46-1-10.5(a)(3)	UNLAWFUL POSSESSION OF TOBACCO, E-			1 ARABIAN DRIVE PENDLETON
10/12/2023	14:36	N	I.C. CODE	9-24-19-1	DRIVING WHILE SUSPENDED-FIRST OFFEN			SR 67 & WATER ST
10/1/2023	19:33	N	I.C. CODE	35-45-3-2(a)	LITTERING/IFB			STATE RD 132 / S 425 W PENDLETON
10/4/2023	4:40	N	I.C. CODE	9-24-19-1	DRIVING WHILE SUSPENDED-FIRST OFFEN			E STATE ST / S CAROLINE ST PENDLETON
10/11/2023	23:07	N	I.C. CODE	9-21-5-2(a)	SPEEDING/IFC	40	60	STATE RD 67 / W MERCER LN PENDLETON
10/12/2023	5:16	N	I.C. CODE	9-21-8-11.5	UNSAFE LANE MOVEMENT ON ROAD WIT I-			69 / STATE RD 67 ANDERSON
10/14/2023	3:19	N	I.C. CODE	9-21-8-2(a)	DRIVING LEFT OF CENTER/IFC			STATE RD 67 / STATE RD 38 PENDLETON
10/14/2023	3:19	N	I.C. CODE	7.1-5-8-13(c)(1)	DESIGNATED PERMITEE GIVES OPEN CON			STATE RD 67 / STATE RD 38 PENDLETON
10/14/2023	3:19	N	I.C. CODE	9-30-5-2(a) & (b)	OPERATING A VEHICLE WHILE INTOXICAT			STATE RD 67 / STATE RD 38 PENDLETON
10/21/2023	21:11	N	I.C. CODE	9-21-8-32	DISREGARDING STOP SIGN/IFC			N PENDLETON AVE / E WATER ST PENDLETON
10/21/2023	21:11	N	I.C. CODE	9-21-8-2(a)	DRIVING LEFT OF CENTER/IFC			N PENDLETON AVE / E WATER ST PENDLETON
10/23/2023	22:05	N	I.C. CODE	9-21-5-2(a)	SPEEDING/IFC	20	40	550 N PENDLETON AVENUE PENDLETON
10/27/2023	18:28	N	I.C. CODE	9-21-8-11.5	UNSAFE LANE MOVEMENT ON ROAD WIT I69			
10/27/2023	22:30	N	I.C. CODE	9-21-8-2(a)	DRIVING LEFT OF CENTER/IFC			STATE RD 67 / HUNTSVILLE RD PENDLETON
10/27/2023	22:30	N	I.C. CODE	7.1-5-8-13(c)(1)	DESIGNATED PERMITEE GIVES OPEN CON			STATE RD 67 / HUNTSVILLE RD PENDLETON
10/27/2023	22:30	N	I.C. CODE	9-21-5-2(a)	SPEEDING/IFC	40	60	STATE RD 67 / HUNTSVILLE RD PENDLETON
10/27/2023	22:30	N	I.C. CODE	9-24-18-1	Knowingly or Intentionally Operating Mot			STATE RD 67 / HUNTSVILLE RD PENDLETON
10/27/2023	22:38	N	I.C. CODE	7.1-5-8-13(c)(1)	DESIGNATED PERMITEE GIVES OPEN CON			STATE RD 67 / HUNTSVILLE RD PENDLETON
10/27/2023	23:14	N	I.C. CODE	9-21-5-2(a)	SPEEDING/IFC	40	55	STATE ST / HERITAGE WAY PENDLETON
10/28/2023	0:02	N	I.C. CODE	9-21-8-2(a)	DRIVING LEFT OF CENTER/IFC			STATE RD 67 / E WATER ST PENDLETON
10/28/2023	3:05	N	I.C. CODE	9-21-8-11.5	UNSAFE LANE MOVEMENT ON ROAD WIT I69			
10/28/2023	20:59	N	I.C. CODE	9-21-5-2(a)	SPEEDING/IFC	20	40	S PENDLETON AVE / W ELM ST PENDLETON
10/29/2023	23:17	N	I.C. CODE	9-21-5-2(a)	SPEEDING/IFC	50	64	STATE RD 67 / S BROADWAY ST PENDLETON
10/31/2023	22:52	N	I.C. CODE	9-25-8-2	OPERATING A MOTOR VEHICLE WITHOUT			STATE ST / ENTERPRISE DR PENDLETON
10/31/2023	22:52	N	I.C. CODE	9-18.1-4-5(a)(1)	OPERATING A MOTOR VEHICLE WITH A F			STATE ST / ENTERPRISE DR PENDLETON
10/31/2023	22:52	N	I.C. CODE	9-24-19-2	Driving While Suspended (Prior w/in 10 y			STATE ST / ENTERPRISE DR PENDLETON
10/3/2023	22:50	N	I.C. CODE	9-21-8-41(a)	DISREGARDING AN OFFICIAL TRAFFIC CO			STATE ST / MAIN STREET PENDLETON
10/6/2023	18:40	N	I.C. CODE	9-21-5-2(a)	SPEEDING/IFC	20	30	348 N PENDLETON AVENUE PENDLETON
10/11/2023	22:35	N	I.C. CODE	9-21-5-2(a)	SPEEDING/IFC	20	55	STATE ST / MAIN STREET PENDLETON
10/14/2023	22:00	N	I.C. CODE	9-26-1-1.1(a)(1)	LEAVING THE SCENE OF AN ACCIDENT-DR			996 RED OAK LANE PENDLETON
10/29/2023	1:57	N	I.C. CODE	9-21-5-2(a)	SPEEDING/IFC	70	85	I69 SB 218.5
10/30/2023	17:30	N	I.C. CODE	9-24-19-1	DRIVING WHILE SUSPENDED-FIRST OFFEN			SR67 / SR38
10/30/2023	17:30	N	I.C. CODE	9-25-8-2	OPERATING A MOTOR VEHICLE WITHOUT			SR67 / SR38

1-2

10/31/2023 2:02 N	I.C. CODE 9-21-5-2(a)	SPEEDING/IFC	40	70 SR67 / HUNTSVILLE RD
10/13/2023 10:46 N	I.C. CODE 9-24-19-1	DRIVING WHILE SUSPENDED-FIRST OFFEN		630 E STATE STREET PENDLETON
10/14/2023 16:38 N	I.C. CODE 9-24-19-1	DRIVING WHILE SUSPENDED-FIRST OFFEN		US36
10/15/2023 11:02 N	I.C. CODE 9-24-19-1	DRIVING WHILE SUSPENDED-FIRST OFFEN		SR9
10/15/2023 11:02 N	I.C. CODE 9-18.1-11-2(b)(2)	OPERATING WITH EXPIRED PLATES/IFC		SR9
10/22/2023 16:31 N	I.C. CODE 9-24-19-2	Driving While Suspended (Prior w/in 10 y		US36
10/3/2023 10:29 N	I.C. CODE 9-21-5-6(f)	SPEEDING IN SC	20	48 7923 S 300 W PENDLETON
10/22/2023 12:11 N	I.C. CODE 9-25-8-2	OPERATING A MOTOR VEHICLE WITHOUT		US36
10/23/2023 16:25 N	I.C. CODE 9-18.1-11-2(b)(2)	OPERATING WITH EXPIRED PLATES/IFC		219 W STATE STREET PENDLETON
10/1/2023 8:37 N	I.C. CODE 9-21-4-12	PASSING IN A NO PASSING ZONE/IFC		STATE RD 67 / W ANGLE RD PENDLETON
10/1/2023 14:00 N	I.C. CODE 9-24-19-2	Driving While Suspended (Prior w/in 10 y		STATE RD 67 / W 600 S ANDERSON
10/10/2023 14:23 N	I.C. CODE 9-21-5-2(a)	SPEEDING/IFC	40	63 STATE RD 67 / HUNTSVILLE RD PENDLETON
10/14/2023 8:46 N	I.C. CODE 9-24-19-1	DRIVING WHILE SUSPENDED-FIRST OFFEN		STATE RD 67 / W MERCER LN PENDLETON
10/15/2023 10:32 N	I.C. CODE 9-21-8-24(3)	UNSAFE LANE MOVEMENT W/O GIVING /		STATE RD 67 / W 600 S ANDERSON

2-2

47

## The Pendleton Town Court's October 2023 Report

Reported

11.12.2023

### Planning/Progress on Court Shutdown

Appropriate court records were destroyed on Oct 26<sup>th</sup>.. Misc. records from the Town & Fire dept. also were shredded at this time. Appreciation to Ricky Bowin and his crew for a smooth operation.

Physical court records will be delivered to the Anderson & Elwood City Courts soon. Specific dates have not been set for determined. A "sign off" process is being put into place for verification of all Pendleton's files that will be delivered to the appropriate court.

The Court will remain not be open, but will be operational through Jan. 2024 for final reports & exit items.

Respectfully submitted, Judge G.M. Gasparovic

Court Administrator-Michelle Brandle

Court Clerk-Stephanie Buck



## Pendleton-Fall Creek Board of Parks and Recreation

Office - 460 Falls Park Drive

Post Office Box 221

Pendleton, Indiana 46064

765-778-2222

fallspark.org

“Live - Play - Visit”

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### Falls Park Report for November 9, 2023

- **Park Activities**

- Fall has arrived in Falls Park. We are working hard to battle the leaves in all areas of the park. We are doing our best to keep high traffic areas clear daily and working our way to other areas of the park as time allows.
- PlayPros has been out and corrected the major safety issue that was found during our independent inspection. We are still working to get some issues with the seams on the turf addressed as well as a few small areas in the poured in place surfacing. Julie Mitchell is working to get all the planting beds and newly planted trees prepared for the winter months.
- The restrooms at the sports complex have been winterized and are now closed for the season. We have also winterized the drinking fountains throughout the park. Restrooms at the circle and North and 40 will be winterized and closed for the season next week.
- Christmas decoration has begun in earnest. Many people have taken advantage of the nice weather these past few days to add some Christmas spirit to the park. All the decorations will be on this weekend for Christmas in Pendleton. Beginning December 1 through January 2 the lights and displays will be on nightly. Friends of Falls Park has done a wonderful job coordinating the various groups to decorate the park.

- **Golf Course**

- As the weather turns cool and daylight hours diminish, we could not be happier with the year we had at the golf course. We will continue to be open as long as the weather permits.
- Greens are healing nicely from the aerification process that was completed mid-October. We spread approximately 30 tons of sand on the putting surfaces and inter-seeded with a new variety of bent grass that has better disease and drought tolerance.
- 2024 rates for the golf course will be set at our December meeting.



# OCTOBER 2023 Department Status Report

For NOVEMBER Town Council Meeting

Hannahrose Urbanski, *Planning Director*

Denise McKee, *Planning & Zoning Administrator*

Brett Mabrey, *Building Inspector & Code Enforcement Officer*

Cookie, *Stormwater Manager and Assistant Building Inspector & Code Enforcement Officer*

Carey Craig, *Community Development Coordinator*

## MONTHLY BUILDING PERMIT SUMMARY

	TOTAL PERMITS ISSUED	NEW HOME ONLY	\$ B.P. ONLY (w/o Utilities)	\$ ROAD IMPACT ONLY	\$ PARK IMPACT ONLY	TOTAL (w/o Utilities/Park)
2023 MO. TOTALS:	15	4	\$4,715	\$36,950	\$15,416	\$41,665
2022 MO. TOTALS:	20	1	\$18,928	\$8,798	\$3,854	\$27,726
% CHANGE:	-25%	300%	-75%	320%	300%	50%

## YEARLY BUILDING PERMIT SUMMARY

	TOTAL PERMITS ISSUED	NEW HOME	\$ B.P. ONLY (w/o Utilities)	\$ ROAD IMPACT ONLY	\$ PARK IMPACT ONLY	TOTAL (w/o Utilities/Park)
2023 YTD. TOTALS:	253	44	\$76,251	\$406,390	\$165,722	\$482,642
2022 YTD. TOTALS:	358	138	\$230,424	\$1,562,203	\$3,854	\$1,792,445
% CHANGE:	-29%	-68%	-67%	-74%	4200%	-73%

## MAJOR PLANNING PROJECTS

CATEGORY	PROJECT	STATUS
Historic Preservation	HPC Grants/Projects	Adding some updates to the Design Guidelines to include more rehab suggestions for all items in the historic inventory. Getting together application for Food and Beverage Tax grants for another round of façade rehabs. Applications due late November.
Building Inspections/ Code Enforcement	Violations/Enforcement	Department is continually working with counsel to update citation system to allow for a more streamlined process.
Plan Commission	Unified Development Ordinance	Amendments proposed at November PC meeting including building material updates, attached single family housing, and definitions.
	Rezoning	One item continued from November PC meeting to December PC meeting.

	Primary Plats	No Updates.
<b>Plan Department</b>	Site Development Plan Reviews	Community Health Network site plan has been paused by the developer. Reassessing size needs for facility. Expected to restart by end of year.
	Secondary Plats	No Updates.
	Community Development Coordinator	<ul style="list-style-type: none"> <li>• Submitted Historic Preservation Fund grant application on behalf of the Thomas Pendleton House/South Madison Community Foundation</li> <li>• Submitted Main Street Pendleton's third quarter report to Indiana Main Street</li> <li>• Submitted READI 2.0 Case Statement/Proposals</li> <li>• Attended the Community Development Course hosted by the Indiana Communities Institute (Ball State University)</li> <li>• Participated in Goods Candies and 3Rivers Ribbon-Cutting Ceremonies</li> <li>• Met with representatives from the Indiana Small Business Development Center to discuss a partnership with Pendleton Business Association (Pendleton Chamber of Commerce)</li> </ul>
<b>Subdivisions</b>	Huntzinger Farms	Work is continuing steadily.
	Carrick Glen	Work is continuing steadily.
	The Falls	Town has created a punch list of items that need to be addressed within the subdivision that staff and residents have agreed upon. Having counsel send it to the developer directly.
<b>Transportation Projects</b>	US 36/67 Project	Progress meetings ongoing.
	Business Park Trail Project	MCCOG creating Red Flag Investigation (RFI) before the Town's consultant can begin a heavier engineering stage. Expected RFI completion by end of the month.
<b>Grants</b>	Mural Grant from SMCF	Selection process for submittals underway.

	CCMG and IFA projects	<p>For October, we paid \$35,673.13 to DC Construction for final payment on the CCMG 2022-2 grant cycle.</p> <p>We also received word last Friday that we were awarded full grant request of \$644,970.00 for the CCMG 2023-2 grant cycle.</p>
	Grants Recently Applied For	<ul style="list-style-type: none"><li>• Historic Preservation Fund grant for Thomas Pendleton House submitted. READI funds applied for.</li></ul>



## Town Manager's Report

November 9, 2023



# Town Manager's Report

## MAJOR ACTIVITIES

Closed on the Mill Street Property

A&F Engineering Retained to Improve State Street Ped Safety and Traffic Flow

Meet with SMCSC to Improve Ped Safety on East Street

Madison County Bicentennial Tree Planting

Community Crossings Matching Grant - \$644,970 – Paving in Spring

# Town Manager's Report



# Town Manager's Report



# Town Manager's Report



# Town Manager's Report



STATE OF INDIANA	)	PENDLETON TOWN COUNCIL AND
	)SS:	PENDLETON PLAN COMMISSION
COUNTY OF MADISON	)	2023 TERM

**PETITION FOR ANNEXATION**

Come now the Pendleton Town Council by its president, Marissa Skaggs, and petitions the Town of Pendleton for annexation, and in support thereof alleges and says:

1. Your Petitioner is the owner of the following described real estate situated in Madison County, Indiana, to-wit:

(See Attached Exhibit "A")

The property addresses of Exhibit A is: Fall Creek Drive, Pendleton, IN 46064

Parcel Nos: 48-14-20-900-005.000-012

2. Your Petitioner hereby requests the Pendleton Town Council to annex the property described herein into the Town limits.

WHEREFORE, your Petitioner hereby submits its Petition for Annexation and requests the Pendleton Town Council to proceed accordingly.

Respectfully submitted,  
Pendleton Town Council

/s/ Marissa Skaggs, President  
\_\_\_\_\_  
Marissa Skaggs, President

A PART OF SECTION 20 AND A PART OF THE NORTHWEST QUARTER OF SECTION 29, ALL IN TOWNSHIP 18 NORTH, RANGE 7 EAST, FALL CREEK TOWNSHIP, MADISON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

COMMENCING AT A STONE MARKING THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 20; THENCE SOUTH 00 DEGREES 01 MINUTE 31 SECONDS EAST (ASSUMED BEARING). ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER SECTION, 2170.64 FEET TO A COUNTY SURVEYOR'S MONUMENT ON THE CENTERLINE OF FALL CREEK DRIVE AND THE POINT OF BEGINNING; (THE FOLLOWING 15 COURSES ARE ALONG SAID CENTERLINE, BEING THE CENTERLINE DESCRIBED AS THE SOUTH LINE OF A 213.219 ACRE PARCEL IN DEED TO TOWN OF PENDLETON RECORDED AS INSTRUMENT # 200105595 IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA) 1) THENCE NORTH 54 DEGREES 13 MINUTES 53 SECONDS EAST 237.95 FEET; 2) THENCE NORTH 53 DEGREES 28 MINUTES 24 SECONDS EAST 568.54 FEET; 3) THENCE NORTH 53 DEGREES 26 MINUTES 36 SECONDS EAST 1352.76 FEET; 4) THENCE NORTHEASTERLY 300.06 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1169.01 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 60 DEGREES 58 MINUTES 29 SECONDS EAST AND A CHORD DISTANCE OF 299.23 FEET; 5) THENCE NORTH 67 DEGREES 59 MINUTES 14 SECONDS EAST 843.62 FEET; 6) THENCE NORTH 56 DEGREES 10 MINUTES 24 SECONDS EAST 102.66 FEET; 7) NORTH 41 DEGREES 43 MINUTES 39 SECONDS EAST 82.45 FEET; 8) THENCE NORTH 36 DEGREES 55 MINUTES 44 SECONDS EAST 176.59 FEET; 9) THENCE NORTH 32 DEGREES 03 MINUTES 35 SECONDS EAST 129.87 FEET; 10) THENCE NORTH 29 DEGREES 03 MINUTES 27 SECONDS EAST 138.95 FEET; 11) THENCE NORTHERLY 357.31 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 519.96 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 10 DEGREES 30 MINUTES 00 SECONDS EAST AND A CHORD DISTANCE OF 350.32 FEET; 12) THENCE NORTH 07 DEGREES 27 MINUTES 28 SECONDS WEST 300.53 FEET; 13) THENCE NORTHERLY 314.41 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1333.22 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 00 DEGREES 25 MINUTES 03 SECONDS WEST AND A CHORD DISTANCE OF 313.68 FEET; 14) THENCE NORTH 07 DEGREES 21 MINUTES 35 SECONDS EAST 161.08 FEET; 15) THENCE NORTH 00 DEGREES 50 MINUTES 27 SECONDS WEST 453.57 FEET TO A RAILROAD SPIKE AT THE NORTHEAST CORNER OF SAID 213.219 ACRE PARCEL; THENCE NORTH 88 DEGREES 56 MINUTES 33 SECONDS EAST 80.67 FEET TO A CAPPED REBAR STAMPED FIRM 0066; THENCE SOUTH 00 DEGREES 43 MINUTES 38 SECONDS WEST 454.91 FEET TO A CAPPED REBAR STAMPED FIRM 0066; THENCE SOUTH 08 DEGREES 04 MINUTES 08 SECONDS EAST 1094.03 FEET TO A CAPPED REBAR STAMPED FIRM 0066 ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 20; THENCE SOUTH 88 DEGREES 21 MINUTES 39 SECONDS WEST, ALONG SAID NORTH LINE, 126.10 FEET TO A 20 INCH SQUARE CORNER POST; (THE FOLLOWING 10 COURSES FOLLOW AN EXISTING FENCE) 1.) SOUTH 11 DEGREES 29 MINUTES 21 SECONDS EAST 627.77 FEET; 2.) SOUTH 09 DEGREES 03 MINUTES 14 SECONDS EAST 258.85 FEET; 3.) SOUTH 55 DEGREES 31 MINUTES 53 SECONDS WEST 535.46 FEET; 4.) THENCE SOUTH 32 DEGREES 35 MINUTES 00 SECONDS WEST 471.31 FEET; 5.) THENCE SOUTH 45 DEGREES 52 MINUTES 15 SECONDS WEST 304.41 FEET; 6.) THENCE SOUTH 54 DEGREES 10 MINUTES 10 SECONDS WEST 320.57 FEET; 7.) THENCE SOUTH 56 DEGREES 04 MINUTES 08 SECONDS WEST 480.43 FEET; 8.) THENCE SOUTH 29 DEGREES 28 MINUTES 46 SECONDS EAST 150.54 FEET; 9.) THENCE SOUTH 50 DEGREES 30 MINUTES 56 SECONDS WEST 1919.29 FEET; 10.) THENCE SOUTH 83 DEGREES 06 MINUTES 20 SECONDS WEST 337.50 FEET; THENCE NORTH 06 DEGREES 23 MINUTES 57 SECONDS WEST 1374.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 110.526 ACRES, MORE OR LESS.

EXHIBIT "A"

SECONDS EAST 258.85 FEET; 3.) SOUTH 55 DEGREES 31 MINUTES 53 SECONDS WEST 535.46 FEET; 4.) THENCE SOUTH 32 DEGREES 35 MINUTES 00 SECONDS WEST 471.31 FEET; 5.) THENCE SOUTH 45 DEGREES 52 MINUTES 15 SECONDS WEST 304.41 FEET; 6.) THENCE SOUTH 54 DEGREES 10 MINUTES 10 SECONDS WEST 320.57 FEET; 7.) THENCE SOUTH 56 DEGREES 04 MINUTES 08 SECONDS WEST 480.43 FEET; 8.) THENCE SOUTH 29 DEGREES 28 MINUTES 46 SECONDS EAST 150.54 FEET; 9.) THENCE SOUTH 50 DEGREES 30 MINUTES 56 SECONDS WEST 1919.29 FEET; 10.) THENCE SOUTH 83 DEGREES 06 MINUTES 20 SECONDS WEST 337.50 FEET; THENCE NORTH 06 DEGREES 23 MINUTES 57 SECONDS WEST 1374.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 110.526 ACRES, MORE OR LESS.

Commonly known as: Fall Creek Drive, Pendleton, IN 46064

The Public Hearing for the above purpose will be held on the 9<sup>th</sup> day of November, 2023, at 6:00 p.m., in the Pendleton Town Hall located at 100 West State Street, Pendleton, Indiana 46064.

The Pendleton Town Council will consider and receive public comment on the Petition. Written objections that are filed with the Pendleton Town Council at or before the Hearing will be heard. The Hearing may be continued from time to time if necessary. A copy of the Petition will be on file with at the Town Manager's Office

It is the policy of the Town of Pendleton, Indiana, that all public meetings and events comply with Title II of the Americans with Disabilities Act and are accessible to people with disabilities. Individuals with disabilities, as defined under the ADA, who may need auxiliary aids, services, or special modifications to participate in a public meeting or event should contact the office of the Clerk-Treasurer of the Town of Pendleton, Indiana as soon as possible, but no less than forty-eight (48) hours before the scheduled meeting or event.

Pendleton Town Council  
/s/ Marissa Skaggs, Council President

Jeffrey K. Graham #26380-29  
GRAHAM, FARRER & WILSON, P.C.  
Attorneys at Law  
P.O. Box 494  
Elwood, Indiana 46036  
Telephone: (765) 552-9878



## NOTICE OF PUBLIC HEARING

YOU ARE HEREBY notified there will be a Public Hearing of the Pendleton Town Council of Pendleton, Indiana, to consider the annexation of the following described real estate, to wit:

Parcel Nos.: 48-14-10-300-021.000-012; 48-14-10-300-032.00-012; and  
48-14-10-300-037.000-012.

LOT NUMBERED 1 IN WOODED RIDGE, A SUBDIVISION IN FALL CREEK TOWNSHIP, THE PLAT THEREOF BEING OF RECORD IN PLAT BOOK 9, PAGE 15, RECORDS OF MADISON COUNTY.

ALSO, FIVE FEET OF EVEN WIDTH OFF THE ENTIRE WEST SIDE OF LOT NUMBERED 2 IN WOODED RIDGE ADDITION IN FALL CREEK TOWNSHIP, MADISON COUNTY, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 9, PAGE 15, IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA.

ALSO, THE ENTIRE SOUTH-HALF OF LOTS 11 AND 12 IN WOODED RIDGE ADDITION IN FALL CREEK TOWNSHIP, MADISON COUNTY, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 9, PAGE 15, IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA.

ALSO, BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH-HALF OF LOT 12 IN WOODED RIDGE ADDITION IN FALL CREEK TOWNSHIP, MADISON COUNTY, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 9, PAGE 15 IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA, AND RUNNING THENCE WEST 3.3 FEET ALONG THE SOUTH LINE OF SAID NORTH-HALF, THENCE TURN AN ANGLE TO THE RIGHT, 86 DEGREES, AND MEASURE NORTHERLY 12.5 FEET, THENCE TURN AN ANGLE TO THE RIGHT, 90 DEGREES AND 06 MINUTES, AND MEASURE EASTERLY 14.7 FEET, THENCE SOUTHERLY 13.5 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF LOT 11 IN SAID ADDITION, THENCE WEST 11 FEET TO THE PLACE OF BEGINNING.

ALSO, BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH-HALF OF LOT 11 IN WOODED RIDGE ADDITION IN FALL CREEK TOWNSHIP, MADISON COUNTY, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 9, PAGE 15 IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA, SAID POINT BEING 11 FEET EAST OF THE SOUTHWEST CORNER OF SAID NORTH-HALF, AND RUNNING THENCE EAST 5 FEET ALONG SAID SOUTH LINE, THENCE NORTHERLY 32 FEET PARALLEL WITH THE WEST LINE OF SAID LOT, THENCE WEST 5 FEET PARALLEL WITH SAID SOUTH LIFE, THENCE SOUTHWESTERLY 19.75 FEET TO A POINT BEING 5.4 FEET EAST OF SAID WEST LINE OF LOT 11, THENCE EASTERLY 5 FEET TO A POINT BEING 13.5 FEET NORTHERLY FROM THE POINT OF BEGINNING, THENCE SOUTHERLY 13.5 FEET TO THE PLACE OF BEGINNING. (THIS TRACT IS SOLD SUBJECT TO A RIGHT OF REVERTER EFFECTIVE WHEN THE WELL LOCATED ON THIS TRACT MUST BE REPLACED.)

ALSO, AN EASEMENT TO MAINTAIN, REPAIR AND REPLACE THE 6 INCH TILE DRAIN USED FOR THE PROPERTY AND LOCATED WITHIN THE FOLLOWING:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH-HALF OF LOT 11 IN WOODED

RIDGE ADDITION, SAID POINT BEING 24 FEET WEST OF THE EAST LINE OF SAID LOT 11, AND RUNNING THENCE NORTH 10 FEET, THENCE NORTHWESTERLY 86 FEET TO A POINT ON THE NORTH END OF SAID LOT, SAID POINT BEING 19 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT.

BEGINNING AT A POINT ON THE WEST LINE OF LOT 16 IN WOODED RIDGE ADDITION, SAID POINT BEING 24 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT AND RUNNING THENCE SOUTHEASTERLY 70 FEET TO A POINT ON THE SOUTH-END OF SAID LOT 16, SAID POINT BEING 66 FEET EAST OF SAID SOUTHWEST CORNER.

FIVE FEET OFF THE ENTIRE WEST END OF THE NORTH-HALF OF LOT 12 IN WOODED RIDGE ADDITION IN FALL CREEK TOWNSHIP, MADISON COUNTY, INDIANA.

Commonly known as: 2980 West 600 South, Anderson, IN 46013;  
2990 West 600 South, Anderson, IN 46013;  
2970 West 600 South, Anderson, IN 46013;  
2962 West 600 South, Anderson, IN 46013;  
2960 West 600 South, Anderson, IN 46013;  
2989 W. Larry Street, Anderson, IN 46013;  
2987 W. Larry Street, Anderson, IN 46013;  
2964 W. Larry Street, Anderson, IN 46013;  
2962 W. Larry Street, Anderson, IN 46013;  
2930 W. Larry Street, Anderson, IN 46013;  
2928 W. Larry Street, Anderson, IN 46013;  
2951 W. Larry Street, Anderson, IN 46013; and  
2953 W. Larry Street, Anderson, IN 46013,

ALSO Parcel Nos: 48-14-10-300-039.000-012 and 48-14-10-300-040.000-012 more particularly described as follows:

LOT NUMBER 13 IN WOODED RIDGE, A SUBDIVISION IN FALL CREEK TOWNSHIP, MADISON COUNTY, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 5, PAGE 15 IN THE OFFICE OF THE RECORDER OF MADISON COUNTY, INDIANA, EXCEPT 10 FEET OF EVEN WIDTH OFF THE ENTIRE NORTH SIDE OF SAID LOT THEREOF.

ALSO, COMMENCING AT THE NORTHWEST CORNER OF LOT NUMBER 7 IN WOODED RIDGE, A SUBDIVISION IN FALL CREEK TOWNSHIP, MADISON COUNTY, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 9, PAGE 15, IN THE OFFICE OF THE RECORDER OF MADISON COUNTY INDIANA, RUNNING THENCE EAST 143 FEET; THENCE SOUTH 10 FEET; THENCE WEST 143 FEET; THENCE NORTH 10 FEET TO THE PLACE OF BEGINNING.

Commonly known as: 5996 S. State Road 67, Anderson, IN 46013;

The Public Hearing for the above purpose will be held on the 9<sup>th</sup> day of November, 2023, at 6:00 p.m., in the Pendleton Town Hall located at 100 West State Street, Pendleton, Indiana 46064.

The Pendleton Town Council will consider and receive public comment on the Petition. Written

objections that are filed with the Pendleton Town Council at or before the Hearing will be heard. The Hearing may be continued from time to time if necessary. A copy of the Petition will be on file with at the Town Manager's Office at 100 West State Street, Pendleton, IN 46064, and may be examined prior to the public hearing.

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**Pendleton Town Council**  
**/s/ Marissa Skaggs, Council President**

Jeffrey K. Graham #26380-29  
GRAHAM, FARRER & WILSON, P.C.  
Attorneys at Law  
P.O. Box 494  
Elwood, Indiana 46036  
Telephone: (765) 552-9878

<https://d.docu.fox.net/3a3d2b2d29b44aa/Document/Pendleton/Amendments%20to%20Joseph%20West%20600%20South%20Anderson%20IN%2046013.docx>

STATE OF INDIANA            )  
  )SS:  
COUNTY OF MADISON        )

PENDLETON TOWN COUNCIL AND  
PENDLETON PLAN COMMISSION  
2023 TERM

**PETITION FOR ANNEXATION**

Come now Joseph R. Kilmer and Beverly J. Kilmer, and petition the Town of Pendleton for annexation, and in support thereof alleges and says:

1. Your Petitioners are the joint owners of the following described real estate situated in Madison County, Indiana, to-wit:

(See Attached Exhibit "A")

The mailing addresses of Exhibit A are as follows:

2980 West 600 South, Anderson, IN 46013;  
2990 West 600 South, Anderson, IN 46013;  
2970 West 600 South, Anderson, IN 46013;  
2962 West 600 South, Anderson, IN 46013;  
2960 West 600 South, Anderson, IN 46013;  
2989 W. Larry Street, Anderson, IN 46013;  
2987 W. Larry Street, Anderson, IN 46013;  
2964 W. Larry Street, Anderson, IN 46013;  
2962 W. Larry Street, Anderson, IN 46013;  
2930 W. Larry Street, Anderson, IN 46013;  
2928 W. Larry Street, Anderson, IN 46013;  
2951 W. Larry Street, Anderson, IN 46013; and  
2953 W. Larry Street, Anderson, IN 46013,

(Parcel Nos: 48-14-10-300-021.000-012; 48-14-10-300-032.000-012; and 48-14-10-300-037.000-012).

2. Your Petitioners are also the joint owners of the following described real estate situated in Madison County, Indiana, to-wit:

(See Attached Exhibit "B")

The mailing address of Exhibit B is as follows:

5996 S. State Road 67, Anderson, IN 46013

(Parcel Nos: 48-14-10-300-039.000-012 and 48-14-10-300-040.000-012).

3. Your Petitioners hereby requests Pendleton Town Council to annex the properties described herein into the Town limits.

WHEREFORE, your Petitioners hereby submit their Petition for Annexation and request the Pendleton Town Council to proceed accordingly.

Respectfully submitted:

/s/ Joseph R. Kilmer

Joseph R. Kilmer

/s/ Beverly J. Kilmer

Beverly J. Kilmer

**EXHIBIT "A"**

**Lot Numbered 1 in Wooded Ridge, a Subdivision in Fall Creek Township, the Plat thereof being of record in Plat Book 9, page 15, Records of Madison County.**

**ALSO, Five feet of even width off the entire West side of Lot Numbered 2 in Wooded Ridge Addition in Fall Creek Township, Madison County, Indiana, the plat of which is recorded in Plat Book 9, page 15, in the Office of the Recorder of Madison County, Indiana.**

**ALSO, The entire South-half of Lots 11 and 12 in Wooded Ridge Addition in Fall Creek Township, Madison County, Indiana, the plat of which is recorded in Plat Book 9, page 15, in the Office of the Recorder of Madison County, Indiana.**

**ALSO, Beginning at the Southeast corner of the North-half of Lot 12 in Wooded Ridge Addition in Fall Creek Township, Madison County, Indiana, the plat of which is recorded in Plat Book 9, page 15 in the Office of the Recorder of Madison County, Indiana, and running thence West 3.3 feet along the South line of said North-half, thence turn an angle to the right, 86 degrees, and measure Northerly 12.5 feet, thence turn an angle to the right, 90 degrees and 06 minutes, and measure Easterly 14.7 feet, thence Southerly 13.5 feet to a point on the South line of the North-half of Lot 11 in said addition, thence West 11 feet to the place of beginning.**

**ALSO, Beginning at a point on the South line of the North-half of Lot 11 in Wooded Ridge Addition in Fall Creek Township, Madison county, Indiana, the plat of which is recorded in Plat Book 9, page 15 in the Office of the Recorder of Madison County, Indiana, said point being 11 feet East of the Southwest corner of said North-half, and running thence East 5 feet along said South line, thence Northerly 32 feet parallel with the West line of said Lot, thence West 5 feet parallel with said South line, thence Southwesterly 19.75 feet to a point being 5.4 feet East of said West line of Lot 11, thence Easterly 5 feet to a point being 13.5 feet Northerly from the point of beginning, thence Southerly 13.5 feet to the place of beginning. (This tract is sold subject to a right of reverter effective when the well located on this tract must be replaced).**

**ALSO, an easement to maintain, repair and replace the 6 inch tile drain used for the property and located within the following:**

**Beginning at a point on the South line of the North-half of Lot 11 in Wooded Ridge Addition, said point being 24 feet West of the East line of said Lot 11, and running thence North 10 feet, thence Northwesterly 86 feet to a point on the North end of said Lot, said point being 19 feet East of the Northwest corner of said Lot.**

**Beginning at a point on the West line of Lot 16 in Wooded Ridge Addition, said point being 24 feet North of the Southwest corner of said Lot and running thence Southeasterly 70 feet to a point on the South-end of said Lot 16, said point being 66 feet East of said Southwest corner.**

**Five feet off the entire West end of the North-half of Lot 12 in Wooded Ridge Addition in Fall Creek Township, Madison County, Indiana.**

**EXHIBIT "A"**

## **EXHIBIT "B"**

Lot Number 13 in Wooded Ridge, a Subdivision in Fall Creek Township, Madison County, Indiana, the plat of which is recorded in Plat Book 5, Page 15 in the Office of the Recorder of Madison County, Indiana, Except 10 feet of even width off the entire North side of said lot thereof.

Also, commencing at the Northwest corner of Lot Number 7 in Wooded Ridge, a Subdivision in Fall Creek Township, Madison County, Indiana, the plat of which is recorded in Plat Book 9, Page 15, in the office of the Recorder of Madison County, Indiana, running thence East 143 feet; thence South 10 Feet; thence West 143 feet; thence North 10 feet to the place of beginning.



**ORDINANCE NO. 23-35**

**AN ORDINANCE OF THE TOWN OF PENDLETON,  
MADISON COUNTY, INDIANA, AMENDING  
THE PENDLETON UNIFIED DEVELOPMENT ORDINANCE**

---

**WHEREAS**, on August 12, 2021, the Pendleton Town Council, after receiving a favorable recommendation from the Pendleton Plan Commission, adopted Ordinance #21-18, which adopted a replacement Unified Development Ordinance ("UDO") for the Town of Pendleton; and,

**WHEREAS**, during and after the adoption of the replacement UDO, the Pendleton Plan Commission and the Pendleton Town Council have identified several changes to the replacement UDO which better reflect goals and visions of the Town's leadership; and,

**WHEREAS**, after receiving a favorable recommendation from the Pendleton Plan Commission after the Plan Commission conducted a public hearing on November 1, 2023, the Pendleton Town Council desires to adopt the attached Amendments to the Town of Pendleton Unified Development Ordinance which was originally adopted pursuant to Ordinance #21-18.

**NOW THEREFORE IT IS HEREBY ORDAINED** by the Pendleton Town Council that the attached Amendments to the Town of Pendleton Unified Development Ordinance are hereby adopted.

[Signature Page Follows]



Passed and adopted by the Town Council of the Town of Pendleton, Indiana, this \_\_\_\_ day of November, 2023.

**TOWN OF PENDLETON, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Shane Davis, Vice President

\_\_\_\_\_  
Shane Davis, Vice President

\_\_\_\_\_  
Steve Denny

\_\_\_\_\_  
Steve Denny

\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jerry Burmeister

\_\_\_\_\_  
Jerry Burmeister

ATTEST:

\_\_\_\_\_  
Willie Boles  
Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. */s/ Jeffrey K. Graham*

Prepared By:  
Jeffrey K. Graham #26380-29  
GRAHAM, FARRER & WILSON, PC  
Attorneys at Law  
200 E. State Street, Pendleton, IN 46064  
1601 S. Anderson Street, Elwood, IN 46036  
PH: (765) 221-9273 or (765) 552-9878



**RECOMMENDATION TO THE PENDLETON TOWN COUNCIL  
CONCERNING AMENDING THE PENDLETON UNIFIED  
DEVELOPMENT ORDINANCE**

**CERTIFICATION OF THE PENDLETON PLAN COMMISSION**

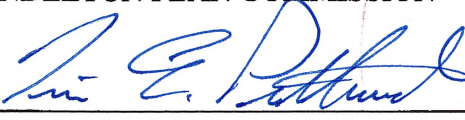
Comes now the Pendleton Plan Commission and submits the following **favorable/**  
**unfavorable/neutral** recommendation to the Pendleton Town Council; and

WHEREAS, this Certification is being submitted within ten (10) days after the meeting held by the Pendleton Plan Commission concerning the attached Amendments to the Pendleton Unified Development Ordinance, which Ordinance was originally adopted as Ordinance #21-18.


WHEREFORE, the Pendleton Plan Commission hereby issues this Certification of the attached Amendments, with a **favorable/****unfavorable/neutral** recommendation to the Pendleton Town Council.

DATED: November 1, 2023

PENDLETON PLAN COMMISSION

  
\_\_\_\_\_  
Tim Pritchard, President

ATTEST:

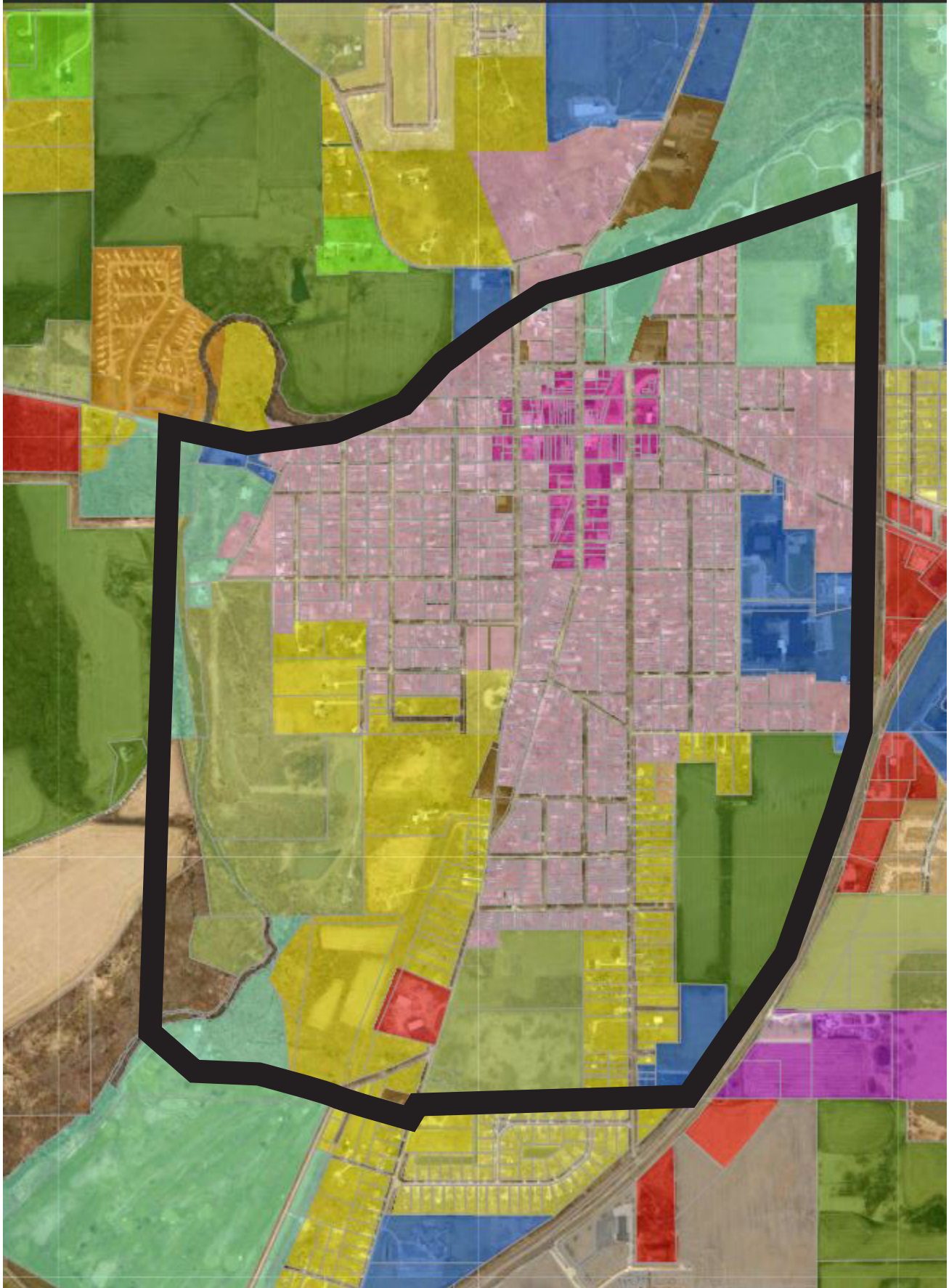
  
\_\_\_\_\_  
Carol Hanna, Secretary

Prepared By:  
Jeffrey K. Graham #26380-29  
GRAHAM, FARRER & WILSON, PC  
200 E. State Street, Pendleton, IN 46064  
1601 S. Anderson Street, PO Box 494, Elwood, IN 46036  
Telephone: (765) 552-9878 or (765) 221-9273

CATEGORY	PAGE #(S)	PROPOSED AMENDMENT	AGREED UPON AMENDMENT
window requirement	58 table 3.1	Current residential zones minimum window requirement: 2 windows on each front OR side façade of Primary Structures. This needs to be AND instead of OR.	as written
Mural materials in DB (historic) district	224 and 99	HPC has made a favorable recommendation to add the following amendment to the UDO - " any murals (art, non-commercial) on structures within the HPC's designated jurisdiction must use a removable vinyl, canvas or similar material. Cannot be painted onto structure." This is due to the fragile nature of many historic buildings and paint products can damaged certain historic materials. We will require a CoA but for the mural materials ONLY, as public art is not regulated by the UDO.	as written
temporary storage units	115	Add that temporary storage/construction units (construction dumpster/ POD unit/ moving container, etc.) require a permit (no charge) so we can monitor when a unit is placed and where on site. While in most zones temporary storage is allowable by right without a permit (based on size and time on-site), there are restrictions for where and how long one of these items are placed, and that is hard to keep track of without a permit. This permit would be for both residential and non-residential zones.	as written
Condominium definition	216	update IC code to 32-25 or as amended	as written
Traditional and Residential Core Conservancy Subdivision Style (separation and allowable locations)	147	Separate this subdivision style into 2, one for SF-4 (Traditional Style) and one for RC (Residential Core Conservancy Style), see updated "subdivision style descriptions" titled "New Styles_RC_TND". RC should be used for infill, development and/or redevelopment projects only surrounding our existing RC zoning. There should be a radius around the existing RC zoning where this can be permitted. This prevents the placing of an RC subdivision in areas heavily disconnected from our downtown. For proposed borders for RC infill/development/redevelopment, see graphic titled "Border_RC" (Note: These are existing man-made "borders")	as written. see Exhibit A for RC development area and exhibit C for new subdivision syle tables
Max gross density for RC subdivision style	147	Suggest adding an RC density limit if needed, as it's missing. RC zoning should offer the most flexible/dense zoning district within the Code to emulate the existing downtown housing fabric. On average, the density for SF homes in RC is 6 units per 1.09 acres for single-family. See graphic "Density_RC"	agreed amendment: 6 units per acre for single-family and 8 units per acre for multi-family
RC subdivision bufferyards based on number of lots	85/86	If a new RC subdivision is proposed (within the approved border area) we should require a bufferyard similar or the same as major subdivisions based on number of lots in the subdivision. <i>Ex: The Arabian Pointe subdivision was only 13 lots and impractical to have a perimeter and/or roadway bufferyard. The Howard Acres property was proposed 150 lots and was practical to install a bufferyard.</i>	agreed amendment: Any RC subdivision 10 acres or more may be subject to a bufferyard requirement as determined by the PC, not to exceed the maximum major subdivision requirements as listed in tables 3.12 and 3.13
Traditional subdivision bufferyard	85/86 (Table 3.12 and 3.13)	Add "traditional subdivision" to table 3.12 and 3.13 for bufferyard requirements in the same category as "major subdivision".	as written
Dwelling defintions	217	See presentation. (TOWNHOUSE - See DWELLING, SINGLE-FAMILY ATTACHED if single unit in single structure. See DWELLING, MULTI-FAMILY if multiple units within one structure. Either style can be utilized as condos.)	as written to add "townhouse" definition
Attached SF homes	31/33	UDO does not have specific language to where Attached SF homes are permitted, just that they count as an anti-monotony criteria. Suggest SF-4 and RC to start and we can monitor and adjust if need be in the future. Whether or not the lot areas surrounding the home are maintained by a property owner individually OR an HOA is the purview of the developer. See zoning standards table additions in presentation.	as written and in Exhibit B: SF attached tables

Limit percentage of Attached SF within a subdivision (within chapter 5 -subdivision styles)	147/148/149	Would it be appropriate to limit subdivisions styles that allow Attached SF to a certain percentage of this housing style of the total units in the development?	agreed amendment: Any RC or SF-4 subdivision 10 acres or more may be subject to a limited percentage of attached SF housing as determined by the PC.
Anti-monotony standards	62	add: No more than 6 attached units within a block/ Front porch or overhang or entry feature required.	as written
Exterior materials	59	See presentation. NOTE: we do not regulate roof material	as written in exhibit D: exterior materials table and add the word "wall" to exterior materials table.

**Exhibit A: RC development areas**



# DEVELOPMENT STANDARDS SF-4 / ATTACHED SF ADDITIONS EXHIBIT B

Development Standard		Land Use		
		Detached Single-family and Two-family Residential	Multi-family Residential	Attached Single-Family
<b>Structure Standards</b>				
Maximum height of structure	Primary structure	30 feet	40 feet	30 feet
	Accessory structure	15 feet	15 feet	15 feet
Minimum living area		800 sqft per unit on ground floor	500 sqft per unit	800 sqft
Minimum width of primary structure		18 feet	NA	20 ft
<b>Lot Standards</b>				
Minimum road frontage and lot width		50 feet	50 feet	20 feet
Minimum lot area		7,200 sqft per unit	3,500 sqft per unit	2,000 sqft
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet	75 feet	75 feet
	Minor arterial	75 feet	75 feet	75 feet
	Collector street	25 feet	25 feet	25 feet
	*Local street	25 feet	25 feet	25 feet
Minimum side yard setback	Primary structure	10 feet	5 feet	0 ft if shared wall/ 10ft if end unit
	Accessory structure	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	25 feet	10 feet	25 feet
	Accessory structure	5 feet	5 feet	5 feet
Maximum impervious surface coverage		50%	50%	85%
<b>Utility Standards</b>				
Municipal water and sewer required		Yes	Yes	Yes

\*On a Local Street, a residence with a front loading garage shall abide by the 25' minimum front yard setback or average block setback, whichever is less. **\*\*Front load garages used by attached units must use a frontage/access road off the local roadway.** Garages that are rear or side load can utilize a 10' minimum front yard setback or average block setback, whichever is less.

**\*\*Frontage/access roads prevent the proximity of driveway cuts interfering with the pedestrian experience or backing out into busy local roadways.**

# DEVELOPMENT STANDARDS RC / ATTACHED SF ADDITIONS

exhibit b

Development Standard		Land Use		
		Detached Single-family and Two-family Residential	Multi-family Residential	Attached Single-Family
<b>Structure Standards</b>				
Height of structure	Primary structure	Same number of stories as majority of existing primary structures on block		
	Accessory structure	15 feet maximum	15 feet maximum	15 feet maximum
Minimum living area		800 sqft per unit on ground floor	500 sqft per unit	800 sqft per unit on ground floor
Maximum living area		25% larger than largest existing residence on block	NA	25% larger than largest existing residence on block
Minimum width of primary structure		18 feet	NA	20 feet
Front porch required (see Figure 2.2 below)		Yes, if majority of developed primary structures on block have front porch	No	Yes, if majority of developed primary structures on block have front porch
<b>Lot Standards</b>				
Minimum road frontage and lot width		50 feet	50 feet	20 feet
Minimum lot area		7,200 sqft	3,500 sqft per unit	2,000 sqft
Maximum lot area		10,000 sqft	NA	NA
Maximum front yard setback		5' more than average block setback		
Minimum front yard setback (or average block setback, whichever is less. See Section A.5.b.iii of this Chapter.)	Principal arterial	75 feet	75 feet	75 feet
	Minor arterial	75 feet	75 feet	75 feet
	Collector street	25 feet	25 feet	25 feet
	Local street*	25 feet	25 feet	25 feet
Minimum side yard setback	Primary structure	7.5 feet	7.5 feet	0 ft if shared wall/ 7.5 ft if end unit
	Accessory structure	5 feet	5 feet	5 feet
Minimum rear yard setback	Primary structure	10 feet	10 feet	25 feet
	Accessory structure	5 feet	5 feet	5 feet
Maximum impervious surface coverage		50%	50%	85%
<b>Utility Standards</b>				
Municipal water and sewer required		Yes	Yes	Yes

\*On a Local Street, a residence with a front loading garage shall abide by the 25' minimum front yard setback or average block setback, whichever is less. **\*\*Front load garages used by attached units must use a frontage/access road off the local roadway.** Garages that are rear or side load can utilize a 10' minimum front yard setback or average block setback, whichever is less.

**\*\*Frontage/access roads prevent the proximity of driveway cuts interfering with the pedestrian experience or backing out into busy local roadways.**

## D. Traditional Residential Subdivision

exhibit c

**1. Intent.** A traditional residential subdivision is intended to be utilized in areas suitable for the creation of new neighborhoods that embrace traditional neighborhood development (TND) design principles. This development style is exclusively for single-family, two-family, and multi-family residential uses in the Traditional Residential District (SF-4). The design shall incorporate smaller lots, shallow front setbacks, alleys where appropriate, pedestrian comfort, and architectural features like front porches. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connection to adjacent parcels and transportation networks. Driveway cuts onto arterial streets are prohibited.

### 2. Development Standards.

TABLE 5.4 - Traditional Residential

Development Standards for Traditional Residential Subdivision	
Districts permitted	SF-4
Minimum open space for overall development	25%
Maximum Gross Density	2.5 units/acre for single and two-family; 8 units/acre for multi-family
Internal access	Internal streets must be public and shall be constructed to the applicable street function standards for the Town
Sidewalks	<ul style="list-style-type: none"><li>• Required along existing streets that are immediately adjacent to the subject property</li><li>• Required on both sides of any new street</li></ul>
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision



## E. Residential Core Conservancy Subdivision

exhibit c

**1. Intent.** A residential core conservancy subdivision is intended to provide development exclusively for single-family, two-family, and multi-family residential uses in the Residential Core Conservancy District (RC). The design shall incorporate and follow the established bulk and design characteristics utilized in the existing historical areas of the town, including; smaller lots, shallow front setbacks, similar garages (type, size and placement), pedestrian comforts, similar primary structure scale, architectural features, like front porches, and a gridded street layout and alley system. The layout shall allow for adequate vehicular, pedestrian, and alternative transportation access as well as connection to adjacent parcels and transportation networks. Driveway cuts onto arterial streets are prohibited.

### 2. Development Standards.

**TABLE 5.4** - Residential Core Conservancy

<b>Development Standards for Residential Core Conservancy Subdivision</b>	
Districts permitted	RC (in areas designated by “Border” exhibit only)
Minimum open space for overall development	25%
Maximum Gross Density	<b>6</b> units/acre for single and two-family; <b>8</b> units/acre for multi-family
Internal access	Internal streets must be public and shall be constructed to the applicable street function standards for the Town
Sidewalks	<ul style="list-style-type: none"> <li>• Required along existing streets that are immediately adjacent to the subject property</li> <li>• Required on both sides of any new street</li> </ul>
Development standards for individual lots	The development standards for the subject zoning district shall apply to each lot within the subdivision

# EXTERIOR MATERIALS - PRIMARY AND ACCESSORY STRUCTURES EXHIBIT D

Exterior Material	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI
EIFS	A	A	A	A	A	A	A	A	A	A	A	A	**	A	A	A	A	A
Stucco	P	A	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P
Smooth-Faced Concrete Block	P	A	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P
Split-Face or Burnished Concrete Block	A	A	A	A	A	A	A	A	A	A	A	A	P	P	A	A	A	A
Untextured Smooth-Faced Tilt-Up Panels	P	A	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P
Textured or Adorned Tilt-Up Panels	A	A	A	A	A	A	A	A	A	A	A	P	P	P	A	A	A	A
Standing Seam Metal Panels	P	A	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P
Molded Plastic	A	A	A	A	A	A	A	A	A	A	A	A	P	A	A	A	A	A
Plywood or Sheet Pressboard	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vinyl Siding	A	A	A	A	A	A	A	A	A	A	A	P	P	A	P	P	P	P

Exterior Materials	R/OS	A-1	A-2	RR	SF-1	SF-2	SF-3	SF-4	RC	MF-1	MF-2	I	DB	NB	GB	HB	LI	HI
Standing seam metal ( <b>exposed fasteners</b> )	A	A	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Standing seam metal ( <b>concealed fasteners</b> )	A	A	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P



**ORDINANCE NO. 23- 36**

**ORDINANCE OF THE PENDLETON TOWN COUNCIL  
ADOPTING A STORMWATER MANAGEMENT ORDINANCE  
FOR THE TOWN OF PENDLETON**

---

**WHEREAS**, the Town Council of Pendleton, Madison County, Indiana, wishes to adopt a Stormwater Management Ordinance for administering the Town's Stormwater Management Program.

**NOW, THEREFORE, BE IT ORDAINED** by the Pendleton Town Council as follows:

[Remainder of this page intentionally left blank]

# Town of Pendleton Stormwater Management Ordinance

Version 1.2 (August 2023)

# Abbreviated Table of Contents

Section	Title
<b>1</b>	<b>GENERAL INFORMATION</b>
<b>2</b>	<b>Prohibited Discharges and Connections</b>
<b>3</b>	<b>Stormwater Quantity Management</b>
<b>4</b>	<b>Stormwater Pollution Prevention for Construction Sites</b>
<b>5</b>	<b>Stormwater Quality Management for Post-Construction</b>
<b>6</b>	<b>Permit Requirements and Procedures</b>
<b>7</b>	<b>Compliance and Enforcement</b>
Appendices	
<b>A</b>	<b>Abbreviations and Definitions</b>

## SECTION 1

# General Information

---

### (a) AUTHORITY AND TITLE

This Ordinance is adopted in accordance with statutory authority granted to Town of Pendleton under "Home Rule" and further is required by Phase II of the National Pollutant Discharge Elimination System Stormwater program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP), and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP). Based on this authority and these requirements, this Ordinance regulates:

- i. Discharges of prohibited non-stormwater flows into the storm drain system.
- ii. Stormwater drainage improvements related to development of lands located within the corporate boundaries of the Town of Pendleton.
- iii. Drainage control systems installed during new construction and grading of lots and other parcels of land.
- iv. Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity
- v. Stormwater discharges from construction support activities directly related to construction sites subject to this ordinance.
- vi. Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- vii. The design, construction, and maintenance of stormwater drainage facilities and systems.
- viii. The design, construction, and maintenance of stormwater quality facilities and systems.
- ix. The design, construction, and maintenance of new dams
- x. The development downstream of existing dams
- xi. Development within floodplains, floodways, fluvial erosion hazard corridors, and bluff zones

This Ordinance shall be known and may be cited as the Town of Pendleton Stormwater Management Ordinance. Once adopted, this Ordinance will supersede any conflicting ordinances previously adopted by the Town of Pendleton.

### (b) APPLICABILITY AND EXEMPTIONS

This Ordinance shall regulate all development and redevelopment occurring within the Town of Pendleton. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in Appendix A, until the plans required by this Ordinance for such construction have been accepted in writing by the Town of Pendleton. With the exception of the requirements of Section 2 and Section 6(d) of this Ordinance, single-family dwelling houses and duplexes in accepted subdivisions, and land-disturbing activities affecting less than 10,000 square feet of area shall be exempt from the requirements of this Ordinance. Also exempt from this Ordinance shall be agricultural land-disturbing activities.

In addition to the requirements of this Ordinance and its companion Stormwater Technical Standards Manual, compliance with all applicable ordinances of Town of Pendleton as well as with applicable Federal, State of Indiana, and other Local statues and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. Town of Pendleton capital improvement projects shall be exempt from obtaining a permit, but are expected to meet all applicable technical requirements of this Ordinance and the Town of Pendleton Stormwater Technical Standards Manual. If the project site is located within a Madison County Regulated Drain Watershed, the applicant will need to check with the Madison County Surveyor's Office to learn if additional Surveyor's Office requirements specific to that regulated drain would apply to the site. In case there are conflicts between the requirements contained in this

Ordinance and applicable requirements contained in other regulatory documents referenced above, the most restrictive shall prevail.

Any construction project which has had its final drainage plan accepted by the Town of Pendleton within a 2-year period prior to the effective date of this Ordinance shall be exempt from all requirements of this Ordinance that are in excess of the requirements of ordinances in effect at the time of acceptance. Such an exemption is not applicable to the requirements detailed in Section 2 of this Ordinance.

The Town of Pendleton has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance and its associated technical standards document. A pre-submittal meeting with the Town of Pendleton may be requested by the applicant to discuss the applicability of various provisions of the Ordinance and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the Town of Pendleton that may be based on the review of more detailed information and plans.

### **(c) FINDINGS**

The Town of Pendleton finds that:

1. Water bodies, roadways, structures, and other property within the Town of Pendleton or its planning jurisdiction boundary are at times subjected to flooding;
2. Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;
3. Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition;
4. Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs;
5. Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the Town of Pendleton will, absent reasonable regulation and control, adversely affect the Town of Pendleton's water bodies and water resources;
6. Pollutant contributions from illicit discharges within the Town of Pendleton will, absent reasonable regulation, monitoring, and enforcement, adversely affect the Town of Pendleton's water bodies and water resources;
7. Stormwater runoff, soil erosion, non-point source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management;
8. Adopting the standards, criteria, and procedures contained and referenced in this Ordinance and implementing the same will address many of the deleterious effects of stormwater runoff and illicit discharges;
9. Adopting this Ordinance is necessary for the preservation of the public health, safety, and welfare, for the conservation of natural resources, and for compliance with State and Federal regulations.

### **(d) PURPOSE**

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Pendleton through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect, conserve and promote the orderly development of land and water resources within the Town of Pendleton. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the storm drain system. The objectives of this Ordinance are:

- i. To reduce the hazard to public health and safety caused by excessive stormwater runoff.
- ii. To regulate the contribution of pollutants to the storm drain system from construction site runoff.

- iii. To regulate the contribution of pollutants to the storm drain system from runoff from new development and re-development.
- iv. To prohibit illicit discharges into the storm drain system.
- v. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

**(e) ABBREVIATIONS AND DEFINITIONS**

For the purpose of this Ordinance, the abbreviations and definitions provided in Appendix A shall apply.

**(f) RESPONSIBILITY FOR ADMINISTRATION**

The Town of Pendleton shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Town of Pendleton to qualified persons or entities acting in the beneficial interest of or in the employ of the Town of Pendleton.

**(g) INTERPRETATION**

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Appendix A, shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined in this Ordinance, but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

**(h) SEVERABILITY**

The provisions of this Ordinance are hereby declared severable, and if any court of competent jurisdiction should declare any part or provision of this Ordinance invalid or unenforceable, such invalidity or unenforceability shall not affect any other part or provision of this Ordinance.

**(i) DISCLAIMER OF LIABILITY**

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur or stormwater runoff amounts may be increased by man-made or natural causes. This Ordinance does not imply that land uses permitted will be free from stormwater damage. This Ordinance shall not create liability on the part of the Town of Pendleton or any officer, representative, or employee thereof, for any damage that may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

The words "approve" and "accept", and their common derivations as used in this Ordinance in relation to plans, reports, calculations, and permits shall mean that Town of Pendleton has reviewed the material produced and submitted by the applicant or his/her agents for general compliance with this Ordinance and the Town of Pendleton Stormwater Technical Standards Manual, and that such compliance would qualify the applicant to receive a stormwater management approval or permit. Such an "approval" or "acceptance" is based on the assumption that the project engineer has followed all appropriate engineering methods in the design. Any stormwater quantity (drainage) or water quality problems associated with the project caused by poor construction by the contractor and/or poor engineering design or judgment, either on-site or off-site, are the responsibility of the developer and the project engineer.



Consideration, design, construction, and maintenance of safety measures for proposed or existing stormwater facilities shall be the responsibility of the developer, applicant, and/or the property owner. Town of Pendleton and its officials and representatives shall not be responsible for maintenance nor liability for any accidents.

## SECTION 2

# Prohibited Discharges and Connections

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### (a) APPLICABILITY AND EXEMPTIONS

This section shall apply to all discharges, including illegal dumping, entering the storm drain system under the control of the Town of Pendleton, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the storm drain system, illegal dumping, and contaminated runoff.

Stormwater runoff from agricultural, timber harvesting, and mining activities is exempted from the requirements of this section unless determined to contain pollutants not associated with such activities or in excess of standard practices. Farm residences are *not* included in this exemption.

Any non-stormwater discharge permitted under an NPDES permit, waiver (unless the waiver is solely based on point source considerations, still allowing non-point source discharge of a pollutant), or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for the subject discharge to the storm drain system, is also exempted from this section.

### (b) PROHIBITED DISCHARGES AND CONNECTIONS

No person shall discharge to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices (BMP's).

Concrete washout material must be properly contained within an appropriate practice and any waste material properly disposed of.

The Town of Pendleton is authorized to require dischargers to implement pollution prevention measures, utilizing BMP's necessary to prevent or reduce the discharge of pollutants into the Town of Pendleton's stormwater drainage system.

### (c) EXEMPTED DISCHARGES AND CONNECTIONS

Notwithstanding other requirements in this Ordinance, the following categories of non-stormwater discharges or flows are exempted from the requirements of this section:

- i. Water line flushing;
- ii. Landscape irrigation;
- iii. Diverted streamflows;
- iv. Rising ground waters;
- v. Uncontaminated groundwater infiltration;
- vi. Uncontaminated pumped ground water;
- vii. Discharges from potable water sources;
- viii. Foundation drains;
- ix. Air conditioning condensation;

- x. Irrigation water;
- xi. Springs;
- xii. Water from crawl space pumps;
- xiii. Footing drains;
- xiv. Lawn watering;
- xv. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;
- xvi. Flows from riparian habitats and wetlands;
- xvii. Dechlorinated swimming pool discharges not including discharges from saltwater swimming pools;
- xviii. Street wash water;
- xix. Discharges from emergency firefighting activities;
- xx. Naturally introduced detritus (e.g. leaves and twigs);
- xxi. Routine external building washdown water that does not use detergents.

#### **(d) STORAGE OF HAZARDOUS OR TOXIC MATERIAL**

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on active construction sites must include adequate protection and/or containment so as to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.

#### **(e) PRIVATE PROPERTY MAINTENANCE DUTIES**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within their property boundaries, free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

#### **(f) SPILL REPORTING**

Any discharger who accidentally discharges into a waterbody any substance other than stormwater or an exempted discharge shall immediately inform the Town of Pendleton concerning the discharge. A written report concerning the discharge shall be filed with the Town of Pendleton and IDEM, by the dischargers, within five (5) days. The written report shall specify:

- i. The composition of the discharge and the cause thereof;
- ii. The date, time, and estimated volume of the discharge;
- iii. All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence;
- iv. The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section. This requirement does not relieve discharger from notifying other entities as required by state or federal regulations.

## **(g) INSPECTIONS AND MONITORING**

### **1. Storm Drainage System**

The Town of Pendleton has the authority to periodically inspect the portion of the storm drainage system under the Town of Pendleton's control, in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the storm drainage system. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.

### **2. Potential Polluters**

If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the Town of Pendleton may inspect and/or obtain stormwater samples from stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the Town of Pendleton's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Town of Pendleton or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in Section 7 of this Ordinance.

### **3. New Development and Re-Development**

Following the final completion of construction and the receipt of as-built drawings by the Town of Pendleton, the Town of Pendleton has the authority to inspect new development and re-development sites to verify that all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this section.

## SECTION 3

# Stormwater Quantity Management

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### (a) APPLICABILITY AND EXEMPTIONS

The storage and controlled release of excess stormwater runoff shall be required for all new business, institutional developments, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within the Town of Pendleton. The Town of Pendleton, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization. Additional potential exemptions regarding the detention requirements are provided under Sub-section (b).

### (b) POLICY ON STORMWATER QUANTITY MANAGEMENT

It is recognized that most streams and drainage channels serving the Town of Pendleton do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, the storage and controlled release of excess stormwater runoff as well as compensation for loss of floodplain storage shall be required for all developments and redevelopments (as defined in Appendix A) located within the Town of Pendleton. Release rate requirements, downstream restriction considerations, acceptable outlet, adjoining property impact considerations, policy on dams and levees, policy on Fluvial Erosion Hazard corridors, and compensatory floodplain storage rates are detailed in the Town of Pendleton Stormwater Technical Standards.

Due to unknowns regarding the future development patterns and the associated proposed stormwater quantity management systems within a watershed, it is the policy of the Town of Pendleton to discourage direct release of runoff from a new development or redevelopment without providing detention. However, in rare circumstances, where a comprehensive watershed-wide hydrologic study or watershed plan of a major stream (not a "beat the peak" analysis) adopted by the Town of Pendleton substantiates the benefits of (or allows for) direct release for a proposed development located adjacent to a major stream, the detention requirements set in this Ordinance may be waived. Other special circumstances when such a waiver may be considered by Town of Pendleton include situations where the design of a regional pond has already taken into account the provision of direct release in certain areas in the watershed.

### (c) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS

The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the Town of Pendleton Stormwater Technical Standards Manual. The methods and procedures in the Stormwater Technical Standards Manual are consistent with the policy stated above.

### (d) DRAINAGE EASEMENT REQUIREMENTS

All stormwater systems, including detention or retention basins, conveyance systems, structures and appurtenances, located outside of the right-of-way shall be placed within a drainage easement. There shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement, unless otherwise accepted by Town of Pendleton. Additional easement requirements along stormwater conveyance systems are contained in the Town of Pendleton Stormwater Technical Standards Manual. All drainage improvements performed relative to the conveyance of stormwater runoff and the perpetual maintenance thereof, within the latter easements, shall be the responsibility of the owner or homeowner association.

Any outlet to, crossing, and/or encroachment of a county Regulated Drainage Easement requires application and acceptance from the County Drainage Board in accordance with the Indiana Drainage Code.”

**(e) PLACEMENT OF UTILITIES**

No utility company may disturb existing storm drainage facilities without the consent of the Town of Pendleton staff, whose decision may be appealed to the Town Council of the Town of Pendleton. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Section 7 of this ordinance.

**(f) STRUCTURES NEAR COUNTY REGULATED DRAINS**

For regulated drains not located in platted subdivisions, unless otherwise accepted by the Madison County Drainage Board, no permanent structure (including fences) shall be erected within seventy-five feet measured at right angles from a) the existing top edge of each bank of a regulated open drain, as determined by the Madison County Drainage Board; or b) the center line of a piped Regulated Drain. The Indiana Drainage Code may be consulted for further details.

**(g) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

After the approval of the Stormwater Management Permit by the Town of Pendleton and the commencement of construction activities, the Town of Pendleton has the authority to conduct inspections of the work being done to insure full compliance with the provisions of this section, the Stormwater Technical Standards Manual, Design and Construction Standards, and the terms and conditions of the approved permit.

The Town of Pendleton also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. Stormwater quantity facilities shall be maintained in good condition, in accordance with the designed and approved performance specifications for the facilities, in addition to any prescribed Operation & Maintenance procedures, and shall not be subsequently altered, revised or replaced except as approved by the Town of Pendleton. If deficiencies are found during the inspection, the owner of the facility will be notified by the Town of Pendleton and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Town of Pendleton will undertake the work and collect from the owner using lien rights if necessary.

Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final stormwater permit is approved.

Stormwater conveyance facilities may be donated to the Town of Pendleton or other unit of government designated by the Town of Pendleton, for ownership and permanent maintenance providing the Town of Pendleton or other governmental unit is willing to accept responsibility.

## SECTION 4

# Stormwater Pollution Prevention for Construction Sites

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### (a) APPLICABILITY AND EXEMPTIONS

The Town of Pendleton will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of a project's construction plans and specifications. Any project located within the corporate boundaries of the Town of Pendleton that includes clearing, grading, excavation or other land disturbing activities resulting in the disturbance of 10,000 square feet or more of total land area is subject to the requirements of this section. This includes both new development and re-development. This section also applies to disturbances of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 10,000 square feet or more of total land area. Section 4 (c) provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of IDEM's CSGP shall also be in compliance with the requirements contained in that permit.

The requirements under this section do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion and sediment control measures:

- i. Landfills that have been issued a certification of closure under 329 IAC 10.
- ii. Coal mining activities permitted under IC 14-34.
- iii. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

For an individual lot where land disturbance is expected to be one (1) acre or more, the individual lot owner must complete their own notice of intent letter, apply for a stormwater permit from the Town of Pendleton, and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with Section 6 of this Ordinance, regardless of whether the individual lot is part of a larger permitted project site. For an individual lot where land disturbance is 10,000 square feet or more but less than one (1) acre, an Individual Lot Plot Plan Permit application is required prior to receiving a building permit. Details of the permitting process are contained in Section 6.

An individual lot located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. In addition, the builders of these individual lots are required to submit Individual Lot Plot Plan Permit application along with a SWPPP for that individual lot prior to receiving a building permit. Details of the permitting process for individual lots and parcels are contained in Section 6 and additional requirements for individual lots may be found in the Town of Pendleton Stormwater Technical Standards Manual.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Town of Pendleton in accordance with Section 6 of this Ordinance. It will be the responsibility of the project site owner to ensure compliance with this Ordinance during the construction activity and implementation of the construction plan, and to notify the Town of Pendleton upon completion of the project and stabilization of the site, requesting a termination inspection to be performed by the Town of Pendleton. However, all persons engaging in construction and land disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this section and this Ordinance.

## **(b) POLICY ON STORMWATER POLLUTION PREVENTION**

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling.

For land disturbance of one (1) acre or more, the developer must submit to the Town of Pendleton, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage, and construction sequencing. The SWPPP and the project management log must be retained for at least three (3) years from the date the project permit is terminated. For land disturbances totaling 10,000 square feet or more but less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the Town of Pendleton Stormwater Technical Standards Manual must be designed and shown on the plans.

The required IDEM general and implementation requirements that apply to all land-disturbing activities are contained in the Town of Pendleton Stormwater Technical Standards Manual.

## **(c) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

In calculating the total area of land disturbance, for the purposes of determining applicability of this section to a project, the following guidelines should be used:

- i. Off-site construction activities that provide services (for example, road extensions, sewer, water, offsite stockpiles, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.
- ii. To determine if multi-lot project sites are regulated by this section, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
  1. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
  2. For a single-family residential project site where the lots are less than one half (0.5) acre in size, the total lot must be calculated as being disturbed.
  3. To calculate lot disturbance on all other types of project sites, such as industrial and commercial projects project sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual, the Town of Pendleton Stormwater Technical Standards Manual, and the product guidance/specifications of the manufacturer. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of the IDEM's CSGP. A Copy of the Indiana Stormwater Quality Manual may be obtained online through IDEM.

The design requirements that would apply to all land-disturbing activities and shall be considered in the selection, design, and implementation of all stormwater quality and management measures contained in the SWPPP are contained in the Town of Pendleton Stormwater Technical Standards Manual.



**(d) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

Following approval of the Stormwater Management Permit or Individual Lot Plot Plan Permit by the Town of Pendleton and commencement of construction activities, the Town of Pendleton has the authority to conduct inspections of the site to ensure full compliance with the provisions of this section, the approved Stormwater Pollution Prevention Plan, the Indiana Stormwater Quality Manual, and the terms and conditions of the approved permit.

A self-monitoring program (SMP) must be implemented by the project site owner to ensure the stormwater pollution prevention plan is working effectively. A trained individual, acceptable to the Town of Pendleton, shall monitor and manage project construction and stormwater activities. Details regarding the required monitoring activities are contained in the Town of Pendleton Stormwater Technical Standards Manual.

The stormwater pollution prevention plan shall serve as a guideline for stormwater quality but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this section, all measures necessary to adequately prevent polluted stormwater runoff. Recommendations by the trained individual for modified stormwater quality measures should be implemented.

A project management log must be maintained at the project site or in the possession of on-site individuals associated with the management and operations of the construction activities. Details regarding requirements related to the project management log are contained in the Town of Pendleton Stormwater Technical Standards Manual.

## SECTION 5

# Stormwater Quality Management for Post-construction

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### (a) APPLICABILITY AND EXEMPTIONS

In addition to the requirements of Section 4, the stormwater pollution prevention plan, which is to be submitted to the Town of Pendleton as part of the Stormwater Management Permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within the corporate boundaries of the Town of Pendleton that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of 10,000 square feet or more of total land area is subject to the requirements of this section. This includes both new development and re-development, and disturbances of land less than 10,000 square feet of total land area that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 10,000 square feet or more of total land area. In addition, regardless of the amount of disturbance, the Town of Pendleton reserves the right to require pre-treatment BMPs for proposed hot spot developments in accordance with provisions contained in the Town of Pendleton Stormwater Technical Standards Manual.

The requirements under this section do not apply to the following activities:

- i. construction activities associated with a single-family residential dwelling disturbing less than one (1) acre, when the dwelling is not part of a larger common plan of development or sale; or individual building lots within a larger permitted project.

The requirements under this section do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

- i. Landfills that have been issued a certification of closure under 329 IAC 10.
- ii. Coal mining activities permitted under IC 14-34.
- iii. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Town of Pendleton in accordance with Section 6 of this Ordinance. It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMP's (especially, the protection of post-stormwater BMPs during construction phase) in compliance with this Ordinance and with the approved Stormwater Management Permit, and to notify the Town of Pendleton upon completion of the project and stabilization of the site, requesting a termination inspection to be performed by the Town of Pendleton. However, all eventual property owners of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this section and this Ordinance.

### (b) POLICY ON STORMWATER QUALITY MANAGEMENT

It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues within the corporate boundaries of the Town of Pendleton, measures must be taken

to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers. Through the use of appropriate Best Management Practices (BMPs), to treat the Water Quality Volume (WQv) or the Water Quality Flow (Qwq) stormwater runoff will be filtered and harmful amounts of sediment, nutrients, and contaminants will be removed.

It is also recognized that another major source of pollution in many Indiana streams, including those within the corporate boundaries of the Town of Pendleton, is the streambank erosion associated with urbanizing watersheds. Stream channels develop their shape in response to the volume and rate of runoff that they receive from their contributing watersheds. Research has shown that in hydrologically stable watersheds, the stream flow responsible for most of the shaping of the channel (called the bankfull flow) occurs between every one to two years. When land is developed, the volume and rate of runoff from that land increases for these comparatively small flooding events that are not normally addressed by the detention practices and the stream channel will adapt by changing its shape. As the stream channel works to reach a new stable shape, excess erosion occurs. As new development and re-development continues within the corporate boundaries of the Town of Pendleton, measures must be taken to minimize the impact of such development or re-development on streambank erosion. Through the use of appropriate Best Management Practices (BMPs) to retain and/or detain and slowly release the Channel Protection Volume (CPv), the volume and rate of runoff for channel forming flows will be reduced in an attempt to minimize increased streambank erosion in the receiving streams and channels.

The project site owner must submit to the Town of Pendleton a Stormwater Pollution Prevention Plan (SWPPP) that shows placement of appropriate BMP(s) from a pre-approved list of BMP's specified in the Town of Pendleton Stormwater Technical Standards Manual. The SWPPP submittal shall include an Operation and Maintenance Manual for all post-construction BMP(s) included in the project and a notarized Maintenance Agreement, consistent with the sample agreement provided in the Town of Pendleton Stormwater Technical Standards Manual, providing for the long-term maintenance of those BMPs, both of which shall be recorded with the deed for the property on which the project is located. The noted BMP(s) must be designed, constructed, and maintained according to guidelines provided or referenced in the Town of Pendleton Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance and ease of maintenance of such practices will be according to guidelines provided in the Town of Pendleton Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMP's are provided in the Town of Pendleton Stormwater Technical Standards Manual.

Gasoline outlets and refueling areas must install appropriate practices (as noted under "Hot Spots" provision in the Technical Standards) to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks, regardless of the size of the facility.

Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.

### **(c) CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

Calculation of land disturbance should follow the guidelines discussed in Section 3(c).

The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the Town of Pendleton Stormwater Technical Standards Manual. The methods and procedures included in the referenced Standards is in keeping with the above stated policy and meet or exceed the requirements of IDEM's MS4 GP.

**(d) EASEMENT REQUIREMENTS**

All stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For the purposes of monitoring, inspection, and general maintenance activities, adequate easement width, as detailed in the Town of Pendleton Stormwater Technical Standards Manual, beyond the actual footprint of the stormwater quality management facility as well as a 20-foot wide access easement from a public right-of-way to each BMP shall be provided.

**(e) INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

After the approval of the Stormwater Management Permit by the Town of Pendleton and the commencement of construction activities, the Town of Pendleton has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this section, the approved Stormwater Pollution Prevention Plan, the Town of Pendleton Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.

Stormwater quality facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the Town of Pendleton Stormwater Technical Standards Manual, in addition to the designed and approved performance specifications for the facilities and shall not be subsequently altered, revised, or replaced except as approved by the Town of Pendleton.

Details regarding the required of stormwater BMP Maintenance Agreement, O&M Maintenance Manual, and a Maintenance Escrow account and their transfer to other parties or subsequent owners prior to release of the maintenance bond discussed in Section 6 of this Ordinance is provided in the Town of Pendleton Stormwater Technical Standards Manual.

The Town of Pendleton also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report.

## SECTION 6

# Permit Requirements and Procedures

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### (a) CONCEPTUAL DRAINAGE PLAN REVIEW

In order to gain an understanding of the drainage requirements for a specific project, a developer may submit conceptual drainage plans and calculations for review by the Town of Pendleton. The direction provided by the Town of Pendleton during such a review is based on preliminary data and shall not be construed as an acceptance or binding on either party. The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

- i. Two (2) complete sets of conceptual plans showing general project layout, including existing and proposed drainage systems (plan sheets must be larger than 11" by 17", but not to exceed 24" by 36").
- ii. General description of the existing and proposed drainage systems in narrative form.
- iii. Map showing on-site 100-year floodplain and floodway (please note if none exists).
- iv. Map showing all wetlands, lakes, and ponds on or adjacent to the site.
- v. Watershed Boundaries with USGS Contours or best information possible.
- vi. Two (2) copies of drainage calculations detailing existing and proposed discharges from the site
- vii. Existing watercourse or regulated drains.

### (b) PERMIT PROCEDURES

This section applies to all development, or re-development of land, that results in land disturbance of one (1) acre or more. Individual lots with land disturbance less than one (1) acre shall refer to Sections 4 and 5 and subsection (d) below for plan review requirements and procedures. Figure 1 is a flowchart summarizing the plan review/permit approval/project termination compliance process for land disturbance of one (1) acre or more and can be found at the end of this section.

#### 1. General Procedures

The project site owner shall submit an application for a Stormwater Management Permit to the Town of Pendleton. The application will include a completed application checklist, construction plan sheets, a stormwater drainage technical report, a stormwater pollution prevention plan, and any other necessary support information. Specific information to be included in the application can be found in Subsection (c) below. Two (2) copies of each application must be submitted to the Town of Pendleton. The Town of Pendleton may, at its discretion, require one or more copies be submitted to other entities deemed appropriate by the Town of Pendleton. Additionally, a digital copy of the construction plans is required in a format accepted by the Town of Pendleton.

After the Town of Pendleton's receipt of the application, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. If the application is complete, it will be reviewed in detail by the Town of Pendleton and/or its plan review consultant(s). Once all comments have been received and review completed, the Town of Pendleton will either approve the project, request modifications or deny the project. If the applicant does not agree with or accept the review findings and wishes to seek an appeal, the Town of Pendleton will place the project on the agenda of the next regularly scheduled meeting of the Town of Pendleton Town Council provided the agenda for the meeting has not yet been advertised or published. If time for notification does not allow, the project shall be placed on the following regularly scheduled meeting of the Town of Pendleton Town Council. If the project must go through a scheduled meeting, the Town of Pendleton will furnish the applicant a complete list of comments and objections to the plans and accompanying data prior to the scheduled meeting. After the scheduled meeting, the Town of Pendleton will either issue a permit, request modifications to the construction plans, or deny the project.

The project site owner must notify the Town of Pendleton and IDEM before beginning construction. Notification to the Town of Pendleton shall be in the form of an email while the notification to IDEM shall be in the form of an online IDEM NOI submittal. Once a permit has been issued and the pending construction notifications submitted to the Town of Pendleton and IDEM before the beginning of construction, construction may commence. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the approved permit. Upon completion of construction activities, a Certification of Completion and Compliance and as-built plans must be submitted to the Town of Pendleton. Once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed, a notification shall be sent to the Town of Pendleton, *requesting a termination inspection*. The Town of Pendleton, or its representative, shall inspect the construction site to verify that the completed project is fully stabilized and meets the requirements of Town of Pendleton's stormwater Ordinance and its technical standards and that the terms and conditions of the permit. Once the applicant receives a signed copy of the Termination Inspection Checklist confirming compliance, they must forward a copy to IDEM along with the required IDEM NOT form. Permits issued by the Town of Pendleton under this scenario will expire 5 years from the date of issuance. If construction is not completed within 5 years, an updated permit application must be submitted to the Town of Pendleton *and an updated NOI* must be resubmitted to IDEM at least 90 days prior to expiration.

## 2. SWPPP Review Time Limits

Pursuant to IC 13-18-27, an MS4-designated entity or other review authority such as SWCD must make a preliminary determination as to whether the construction plan associated with SWPPP is substantially complete before the end of the tenth (10th) working day (for sites with less than 5 acres of land disturbance) after the day on which the SWPPP is submitted to the review authority or the fourteenth (14th) working day (for sites with 5 acres or larger of land disturbance) after the day on which the SWPPP is submitted to the review authority. Depending on the outcome of the SWPPP review, the following scenarios may play out:

- a. No SWPPP review notification received: If the review authority does not notify the applicant of its preliminary determination as to whether the construction plan is substantially complete within either 10 or 14 days as noted above, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the Town of Pendleton Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project.
- b. SWPPP not substantially complete: If the review authority notifies the applicant that the construction plan is not substantially complete, the project site owner may not submit a notice of intent letter to IDEM until the review authority makes a conclusive favorable determination concerning the construction plan under the IDEM rule/permit, or this Ordinance and the Town of Pendleton Stormwater Technical Standards Manual.
- c. Unfavorable SWPPP: If the review authority notifies the applicant that the construction plan is substantially complete; and makes a conclusive unfavorable determination concerning the construction plan under IDEM rule/permit, or this Ordinance and the Town of Pendleton Stormwater Technical Standards Manual, the project site owner may not submit a notice of intent letter to IDEM.
- d. Preliminary SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a preliminary review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the Town of Pendleton Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project. The plan review authority reserves the right to perform a comprehensive review at a later date, and revisions may be required at that time.
- e. Conditional SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a conditional review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the Town of Pendleton Stormwater Technical Standards Manual, and 48 hours after the NOI is

submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project provided that the requirements included in the conditional review are fulfilled.

- f. Favorable SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a preliminary review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Ordinance and the Town of Pendleton Stormwater Technical Standards Manual, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project.

Note that the above time limits only apply to the SWPPP portion of the overall stormwater permit submittal and does not affect any official or non-official permit review timelines set by the entity for other aspects of the stormwater permit application.

### **(c) INFORMATION REQUIREMENTS**

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the "Applicability and Exemptions" Sections of Sections 2 through 5. If a project or activity is exempt from any or all requirements of this ordinance, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required from individual lots, disturbing less than 1 acre of land, developed within a larger permitted project site. Review and acceptance of such lots is covered under Section (d).

The different elements of a permit submittal include an application checklist, construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana who also meets the definition of a Trained Individual found in Appendix A.

#### **1. Application Checklist**

As part of the Town of Pendleton Stormwater Management Permit application package, the application checklist provided in the Town of Pendleton Stormwater Technical Standards Manual must be completed by the applicant and provided along with other required supporting material.

#### **2. Construction Plans**

Construction plan sheets (larger than 11" by 17", but not to exceed 24" by 36" in size) and an accompanying narrative report shall describe and depict the existing and proposed conditions. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. Construction plans must include items listed in the application checklist provided in the Town of Pendleton Stormwater Technical Standards Manual.

#### **3. Stormwater Drainage Technical Report**

A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and

outlet conditions. The technical report needs to include items listed in the application checklist provided in the Town of Pendleton Stormwater Technical Standards Manual.

#### **4. Stormwater Pollution Prevention Plan for Construction Sites**

For sites with total disturbance of one (1) acre or more, a stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this Ordinance. The SWPPP and construction plans must include the items listed in the application checklist provided in the Town of Pendleton Stormwater Technical Standards Manual. For land disturbances totaling 10,000 square feet or more of land area but less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the Town of Pendleton Technical Standards must be designed and shown on the plans.

#### **5. Post-Construction Stormwater Pollution Prevention Plan**

For sites with total land disturbance of 10,000 square feet or more of total land area, a post-construction stormwater pollution prevention plan must be designed to, at least, meet the requirements of this Ordinance and must include the information provided in the Town of Pendleton Stormwater Technical Standards Manual. The post-construction stormwater pollution prevention plan must include items listed in the application checklist provided in the Town of Pendleton Stormwater Technical Standards Manual.

### **(d) REVIEW OF INDIVIDUAL LOTS**

For all individual lots disturbing 10,000 square feet or more but less than one (1) acre, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. Similarly, for individual lots disturbing less than 10,000 square feet of total land area, developed within a larger permitted project, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. All stormwater management measures necessary to comply with this Ordinance must be implemented in accordance with permitted plan for the larger project.

The following information must be submitted to the Town of Pendleton, for review and acceptance, by the individual lot operator, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of an Individual Lot Plot Plan Permit that must be obtained prior to the issuance of a building permit.

- I. A site layout for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales.
- II. Erosion and sediment control plan that, at a minimum, includes the following measures:
  1. Installation and maintenance of a stable construction site access.
  2. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
  3. Minimization of sediment discharge and tracking from the lot.
  4. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
  5. Implementation of concrete or cementitious wash water practices that securely contain and allow for the proper disposal of concrete or cementitious wash water.
  6. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
  7. Self-monitoring program including plan and procedures.

Certification of Compliance stating that the individual lot plan is consistent with the Stormwater Management Permit, as approved by the Town of Pendleton, for the larger project (if the individual lot is part of a larger permitted project).

Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.



The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

**(e) CHANGES TO PLANS**

Any changes or deviations in the detailed plans and specifications after approval of the applicable Stormwater Management Permit shall be filed with, and accepted by, the Town of Pendleton prior to the land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

**(f) FEE STRUCTURE**

**1. FEE AMOUNT**

As a condition of the submittal and the review of development plans by the Town of Pendleton, the applicant shall agree to pay the Town of Pendleton the applicable fee, as set by the Town of Pendleton with respect to the review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as prepaid inspection fees.

**2. TIME OF PAYMENT**

After the meeting at which the Town of Pendleton is scheduled to consider acceptance of the applicant's final stormwater management plan, the Town of Pendleton will furnish a written statement to the applicant specifying the total amount due the Town of Pendleton in connection with the review of the applicant's submittals, plans and accompanying information and data, including the amount required to be paid by applicant for review and pre-paid inspection fees.

As a condition of acceptance of final drainage plans by the Town of Pendleton, applicant shall pay to the Town of Pendleton the sum set forth in said statement. The Town of Pendleton may issue such a billing statement before the project advances to the final acceptance stage, and such payment is due by applicant upon receipt of said billing statement regardless of whether the project is advanced to the final acceptance stage.

The Town of Pendleton shall have the right to not accept the drainage improvements or to not approve the advancement of any project for which the applicable fees have not been paid.

**3. METHOD OF PAYMENT**

Fees shall be paid by one of the following methods:

- Check
- Certified Check
- Cashier's Check
- Money Order

All checks shall be made payable to the: Town of Pendleton, 100 West State St, PO Box 230, Pendleton, IN 46064

**4. REFUND OF PAYMENT**

Fees are refundable **only** if the Town of Pendleton determines that compliance by the development or project to this Ordinance is not necessary.

**5. FEE SCHEDULE**

Stormwater Permit Application and Inspection Fees will be in accordance with the fee schedule set by Town of Pendleton as a separate resolution.

## **(g) REQUIRED ASSURANCES**

This section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to the Town of Pendleton or retained privately. As a condition of approval and issuance of the permit, the Town of Pendleton shall require the applicant to provide assurance in form of an irrevocable letter of credit or a bond when the stormwater management plan has been accepted and before construction begins. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the stormwater pollution prevention plan, the stormwater quality management plan, and any permit conditions. The assurance shall be for an amount equal to 125 percent of the total costs of all stormwater management measures for the entire project. The above-mentioned costs shall be based on an estimate as prepared by a registered engineer or land surveyor. Said costs shall be for the installation and ongoing monitoring and maintenance of erosion control measures and the construction and ongoing monitoring and maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMP's, as regulated under this Ordinance, until the construction is completed, the site is stabilized, and as-built plans are accepted by the Town of Pendleton. Assurances shall be for a minimum of \$5,000. All other performance bonds, maintenance bonds or other assurances required by the Town of Pendleton in accordance with any and all other ordinances shall also apply and so be required. Local governmental jurisdictions may require additional performance and/or maintenance assurances. The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to assure that adequate stormwater pollution prevention measures are properly installed and maintained. If adequate assurances are set aside by the project site owner for the overall project, proof of total assurance can be submitted in place of an individual stormwater assurance.

## **(h) TERMS AND CONDITIONS OF PERMITS**

In granting a Stormwater Management Permit, the Town of Pendleton may impose such terms and conditions as are reasonably necessary to meet the purposes of this Ordinance. The project site owner shall insure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in Section 7.

The project site owner shall inform all general contractor, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the Stormwater Management Permit and the schedule for proposed implementation.

In the event that a project site is determined to impact or discharge to a Sensitive Area or is located in an Impact Drainage Area, the Town of Pendleton may require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in the *Indiana Stormwater Quality Manual*.

### **1. Determination of Sensitive Areas**

Sensitive Areas include highly erodible soils, wetlands, karst areas, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. Any discharge from a stormwater practice that is a Class V injection well shall meet the Indiana groundwater quality standards and registered with US EPA as required by the IDEM. If wetlands are suspected on a site, a wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE). The need for the applicant to check for the presence of threatened or endangered species habitat will be determined on a case-by-case basis. Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the Stormwater Management Permit.

### **2. Determination of Impact Drainage Areas**

The following areas shall be designated as Impact Drainage Areas, unless good reason for not including them is presented to the Town of Pendleton.

- i. A floodway or floodplain as designated by the most updated FEMA Code dealing with floodplain regulation and/or by the Best Available Data through IDNR.
- ii. Land within 25 feet of each bank of any ditch within the Town of Pendleton's system.
- iii. Land within 15 feet of the centerline of any stormwater infrastructure or enclosed conduit within the Town of Pendleton's system.
- iv. Land within 75 feet of each bank of a county open regulated drain.
- v. Land within 50 feet of a natural drainageway.
- vi. Land within 75 feet of the centerline of any tiled regulated drain.
- vii. Land within the Fluvial Erosion Hazard (FEH) corridor.
- viii. Land within the expected breach inundation zone of an existing or proposed new dam, and areas protected from flooding by a levee.

The Town of Pendleton or Town of Pendleton Engineer is authorized, but is not required, to classify certain geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, the Town of Pendleton may consider such factors as topography, soil type, capacity of existing drains, and distance from adequate drainage facility.

Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by the Town of Pendleton. Special terms and conditions for development within any Impact Drainage Area shall be included in the Stormwater Management Permit.

### **3. Determination of Designated Drainage Areas Served by Regional Facilities**

The Town of Pendleton is authorized, but is not required, to classify certain geographical areas as Designated Drainage Areas that are or will be served by regional facilities, such as a regional pond. In such cases, an Infrastructure Development Fee (IDF) rate may be established for the Designated Drainage Area. The basis for determining such a fee for a proposed development or re-development within a Designated Drainage Area will be as detailed in the Town of Pendleton Stormwater Technical Standards Manual.

#### **(i) CERTIFICATION OF AS-BUILT PLANS**

This section shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to the Town of Pendleton or retained privately. After completion of construction of the project and before the release of required performance assurances referenced in Section (g) above, a professionally prepared and certified 'as-built' set of plans (record drawings) shall be submitted to the Town of Pendleton for review. These as-built plans/record drawings must be prepared and certified by the Engineer of Record, i.e., the company/engineer who originally prepared the construction plans. Additionally, a digital copy of the 'as-built' plans (record drawings) as well as finalized digital versions of all analyses, models, manuals, and reports that are consistent with the as-built conditions is required in a format acceptable to the Town of Pendleton. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include:

1. Pipe size and pipe material
2. Invert elevations
3. Top rim elevations
4. Elevation of the emergency overflow (spillway) for ponds
5. Grades along the emergency flood routing path(s)
6. Pipe structure lengths
7. BMP types, dimensions, and boundaries/easements

8. "As-planted" plans for BMP's, as applicable
9. Data and calculations showing detention basin storage volume
10. Data and calculations showing BMP treatment capacity
11. Certified statement on plans stating the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the Stormwater Management Permit as approved by the Town of Pendleton. (See certificate in the Stormwater Technical Standards Manual.

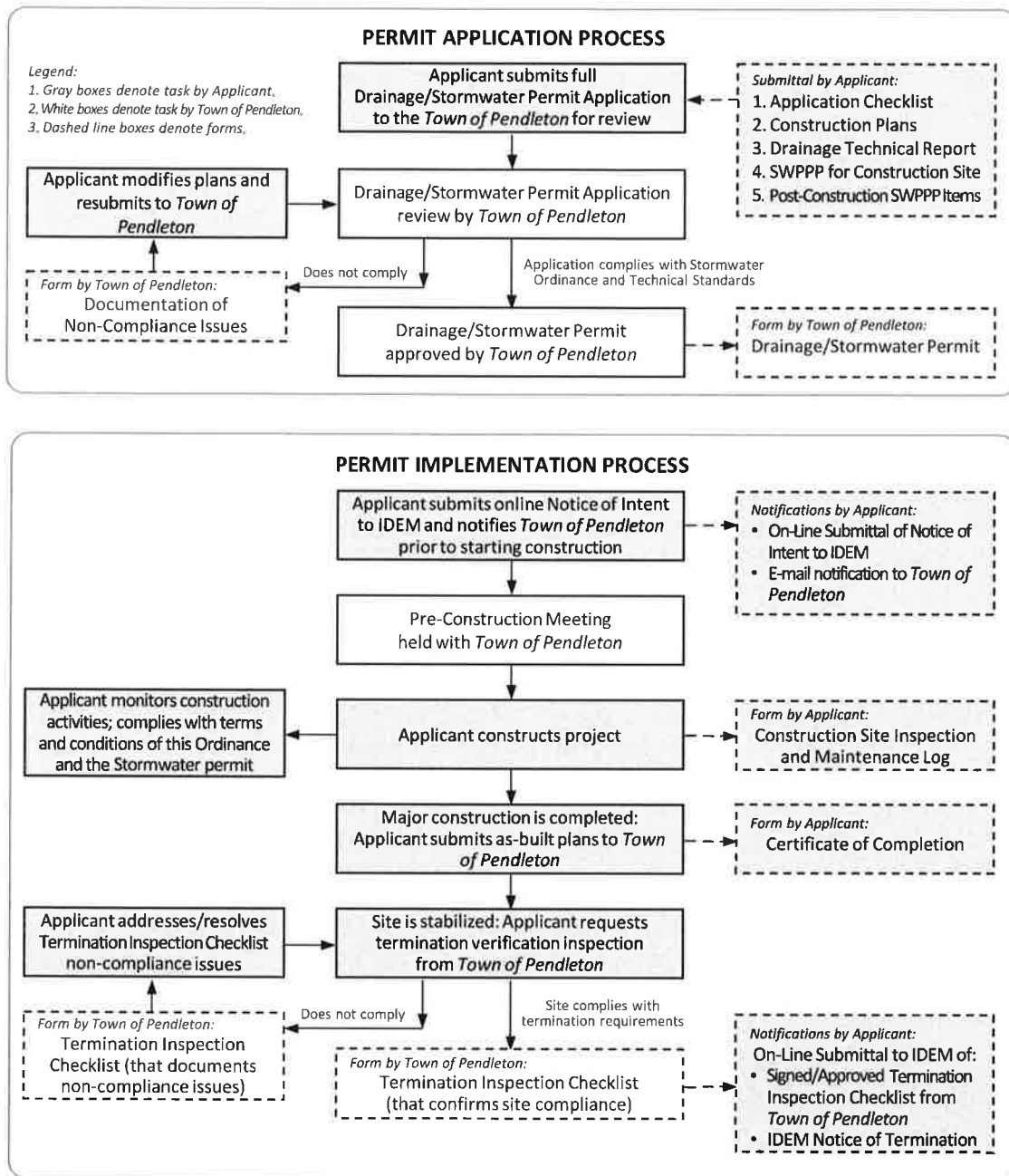
#### **(j) POST-PROJECT MAINTENANCE BOND AND VERIFICATIONS**

In addition to as-built plans and the certification of completion and compliance, following the release of performance assurances, the property owner, developer, or contractor shall be required to file a two-year maintenance bond or other acceptable guarantee with the Town of Pendleton in an amount not to exceed twenty five percent (25%) of the cost of the stormwater management system located outside the public road rights-of-way, and in a form satisfactory to the Town of Pendleton in order to assure that such stormwater system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that such project was done in accordance with the accepted plans, and this Ordinance and that any off-site drainage problems that may arise, whether upstream or downstream of such project, will be corrected if such drainage problems are determined by the Town of Pendleton to have been caused by the development of such project. The bond or other acceptable guarantee shall be in effect for a period of two years after the date of the release of required performance assurances referenced in Section (g) above. The beneficiary of all maintenance bonds shall be the Town Council of the Town of Pendleton.

To verify that all stormwater infrastructure is functioning properly, visual recordings (via closed circuit television) of such infrastructure, including all subsurface drains, shall be required twice, once following the completion of installation of the stormwater management system and submittal of as-builts, and the second time before release of maintenance bonds. These visual recordings will be scheduled by the Town of Pendleton and paid for by the developer. Notices shall be provided to the Town of Pendleton within 72 hours following the completion of installation and again at least 60 days prior to the expiration date of the maintenance bond so that the noted recordings may be scheduled. Reports summarizing the results of the noted visual recordings shall be reviewed and accepted by the Town of Pendleton before the plat is recommended for recording and again before the maintenance bond shall be recommended to be released.

Additional requirements for transfer of any applicable stormwater BMP Maintenance Agreement, O&M Maintenance Manual, and Maintenance Escrow accounts to subsequent owners prior to release of the maintenance bond is discussed in Section 5 of this ordinance.

**Figure 1: Permit Approval and Project Termination Sign-off Process**



## SECTION 7

# Compliance and Enforcement

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### (a) COMPLIANCE WITH THIS ORDINANCE

To secure compliance with the requirements of this Ordinance, violations thereof shall be subject to the enforcement provisions set forth under (b) following. Additionally, compliance with the requirements set forth in the local Zoning Ordinances is also necessary. Compliance with all applicable ordinances of the Town of Pendleton as well as with applicable State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available.

#### 1. Definitions

- i. **Violation.** Any action or inaction which violates the provisions of this Ordinance, the requirements of an approved stormwater management design plan or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to the enforcement actions outlined in this Section. Any such action or inaction is deemed to be a public nuisance and may be abated by injunctive or other equitable relief, in addition to and separate from the imposition of any of the enforcement actions described below.
- ii. **Compliance.** The act of correcting a violation or violations within the time frame specified by the Town of Pendleton.
- iii. **Offence.** Both a violation and a failure of compliance on a particular project constitute an "offense." If there are multiple violations or multiple failures of compliance on the same project, each shall be considered a separate offense as further stated in section (b)(3).

#### 2. Warning Notice

When the Town of Pendleton finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Town of Pendleton may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Town of Pendleton to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

### (b) ENFORCEMENT OF THIS ORDINANCE

#### 1. Notice of Violation/Citation

If the Town of Pendleton determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management design plan, a recorded stormwater management maintenance agreement, or the provisions of this ordinance, it shall issue a written Notice of Violation to such applicant or other responsible person and the owner of the property. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation can be in the form of a citation ticket and/or a written letter that would contain detailed inspection findings, conclusions of law, disposition of warning or fines assessed, stipulated remedial actions as discussed with the responsible party representative, reasonable deadlines for those remedial actions, and the date of re-inspection.

## 2. Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Town of Pendleton may impose upon a violator, alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, public education, etc.

## 3. Civil Penalties for Violations

Any person who commits an offense under this Ordinance commits a civil infraction subject to a fine not to exceed \$2,500 for each offense, plus costs, damages, and expenses. Each day such violation occurs or continues without a compliance action that is satisfactory to the Town of Pendleton may be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

Any person who aids or abets a person in a violation of this Ordinance shall be subject to the penalties provided in this section.

The Town of Pendleton has established an Enforcement Response Schedule as noted in the table below that standardizes the approach that the Town of Pendleton may, in its discretion, employ in dealing with stormwater regulations offenses subject to this Ordinance and the associated Technical Standards document. When so employed, this Schedule shall apply separately to each offense in the following manner: The first offense is the underlying violation itself, while the subsequent offenses 2 thru 8 (as necessary) are failures of compliance.

Offense #	Type of Response Anticipated
1 <sup>st</sup> offense	Verbal Telephone Notice, Letter of Violation or Written Warning and Administrative Penalty
2 <sup>nd</sup> offense	Letter of Violation, Administrative Penalty and/or Site Visit
3 <sup>rd</sup> offense	Letter of Violation, Administrative Penalty and/or Site Visit
4 <sup>th</sup> offense	Letter of Violation, Administrative Penalty and/or Site Visit
5 <sup>th</sup> offense	Agreed Order, Administrative Penalty and/or Site Visit
6 <sup>th</sup> offense	Administrative Order, Administrative Penalty and/or Site Visit
7 <sup>th</sup> offense	Compliance Schedule, Administrative Penalty and/or Site Visit
8 <sup>th</sup> offense	Litigation and Administrative Penalty

Likewise, in order to standardize the approach that the Town of Pendleton may, in its discretion, employ in the imposition of Administrative Penalties, the Town of Pendleton has established the following Schedule of Administrative Penalties. Again, the penalty for the 1st offense would apply to the violation itself, while the subsequent penalties 2 through 4 (as necessary) would apply to failures of compliance. In its discretion, the Town of Pendleton may impose penalties up to the amount specified in this Schedule.

Offense #	Penalty
1 <sup>st</sup> offense	\$250.00
2 <sup>nd</sup> offense	\$500.00
3 <sup>rd</sup> offense	\$1,000.00
4 <sup>th</sup> offense	\$2,500.00

## 4. Stop Work Order

In addition to the penalties listed above, if land disturbance activities are conducted contrary to the provisions of this Ordinance or accepted final stormwater management plans, the Town of Pendleton may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Town of Pendleton to proceed with the work. A Stop Work Order will be posted on the site by the Town of Pendleton and it is unlawful for any person to remove the notice or continue any work on the site without permission from the

Town of Pendleton. The Town of Pendleton may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

The Town of Pendleton may bring an action under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce a stop work order against any person who neglects or fails to comply with a stop work order.

For construction projects that are operating under a SWPPP approved by the Town of Pendleton, if a Stop Work Order is issued on the grounds that the erosion and sediment control measures included in the construction plan are not adequate, the project site owner must be notified in writing of the inadequacies in the erosion and sediment control measures and the project site owner has seventy-two (72) hours after receiving written notice to resolve the identified inadequacies before the Stop Work Order can take effect.

The seventy-two (72) hour period to resolve identified inadequacies on a construction project does not apply if the Stop Work Order is issued to a construction project where the project site owner is creating a public health hazard or safety hazard.

#### **5. Withhold Certificate of Occupancy**

The Town of Pendleton may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise satisfied the requirements of this ordinance as determined by the Town of Pendleton.

#### **6. Suspension, Revocation, or Modification of Permits**

The Town of Pendleton may suspend, revoke, or modify any existing permit that the violator may also have been previously granted. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the Town of Pendleton may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

#### **7. Suspension of Access to the Stormwater Drainage System**

##### **i. Emergency Cease and Desist Orders**

When the Town of Pendleton finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Town of Pendleton may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to immediately comply with all ordinance requirements and take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Town of Pendleton may commence court action against such person under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce a stop work order.

The Town of Pendleton may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Town of Pendleton that the period of endangerment has passed, unless further termination



proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Town of Pendleton within 5 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

#### **ii. Suspension Due to Illicit Discharges in Emergency Situations**

The Town of Pendleton may, without prior notice, suspend stormwater drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or waters of the state if the violator fails to comply with a suspension order issued in an emergency, the Town of Pendleton may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the state, or to minimize danger to persons.

#### **iii. Suspension Due to the Detection of Illicit Discharge**

Any person discharging to the stormwater drainage system in violation of this ordinance may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. The Town of Pendleton will notify a violator of the proposed termination of its stormwater drainage system access. The violator may petition the Town of Pendleton for a reconsideration and hearing. A person commits an offense if the person reinstates stormwater drainage system access to premises terminated pursuant to this Section, without the prior approval of the Town of Pendleton.

### **(c) COST OF ABATEMENT OF THE VIOLATION**

In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, the Town of Pendleton may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the Town of Pendleton for all costs of such work.

Nothing herein contained shall prevent the Town of Pendleton from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of the Town of Pendleton's NPDES permit, administrative costs, attorney fees, court costs, and other costs and expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.

If the amount due for abatement of the violation is not paid within a timely manner as determined by the decision of the Town of Pendleton or by the expiration of the time in which to file an appeal, the Town of Pendleton may commence a court action to recover the costs assessed under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4).

### **(d) APPEALS**

#### **1. Appeal of Notice of Violation**

Any person to whom any provision of this Ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Town Council of the Town of Pendleton the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Town Council of the Town of Pendleton shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Town Council of the Town of Pendleton may consider the recommendations of the Town of Pendleton Staff and the comments of other persons having knowledge of the matter. In considering any such appeal, the Town Council may grant a variance from the terms of this Ordinance to provide relief,

in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

- i. The application of the Ordinance provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the Ordinance; and
- ii. The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance, nor result in less effective management of stormwater runoff.
- iii. Any person who has appealed a violation to the Town Council may appeal an adverse decision of the Board to the Madison County court within 60 days of the Boards order, all pursuant to IC 36-1-6-9 (e) & (f).

## **2. Enforcement Measures After Appeal**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 days of the decision of the Town Council upholding the decision of the Town of Pendleton, then representatives of the Town of Pendleton shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property, including the commencing of a court action under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce the order of the Town Council.



# Abbreviations and Definitions

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## (a) ABBREVIATIONS

<b>BMP</b>	Best Management Practice
<b>COE</b>	United States Army Corps of Engineers
<b>CWA</b>	Clean Water Act
<b>EPA</b>	Environmental Protection Agency
<b>GIS</b>	Geographical Information System
<b>IDEM</b>	Indiana Department of Environmental Management
<b>MS4</b>	Municipal Separate Storm Sewer System
<b>NRCS</b>	USDA-Natural Resources Conservation Service
<b>NPDES</b>	National Pollutant Discharge Elimination System
<b>POTW</b>	Publicly Owned Treatment Works
<b>SWCD</b>	Soil and Water Conservation District
<b>SWPPP</b>	Stormwater Pollution Prevention Plan
<b>USDA</b>	United States Department of Agriculture
<b>USFWS</b>	United States Fish and Wildlife Service

## (b) DEFINITIONS

**Agricultural land disturbing activity.** Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile.

**Base Flow.** Stream discharge derived from groundwater sources as differentiated from surface runoff. Sometimes considered to include flows from regulated lakes or reservoirs.

**Best Management Practices.** Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

**Buffer Strip.** An existing, variable width strip of vegetated land intended to protect water quality and habitat.

**Capacity (of a Storm Drainage Facility).** The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

**Catch Basin.** A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

**Channel.** A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

**Compliance.** The act of correcting a violation or violations within the time frame specified by the Town of Pendleton.

**Comprehensive Stormwater Management.** A comprehensive stormwater program for effective management of stormwater quantity and quality throughout the community.

**Constructed Wetland.** A manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

**Construction activity.** Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

**Construction site access.** A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

**Construction Support Activities.** Include but are not limited to the following: concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas. Such activities must not support multiple, unrelated projects, be a commercial/industrial operation, or continue to operate beyond the completion of the construction activity for the project it supports.

**Contiguous.** Adjoining or in actual contact with.

**Contour.** An imaginary line on the surface of the earth connecting points of the same elevation.

**Contour Line.** Line on a map which represents a contour or points of equal elevation.

**Contractor or subcontractor.** An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

**Conveyance.** Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

**Cross Section.** A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

**Culvert.** A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

**Dechlorinated swimming pool discharge.** Chlorinated water that has either sat idle for seven (7) days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

**Design Storm.** A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.

**Detention.** Managing stormwater runoff by temporary holding and controlled release.

**Detention Basin.** A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

**Detention Storage.** The temporary detaining or storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

**Detention Time.** The theoretical time required to displace the contents of a tank or unit at a given rate of discharge (volume divided by rate of discharge).

**Detritus.** Dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

**Developer.** Any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

**Development.** Any man-made change to improved or unimproved real estate including but not limited to:

- i. Construction, reconstruction, or placement of a building or any addition to a building;
- ii. Construction of flood control structures such as levees, dikes, dams or channel improvements;
- iii. Construction or reconstruction of bridges or culverts;
- iv. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than hundred eight (180) days;
- v. Installing utilities, erection of walls, construction of roads, or similar projects;
- vi. Mining, dredging, filling, grading, excavation, or drilling operations;
- vii. Storage of materials; or
- viii. Any other activity that might change the direction, height, or velocity of flood or surface waters.

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

**Discharge.** In the context of water quantity provisions, usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day. In the context of water quality provisions, the discharge means any addition of liquids or solids to a water body or a flow conveyance facility

**Disposal.** The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

**Ditch.** A man-made, open watercourse in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

**Drain.** A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

**Drainage.** The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also see Natural drainage.

**Drainage Area.** The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

**Dry Well.** A type of infiltration practice that allows stormwater runoff to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.

**Duration.** The time period of a rainfall event.

**Environment.** The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

**Erodibility Index (EI).** The soil erodibility index (EI) provides a numerical expression of the potential for a soil to erode considering the physical and chemical properties of the soil and the climatic conditions where it is located. The higher the index, the greater the investment needed to maintain the sustainability of the soil resource base if intensively cropped. It is defined to be the maximum of  $(R \times K \times LS) / T$  (from the Universal Soil Loss Equation) and  $(C \times I) / T$  (from the Wind Erosion Equation), where R is a measure of rainfall and runoff, K is a factor of the susceptibility of the soil to water erosion, LS is a measure of the combined effects of slope length and steepness, C is a climatic characterization of windspeed and surface soil moisture and I is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than 8 are considered highly erodible land.

**Erosion.** The wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:

- *Accelerated erosion*--Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.
- *Channel erosion* --An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
- *Gully erosion* --An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1-2 ft. to as much as 75-100 ft.
- *Rill erosion*--An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see Rill).
- *Splash erosion*--The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.
- *Sheet erosion*--The gradual removal of a fairly uniform layer of soil from the land surface by runoff water.

**Erosion and sediment control.** A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

**Filter Strip.** Usually a long, relatively narrow area (usually, 20-75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties.

**Floatable.** Any solid waste that will float on the surface of the water.

**Flood (or Flood Waters).** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Floodplain.** The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or 100-year flood. Any normally dry land area that is susceptible to being inundated by water from any natural source. The floodplain includes both the floodway and the floodway fringe districts.

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

**Floodway Fringe.** That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

**Fluvial Erosion Hazard (FEH) Corridor.** Fluvial Erosion Hazard corridors represent the areas along the streams (including the channel and immediate overbanks areas) that are believed to be subject to stream movement or streambank erosion. These corridors have been delineated for most actively migrating and relatively stationary streams in Indiana through an Indiana Silver Jackets initiative.

**Footing Drain.** A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

**Garbage.** All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

**Gasoline outlet.** An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surface, or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

**Geographical Information System.** A computer system capable of assembling, storing, manipulation, and displaying geographically referenced information. This technology can be used for resource management and development planning.

**Grade.** (1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance. (2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit. (3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

**Grading.** The cutting and filling of the land surface to a desired slope or elevation.

**Grass.** A member of the botanical family Graminae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

**Groundwater.** Accumulation of underground water, natural or artificial. The term does not include manmade underground storage or conveyance structures.

**Habitat.** The environment in which the life needs of a plant or animal are supplied.

**Highly Erodible Land (HEL).** Land that has an erodibility index of eight or more.

**Hot Spot Development.** Projects involving land uses considered to be high pollutant producers such as vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container

storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

**Hydrologic Unit Code.** A numeric United States Geologic Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code.

**Hydrology.** The science of the behavior of water in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

**Illicit Discharge.** Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs. Illicit discharges include polluted flows from direct and indirect connections to the MS4 conveyance, illegal dumping, and contaminated runoff.

**Impaired Waters.** Waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's CWA Section 303(d) List of Impaired Waters.

**Impervious surface.** Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

**Individual building lot.** A single parcel of land within a multi-parcel development.

**Individual lot operator.** A contractor or subcontractor working on an individual lot.

**Individual lot owner.** A person who has financial control of construction activities for an individual lot.

**Infiltration.** Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of runoff through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

**Inlet.** An opening into a storm drain system for the entrance of surface stormwater runoff, more completely described as a storm drain inlet.

**Land-disturbing Activity.** Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

**Land Surveyor.** A person licensed under the laws of the State of Indiana to practice land surveying.

**Larger common plan of development or sale.** A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

**Lowest Adjacent Grade.** The elevation of the lowest grade adjacent to a structure, where the soil meets the foundation around the outside of the structure (including structural members such as basement walkout, patios, decks, porches, support posts or piers, and rim of the window well).

**Lowest Floor.** Refers to the lowest of the following:

- i. The top of the basement floor;
- ii. The top of the garage floor, if the garage is the lowest level of the building;
- iii. The top of the first floor of buildings constructed on a slab or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
- iv. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:



1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two opening (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
2. Such enclosed space shall be usable only for the parking of vehicles or building access.

**Manhole.** Storm drain structure through which a person may enter to gain access to an underground storm drain or enclosed structure.

**Measurable storm event.** A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

**Mulch.** A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

**Municipal Separate Storm Sewers.** An MS4 meets all the following criteria: (1) is a conveyance or system of conveyances owned by the state, county, city, town, or other public entity; (2) discharges to waters of the U.S.; (3) is designed or used for collecting or conveying stormwater; (4) is not a combined sewer; and, (5) is not part of a Publicly Owned Treatment Works (POTW).

**National Pollutant Discharge Elimination System.** A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

**Natural Drainage.** The flow patterns of stormwater runoff over the land in its pre-development state.

**Nutrient(s).** (1) A substance necessary for the growth and reproduction of organisms. (2) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

**Offense.** Both a violation and a failure of compliance on a particular project. If there are multiple violations or multiple failures of compliance on the same project, each shall be considered a separate Offense.

**Open Drain.** A natural watercourse or constructed open channel that conveys drainage water.

**Open Space.** Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other manmade activities.

**Outfall.** The point, location, or structure where a pipe or open drain discharges to a receiving body of water.

**Outlet.** The point of water disposal from a stream, river, lake, tidewater, or artificial drain.

**Peak Discharge (or Peak Flow).** The maximum instantaneous flow from a given storm condition at a specific location.

**Percolation.** The movement of water through soil.

**Permanent stabilization.** The establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

**Pervious.** Allowing movement of water.

**Point Source.** Any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or maybe discharged (P.L. 92-500, Section 502[14]).

**Porous pavement.** A type of infiltration practice to improve the quality and reduce the quantity of stormwater runoff via the use of manmade, pervious pavement which allows runoff to percolate through the pavement and into underlying soils

**Professional Engineer.** A person licensed under the laws of the State of Indiana to practice professional engineering.

**Project site.** The entire area on which construction activity is to be performed.

**Project site owner.** The person required to submit a stormwater permit application and required to comply with the terms of this ordinance, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

**Rain garden.** A vegetative practice used to alter impervious surfaces, such as roofs, into pervious surfaces for absorption and treatment of rainfall.

**Receiving Stream, Receiving Channel, or Receiving Water.** The body of water into which runoff or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

**Recharge.** Replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

**Redevelopment.** Development occurring on a previously developed site.

**Refueling area.** An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

**Regional Pond.** A detention/retention basin sized to detain/retain the runoff from the entire watershed, on-site and off-site, tributary to the pond's outlet.

**Regulatory Flood.** The discharge or elevation associated with the 100-year flood as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The "regulatory flood" is also known as the "base flood".

**Regulatory Floodway.** See Floodway.

**Release Rate.** The amount of stormwater release from a stormwater control facility per unit of time.

**Reservoir.** A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

**Retention.** The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

**Retention basin.** A type of storage practice, that has no positive outlet, used to retain stormwater runoff for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

**Return Period.** The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a one percent probability of being equaled or exceeded in any one year.

**Riparian zone.** Of, on, or pertaining to the banks of a stream, river, or pond.

**Riparian habitat.** A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

**Runoff.** That portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

**Runoff Coefficient.** A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drain system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as stormwater runoff.

**Sediment.** Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

**Sedimentation.** The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

**Sensitive Water.** A waterbody is in need of priority protection or remediation based on its:

- i. Providing habitat for threatened or endangered species,
- ii. Usage as a public water supply intake,
- iii. Relevant community value,
- iv. Usage for full body contact recreation,
- v. exceptional use classification as found in 327 IAC 2-1-11(b),
- vi. Outstanding state resource water classification as found in 327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b).

**Silvicultural.** the practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values.

- i. Nonpoint activities include source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. Some of these activities (such as stream crossing for roads) may involve the placement of dredged or fill material which may require a CWA section 404 permit and a 401 Water Quality Certification.
- ii. Point source activities include any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States or the State.

**Site.** The entire area included in the legal description of the land on which land disturbing activity is to be performed.

**Slope.** Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise)--e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and Width (W) components for horizontal angles). Also note that according to international standards (Metric), the slopes are presented as the vertical or width component shown on the numerator--e.g., 1V:2H. Slope expressions in this Ordinance follow the common presentation of slopes--e.g., 2:1 with the metric presentation shown in parentheses--e.g., (1V:2H). Slopes can also be expressed in "percent". Slopes given in percent are always expressed as  $(100 \cdot V/H)$  --e.g., a 2:1 (1V:2H) slope is a 50% slope.

**Soil.** The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

**Soil and Water Conservation District.** A public organization created under state law as a special-purpose district to develop and carry out a program of soil, water, and related resource conservation, use, and development within its boundaries. A subdivision of state government with a local governing body, established under IC 14-32.

**Solid Waste.** Any garbage, refuse, debris, or other discarded material.

**Spill.** The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

**Storm Duration.** The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

**Storm Event.** An estimate of the expected amount of precipitation within a given period of time. For example, a 10-yr. frequency, 24-hr. duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hr. period.

**Storm Sewer.** A closed conduit for conveying collected stormwater, while excluding sewage and industrial wastes. Also called a storm drain.

**Stormwater.** Water resulting from rain, melting or melted snow, hail, or sleet.

**Stormwater Management System.** A collection of structural and non-structural practices and infrastructure designed to manage stormwater on a site. This system may include but is not limited to erosion control measures, storm drainage infrastructure, detention/retention facilities, and stormwater quality BMP's.

**Stormwater Pollution Prevention Plan.** A plan developed to minimize the impact of stormwater pollutants resulting from construction activities.

**Stormwater Runoff.** The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

**Stormwater Quality Management Plan.** A comprehensive written document that addresses stormwater runoff quality.

**Stormwater Quality Measure.** A practice, or a combination of practices, to control or minimize pollutants associated with stormwater runoff.

**Stormwater Drainage System.** All means, natural or man-made, used for conducting stormwater to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

**Strip Development.** A multi-lot project where building lots front on an existing road.

**Subdivision, Major.** Any land that is divided or proposed to be divided into four (4) or more lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

**Subdivision, Minor.** Any land that is divided or proposed to be divided into less than four (4) lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

**Subsurface Drain.** A pervious backfield trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

**Surface Runoff.** Precipitation that flows onto the surfaces of roofs, streets, the ground, etc., and is not absorbed or retained by that surface but collects and runs off.

**Swale.** An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

**Temporary Stabilization.** The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of seventy percent (70%) across the disturbed area.

**Tile Drain.** Pipe made of perforated plastic, burned clay, concrete, or similar material, laid to a designed grade and depth, to collect and carry excess water from the soil.

**Topographic Map.** Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

**Topography.** The representation of a portion of the earth's surface showing natural and man-made features of a give locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

**Trained individual.** An individual who is trained and experienced in the principles of stormwater quality, including erosion and sediment control as may be demonstrated by state registration, professional certification (such as CESSWI and/or CPESC certification), or other documented and applicable experience or coursework as deemed sufficient by the Town of Pendleton that enable the individual to make judgments regarding stormwater control or treatment and monitoring.

**Urban Drain.** A drain defined as "Urban Drain" in Indiana Drainage Code.

**Urbanization.** The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

**Vegetated swale.** A type of vegetative practice used to filter stormwater runoff via a vegetated, shallow-channel conveyance.

**Vegetated swale.** A type of vegetative practice used to filter stormwater runoff via a vegetated, shallow-channel conveyance.

**Violation.** Any action or inaction which violates the provisions of this Ordinance or the Technical Standards, the requirements of an approved stormwater management design plan or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to the enforcement actions outlined in Section 7 of this Ordinance. Any such action or inaction is deemed to be a public nuisance and may be abated by injunctive or other equitable relief in addition to, and separate from, the imposition of any of the enforcement actions described in Section 7 of this Ordinance.

**Water Quality.** A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

**Water Resources.** The supply of groundwater and surface water in a given area.

**Waterbody.** Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

**Watercourse.** Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

**Watershed.** The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facility. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.

**Watershed Area.** All land and water within the confines of a drainage divide. See also Watershed.

**Wetlands.** Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**TOWN OF PENDLETON, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Shane Davis, Vice President

\_\_\_\_\_  
Shane Davis, Vice President

\_\_\_\_\_  
Steve Denny

\_\_\_\_\_  
Steve Denny

\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jerry Burmeister

\_\_\_\_\_  
Jerry Burmeister

ATTEST:

\_\_\_\_\_  
Willie Boles, Clerk-Treasurer

*I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Jeffrey K. Graham #26380-29*

Prepared By:  
Jeffrey K. Graham #26380-29  
GRAHAM, FARRER & WILSON, PC  
Attorneys at Law  
200 E. State Street  
Pendleton, IN 46064  
(765) 221-9273 or (765) 552-9878

Indiana Bond Bank's 2024 Advance Funding Program

**ORDINANCE 23-37**

AN ORDINANCE authorizing the Town of Pendleton, Indiana, as Provider Unit of South Madison Fire Protection Territory, to make temporary loans to meet current running expenses for the use of the Fire Protection Territory Fund of the Issuer, in anticipation of and not in excess of current taxes levied in the year 2023, and collectable in the year 2024; authorizing the issuance of temporary loan tax anticipation warrants to evidence such loans and the sale of such warrants to the Indiana Bond Bank; and appropriating and pledging the taxes to be received in such funds to the punctual payment of such warrants including the interest thereon.

WHEREAS, the Town Council (the "Fiscal Body") of the Town of Pendleton, Indiana, as Provider Unit of South Madison Fire Protection Territory (the "Issuer"), has determined that there will be an insufficient amount of money in the Fire Protection Territory Fund of the Issuer (the "Fund(s)") to meet the current running expenses of the Issuer payable from such Funds during the fiscal year ending on the last day of December 2024, and prior to the respective June 2024 (that is, the first) and December 2024 (that is, the second and final) settlements and distribution of taxes levied for such Funds; and

WHEREAS, the Fiscal Body now finds that an emergency exists for the borrowing of money to pay current running expenses and that temporary loans for the Funds for such purposes should be made and that temporary loan tax anticipation warrants evidencing such loans should be issued and sold, subject to the terms and conditions set forth herein and in accordance with the provisions of Indiana law; and

WHEREAS, the Fiscal Body has determined to participate in the 2024 Advance Funding Program (the "Program") established by the Indiana Bond Bank (the "Bond Bank") whereby the Bond Bank will purchase the temporary loan tax anticipation warrants and/or temporary interim warrants of the Issuer; and

WHEREAS, in order to participate in the Program, the Fiscal Body may be required to issue and sell its temporary loan tax anticipation warrants to the Bond Bank prior to the final certification of the annual budget levy and tax rates for such Funds for fiscal year 2024 by the Indiana Department of Local Government Finance; and

WHEREAS, the levy proposed for collection for the Funds in 2024 is estimated to produce in the aggregate, with respect to such Funds, an amount equal to or in excess of the principal of and interest on the temporary loans for such Funds; and

WHEREAS, a necessity exists for the making of temporary loans evidenced by temporary loan tax anticipation warrants for the Funds in anticipation of the receipt of current tax revenues for such Funds levied for the year 2023 and in the course of collection in 2024 and the Fiscal Body



desires to authorize the making of temporary loans to procure the amounts necessary, in combination with other available amounts, to meet such current running expenses for such Funds and to pay necessary costs incurred in connection with the issuance and sale of temporary loan tax anticipation warrants to evidence such temporary loans; and

WHEREAS, unless otherwise disclosed in writing to the Bond Bank, the Issuer has not previously issued temporary loan tax anticipation warrants payable from 2024 tax revenue with respect to the Funds; and

WHEREAS, the Fiscal Body desires to authorize the payment of interest on the temporary loan tax anticipation warrants from the Debt Service Fund of the Issuer as herein provided; and

WHEREAS, the Fiscal Body seeks to authorize the issuance of such temporary loan tax anticipation warrants and/or temporary interim warrants with respect to the Funds and the sale of such warrants to the Bond Bank pursuant to the provisions of Indiana Code 5-1.5, subject to and dependent upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PENDLETON, INDIANA, AS PROVIDER UNIT OF SOUTH MADISON FIRE PROTECTION TERRITORY, AS FOLLOWS:

Section 1. It is hereby found and declared that an emergency exists for the borrowing of money and therefore the Issuer is hereby authorized to make temporary loans to meet current running expenses for the use and benefit of each of the Funds of the Issuer in anticipation of estimated current tax revenues levied for the year 2023 and in the course of collection for such Funds in 2024, which loans shall be evidenced by temporary loan tax anticipation warrants of the Issuer (the “Warrant(s)”) issued pursuant to the provisions of Indiana Code 36-5-2-12 and 36-8-19-8 as in effect on the date of their respective issuance. A separate Warrant or Warrants shall be issued for each Fund and each maturity date and all Warrants shall be dated as of the date of delivery thereof to the Bond Bank. Subject to the provisions of Indiana Code 36-5-2-12 and 36-8-19-8 as in effect on the date of their respective issuance, the Issuer is authorized to issue Warrants maturing and payable on or before December 31, 2024, in aggregate amounts not to exceed the following for the respective identified funds:

Fire Protection Territory Fund: \$4,200,908.

The Warrants shall bear interest prior to maturity at a rate or rates per annum not to exceed a maximum of eight percent (8.0%). The exact rate or rates are to be determined under the terms of a warrant purchase agreement between the Bond Bank and the Issuer to be entered into prior to the sale of the Warrants to the Bond Bank (together with any supplements thereto, referred to as the “Warrant Purchase Agreement”), in accordance with the provisions of Indiana Code 5-1.5. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months. Interest on the Warrants may be payable from the Issuer’s Debt Service Fund up to an amount not exceeding \$313,667.80.

Notwithstanding any provision in this Ordinance (or in the Warrant Purchase Agreement available to the Issuer as of the date of the adoption of this Ordinance and incorporated by reference into this Ordinance), conforming changes may be made by the Issuer's officers to the form of any Warrant and the Warrant Purchase Agreement prior to the issuance of Warrants to provide the due date of the Warrants, which may be June 28, 2024, December 31, 2024, or a date fixed by reference to the Issuer's receipt of its settlement of the funds in anticipation of which any Warrant is issued, or any combination thereof.

The Issuer is authorized to make payments of principal of and interest on the Warrants by paying the amount due from funds that are available for immediate transfer or investment on or before 12:00 noon (Indianapolis time) on the due date to U.S. Bank Trust Company, National Association (or if U.S. Bank Trust Company, National Association is not selected or determined by the Bond Bank at the time of the issuance of the Indiana Bond Bank Advance Funding Program Notes, Series 2024, to serve as the Trustee, then to such other corporate trustee as may be specified as the Trustee in the Note Indenture), the Bond Bank's Trustee (the "Trustee") under the Note Indenture to be dated as of or about January 1, 2024. Subject to Section 11 hereof, the Warrants may not be prepaid prior to the Due Date (as defined in the Warrant Purchase Agreement and in each Warrant) without the express written consent of the Bond Bank. In the event that the principal of and interest on the Warrants are not paid in full on the Due Date, the total amount due and owing on such Due Date (equal to the unpaid principal and accrued interest thereon to such Due Date) shall thereafter bear interest at the per annum rate equal to the Reinvestment Rate (as defined in the Warrant Purchase Agreement) until paid. In addition, the Issuer shall be responsible for payment to the Bond Bank of its allocable portion of all fees and expenses attributable to a request for payment under the Credit Facility Agreement (as defined in the Warrant Purchase Agreement) resulting from a failure by the Issuer to pay in full the principal of and interest on the Warrants on their Due Date.

With the force and effect provided for in Indiana Code 5-1-5-9 and -10, the Qualified Entity (as defined in the Warrant Purchase Agreement) hereby irrevocably pledges and appropriates the proceeds of the Warrants, or other legally available monies as are required to provide for the payment of all outstanding warrants (including interest thereon) (including any temporary interim warrants issued pursuant to this Ordinance) with any maturity date on or before December 31, 2024, related to any Fund against which a Warrant is issued pursuant to this Ordinance, and covenants to so apply the proceeds thereof, on and as of the date of issuance of the Warrants, to their payment unless the Bond Bank has consented in writing to such warrants remaining outstanding after the issuance of the Warrants. Only with the written consent of the Bond Bank may the Qualified Entity (as defined in the Warrant Purchase Agreement) hereafter issue warrants on a parity with those Warrants to be issued pursuant to this Ordinance.

Section 2. With respect to each Fund and each maturity, the officers of the Issuer are authorized to deliver a principal amount of the Warrants up to or less than the maximum amount established for any such Fund and maturity date in Section 1 hereof in order to comply with all applicable laws and any requirements of the Bond Bank. The Warrants will be delivered on or about January 25, 2024, or otherwise as appropriate and in accordance with the terms of the Warrant Purchase Agreement. In the event that the Issuer anticipates incurring cash flow deficits after the issuance and sale of the Warrants to the Bond Bank, the Issuer is hereby authorized to

issue and sell additional warrants to the Bond Bank as appropriate and in accordance with the terms of the Warrant Purchase Agreement (as supplemented from time to time) and consistent with the two (2) preceding sentences.

In the event that the Issuer anticipates incurring cash flow deficits prior to the issuance and sale of the Warrants to the Bond Bank, the Issuer is hereby authorized to issue and sell temporary interim warrants to the Bond Bank. The issuance and sale of the temporary interim warrants shall be on substantially the same terms as the issuance and sale of the Warrants to the Bond Bank, all as set forth in the Warrant Purchase Agreement. In the event that temporary interim warrants are issued, all or a portion of the proceeds of the Warrants may be used to repay the temporary interim warrants. Provisions of this Ordinance relating to the issuance of Warrants shall also relate to the issuance of temporary interim warrants to the extent applicable. The aggregate amount of any such temporary interim warrants shall not count against the amount limitation recited in Section 1 hereof and applicable to the Warrants.

Section 3. The principal of and interest on the Warrants shall be payable from tax revenues to be received in the respective Fund upon which such Warrant is issued. Interest on the Warrants may also be payable from amounts, if any, available for that purpose in the Debt Service Fund up to an amount not exceeding \$313,667.80. There is hereby appropriated and pledged to the payment of the Warrants issued with respect to each Fund, including interest and all necessary costs incurred in connection with the issuance and sale of the Warrants, a sufficient amount of the taxes, levied for 2023, and payable in 2024, for such Fund and in anticipation of which the Warrants are issued, for the punctual payment of the principal of and interest on the Warrants evidencing such temporary loans, together with such issuance costs, if any; provided, that the Issuer reserves the right to pay interest on any Warrant from amounts, if any, available for that purpose in the Debt Service Fund up to an amount not exceeding \$313,667.80. The principal amount of all Warrants maturing on any date shall be based on the 2024 annual budget levy for the Fund as estimated or certified by the Indiana Department of Local Government Finance in anticipation of which the Warrants are issued. For purposes of this Ordinance, fifty percent (50%) of the annual budget levy shall be deemed to equal the amount of taxes estimated by the County Auditor to be collected for and distributed to such Fund at each of the June 2024 (that is, the first) and December 2024 (that is, the second and final) settlement and distribution of such revenues.

Section 4. The Warrants issued hereunder with respect to the Funds shall be executed in the name of the Issuer by the manual or facsimile signature of the President of the Town Council of Pendleton, Indiana, as Provider Unit of South Madison Fire Protection Territory, and attested by the Clerk-Treasurer of the Town of Pendleton, Indiana, as Provider Unit of South Madison Fire Protection Territory, or such other officers of the Issuer as may be permitted by law, provided at least one (1) of such signatures is manually affixed. In case any officer whose signature or facsimile signature appears on the Warrants shall cease to be such officer before the delivery of the Warrants, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. All Warrants shall be payable in lawful money of the United States of America at the principal corporate trust office of the Trustee. Further, the Warrants shall not be delivered and no payment shall be made therefor prior to the first day of January 2024.

Section 5. The Warrants with respect to each Fund shall be issued in substantially the following form (with all blanks, changes, additions and deletions, including the appropriate amounts, dates and other information to be properly completed prior to the execution and delivery thereof, with bracketed language set out below recognized to be alternative language depending upon any circumstances that vary due the applicable maturity, fund, or other similar facts, all as conclusively evidenced by the signatures of the officers of the Issuer affixed thereon):

[Form of Warrant]

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MADISON

TOWN OF PENDLETON, INDIANA, AS PROVIDER UNIT OF  
SOUTH MADISON FIRE PROTECTION TERRITORY  
TEMPORARY LOAN TAX ANTICIPATION WARRANT

Warrant Fund: \_\_\_\_\_ Fund  
Dated Date: \_\_\_\_\_, 2024  
Due Date: [June 28, 2024, provided that, if the First Semi-Annual Settlement occurs after June 28, 2024, then on the First Settlement Payment Due Date (as defined in the below referenced Agreement)][December 31, 2024]  
Principal Sum: \$ \_\_\_\_\_  
Interest Rate: \_\_\_\_\_ percent per annum

FOR VALUE RECEIVED, on or before the Due Date set forth above (the “Due Date”), the Town of Pendleton, Indiana, as Provider Unit of South Madison Fire Protection Territory (the “Issuer”), shall pay to the Indiana Bond Bank (the “Bond Bank”) the Principal Sum set forth above pursuant to a certain Warrant Purchase Agreement between the Bond Bank and the Issuer, dated as of December 1, 2023 (the “Agreement”). [This Warrant is issued in anticipation of the First Semi-Annual Settlement (as defined in the Agreement).]

In addition, the Issuer on the Due Date hereof shall pay to the Bond Bank interest at the per annum Interest Rate set forth above pursuant to the Agreement, with such interest to be computed on the basis of a 360-day year comprised of twelve 30-day months. In the event that the principal of and interest on this Warrant are not paid in full to the Bond Bank at the principal corporate trust office of the Trustee (as defined in the Agreement) in immediately available funds on or before 12:00 noon (Indianapolis time) on the Due Date, the total amount due and owing on the Due Date (the unpaid principal and accrued interest to the Due Date) shall thereafter bear interest at the per annum rate equal to the Reinvestment Rate (as defined in the Agreement) until paid. In addition, the Issuer shall pay to the Bond Bank its allocable portion of all fees and expenses attributable to a request for payment under the Credit Facility Agreement (as defined in the Agreement) resulting from a failure by the Issuer to pay in full the principal of and interest on this Warrant on the Due Date.

All payments of principal and interest to be made by the Issuer to the Bond Bank shall be made by paying the amount due in funds that are available for immediate transfer or investment on or before 12:00 noon (Indianapolis time) on the Due Date to the Trustee in Indianapolis, Indiana (or to such other place of payment as may be specified in notice given by the Trustee or Bond Bank). This Warrant may not be prepaid prior to the Due Date except as permitted by the Agreement.

This Warrant evidences a temporary loan to provide funds to meet current expenses of the Warrant Fund set forth above (the "Fund") and has been authorized by an ordinance adopted and approved by the Town Council of the Town of Pendleton, Indiana, as Provider Unit of South Madison Fire Protection Territory, and approved by a Resolution adopted by the Board of Fire Trustees of the South Madison Fire Protection Territory, in accordance with Indiana Code 36-5-2-12 and 36-8-19-8 and all other acts amendatory thereof or supplemental thereto.

This Warrant is issued in anticipation of the tax levy which has been made for the Fund in the year 2023, which tax levy is now in the course of collection. There has been irrevocably appropriated and pledged to the payment in full of the principal of and interest on this Warrant a sufficient amount of the revenues to be derived from the Fund tax levy. The principal amount of all Warrants maturing on the Due Date and payable from the Fund does not exceed forty percent (40%) of the 2024 annual budget levy for the Fund as estimated or certified by the Indiana Department of Local Government Finance.

It is further hereby certified, recited, and declared that all acts, conditions, and things required by law precedent to the issuance and execution of this Warrant have been properly done, have happened, and have been performed in the manner required by the constitution and statutes of the State of Indiana relating thereto; that the Fund tax levy from which (together with other amounts in the Fund) this Warrant is payable is a valid and legal levy; and that the Issuer will reserve a sufficient amount of the proceeds of the Fund tax levy currently in the course of collection for the timely payment of the principal of and interest on this Warrant in accordance with its terms.

IN WITNESS WHEREOF, the Town of Pendleton, Indiana, as Provider Unit of South Madison Fire Protection Territory, has caused this Warrant to be executed in its corporate name by the President of the Town Council of Pendleton, Indiana, as Provider Unit of South Madison Fire Protection Territory, and attested by the Clerk-Treasurer of the Town of Pendleton, Indiana, as Provider Unit of South Madison Fire Protection Territory, all as of the Dated Date set forth above.

TOWN OF PENDLETON, INDIANA, AS  
PROVIDER UNIT OF SOUTH MADISON FIRE  
PROTECTION TERRITORY

By: \_\_\_\_\_  
President of the Town Council

ATTEST:

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Its Clerk-Treasurer

[End of Form of Warrant]

Section 6. The fiscal officer of the Issuer (the “Fiscal Officer”) is hereby authorized and directed to have the Warrants prepared, and each of the executive officers of the Issuer, or such other officers as may be permitted by law, are hereby authorized and directed to execute the Warrants in the manner and substantially the form provided in this Ordinance, as conclusively evidenced by their execution thereof.

Section 7. The Fiscal Officer, on behalf of the Issuer, is authorized to sell to the Bond Bank the Warrants. The Warrant Purchase Agreement shall set forth the definitive terms and conditions for such sale. Warrants sold to the Bond Bank shall be accompanied by all documentation required by the Bond Bank pursuant to the provisions of Indiana Code 5-1.5 and the Warrant Purchase Agreement, including without limitation, an approving opinion of Bose McKinney & Evans LLP, specially designated qualified obligation bond counsel for the Warrants under the terms set forth in such firm’s letter to the Issuer; certification and guarantee of signatures (or if permitted by the Bond Bank, such other evidence of the authenticity of signatures); and certification as to no litigation pending as of the date of delivery of the Warrants to the Bond Bank challenging the validity or issuance of the Warrants. The entry by the Issuer into the Warrant Purchase Agreement and the execution of the Warrant Purchase Agreement, on behalf of the Issuer by any of the executive officers of the Issuer, or such other officers as may be permitted by law, in accordance with this Ordinance, are hereby authorized and approved. In case any officer whose signature or facsimile signature appears on the Warrant Purchase Agreement shall cease to be such officer before the delivery of the Warrants, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 8. The proper officers of the Issuer are hereby authorized to deliver the Warrants to the Bond Bank, upon receipt from the Bond Bank of the payment or otherwise as appropriate and in accordance with the terms of the Warrant Purchase Agreement.

Section 9. Each of the executive officers of the Issuer (including, without limitation, any Authorized Official as defined in the Warrant Purchase Agreement), or such other officers as may be permitted by law are hereby authorized and directed to make such filings and requests, deliver such certifications, execute and deliver such documents and instruments, and otherwise take such actions as are necessary or appropriate to carry out the terms and conditions of this Ordinance and the actions authorized hereby and thereby. In case any officer whose signature or facsimile signature appears on any documents or certificates executed pursuant to this Section 9 shall cease to be such officer before the delivery of the Warrants, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 10. The Issuer hereby covenants that the Issuer and its officers shall not take any action or fail to take any action with respect to the proceeds of any of the Warrants or any investment earnings thereon which would result in constituting any of the Warrants as “arbitrage bonds” under the Internal Revenue Code of 1986, as amended, and any and all final or proposed regulations or rulings applicable thereto, or which would otherwise cause the interest on any of the Warrants to cease to be excludable from gross income for purposes of federal income taxation; and the Fiscal Officer and all other appropriate officers are hereby authorized and directed to take any and all actions and to make and deliver any and all reports, filings, and certifications as may be necessary or appropriate to evidence, establish, or ensure such continuing exclusion of the interest on the Warrants.

Section 11. Notwithstanding any other provision of this Ordinance to the contrary, the Issuer may prepay all or a portion of the principal of and interest on the Warrants in the manner and at the times set forth in the Warrants and Section 3.6 of the Warrant Purchase Agreement.

Notwithstanding any other provision of this Ordinance or any Warrant, in the event any determination has been made by any court of proper jurisdiction whereby a finding or ruling is made to the effect that, absent application of this provision, the aggregate amount of any Warrant (whether as to its principal or interest amounts or both) exceeds the maximum amount that is permitted by law to be issued and outstanding for the maturity date stated therein (such excess over any such limitation referred to as the “Excess Amount”) and such would otherwise cause a Warrant to be invalid, then the form of the Warrant that was issued shall be deemed to be modified from that stated on its face in such a manner to first deem the Excess Amount to be a separate additional Warrant identical in terms to the original except that it shall have as its “due date” June 28, 2024, and its “principal sum” an amount equal to the maximum remaining permitted amount for all warrants with such a due date (a “Replacement Warrant”), provided, however, if an Excess Amount exceeds the principal amount of such a Replacement Warrant, such remaining balance should be treated as a fee charged by the Bond Bank pursuant to Section 5.10 of its Warrant Purchase Agreement with the Qualified Entity and not treated as part of the principal sum of any Warrant or Replacement Warrant.

Section 12. This Ordinance shall be in full force and effect from and after the time it has been adopted and approved by the Fiscal Body. All resolutions and ordinances in conflict herewith are, to the extent of such conflict, hereby repealed. For the benefit of the Bond Bank, the Fiscal Body hereby finds and determines that the adoption and approval of this Ordinance is intended to be, and for all purposes shall be deemed to be, an ordinance authorizing the sale of obligations within the meaning of Indiana Code 36-5-2-12(b), and accordingly no action to contest the validity of any Warrants authorized herein, and hereafter issued, may be brought more than fifteen (15) days after the date set forth below.

[Remainder of Page Left Intentionally Blank]

ADOPTED AND APPROVED BY the Town Council of the Town of Pendleton, Indiana,  
as Provider Unit of South Madison Fire Protection Territory, this \_\_\_\_\_ day of \_\_\_\_\_,  
2023.

\_\_\_\_\_  
Presiding Officer  
Town Council

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer





## RESOLUTION NO. 23-10

### RESOLUTION OF THE PENDLETON TOWN COUNCIL CONCERNING THE DEFERRED COMPENSATION PLAN AND ADOPTION AGREEMENT

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WHEREAS, the Town of Pendleton, Madison County, Indiana, (hereinafter referred to as the "Participating Employer") has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a defined contribution plan, funded by employer contributions;

WHEREAS, the Participating Employer has reviewed the State of Indiana Deferred Compensation Matching Plan ("Plan");

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan;

WHEREAS, the Pendleton Town Council is authorized by law, IC 5-10-1.1-7.3, to adopt this resolution approving the Adoption Agreement on behalf of the Participating Employer;

Therefore, the Governing Body of the Participating Employer hereby resolves:

**A.** The Participating Employer adopts the Plan and the Trust Agreement ("Trust") for the Plan for its Employees.

**B.** The Participating Employer acknowledges that the Deferred Compensation Committee ("Trustees") are only responsible for the Plan and have no responsibility for other employee benefit plans maintained by the Participating Employer.

**C.** The Participating Employer hereby adopts the terms of the Adoption Agreement, which is attached hereto and made a part of this resolution. The Adoption Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with

respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Adoption Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Trustees of the Plan.

**D.** The Participating Employer hereby authorizes the Auditor of the State of Indiana (“Administrator”), in conjunction with the Deferred Compensation Committee (“Trustees”), to amend the Plan on its behalf as provided under Section 18.01 of the Plan.

The Trustees and the Administrator will maintain or have maintained on their behalf a record of the Participating Employers, and the Trustees and the Administrator will make reasonable and diligent efforts to ensure that Participating Employers have actually received and are aware of all Plan amendments.

**E.**

a. The Participating Employer shall abide by the terms of the Plan and the Trust, including amendments to the Plan and the Trust made by the Trustees of the Plan, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.

b. The Participating Employer accepts the administrative services to be provided by the Administrator of the Plan and any services provided by a Service Manager (as defined in the Plan) as delegated by the Administrator or Trustees. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees will be charged to the Participants’ Accounts, and not to the Participating Employer.

**F.**

a. The Participating Employer may terminate its participation in the Plan, including but not limited to, its contribution requirements, if it takes the following actions:

(i) A resolution must be adopted terminating its participation in the Plan.

(ii) The resolution must specify when the participation will end.

The Trustees shall determine whether the resolution complies with the Plan, and all applicable federal and state laws, shall determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to Participants will be made in accordance with the Plan.

b. The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.

**G.** The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of

the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Trustees to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan. Only the assets attributable to a particular Participating Employer and its Employees are available to pay benefits to those Employees and their Beneficiaries.

**H.** This resolution and the Adoption Agreement shall be submitted to the Trustees for their approval. The Trustees shall determine whether the resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Trustees may refuse to approve an Adoption Agreement by an Employer that does not have state statutory authority to participate in the Plan. The Trustees may also refuse to approve an Adoption Agreement that is ambiguous or that does not comply with the requirements of the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this resolution and the Adoption Agreement are adopted and executed in accordance with the requirements of applicable law.

**I.** This Adoption Agreement may be used only in conjunction with the Plan. Failure to properly complete this Adoption Agreement may result in the failure of the Plan to qualify.

Adopted by the Governing Body on \_\_\_\_\_, 20\_\_\_\_, in accordance with applicable law.

**TOWN OF PENDLETON, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Shane Davis, Vice President

\_\_\_\_\_  
Shane Davis, Vice President

\_\_\_\_\_  
Steve Denny

\_\_\_\_\_  
Steve Denny

\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jerry Burmeister

\_\_\_\_\_  
Jerry Burmeister

Attest:

\_\_\_\_\_  
Willie Boles, Clerk-Treasurer

Date: \_\_\_\_\_

**[Governing Body should assure that applicable law is followed in the adoption and execution of this resolution.]**



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**THE STATE OF INDIANA DEFERRED  
COMPENSATION PLAN  
RESOLUTION AND ADOPTION AGREEMENT  
FOR A PARTICIPATING  
LOCAL POLITICAL SUBDIVISION**

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ADMINISTRATOR  
Indiana Auditor of State  
State House, Room 240  
Indianapolis, Indiana 46204



**THE STATE OF INDIANA PUBLIC EMPLOYEE  
DEFERRED COMPENSATION PLAN  
ADOPTION AGREEMENT**

**ADMINISTRATOR**

Indiana Auditor of State  
State House, Room 240  
Indianapolis, Indiana 46204  
Telephone: 317-232-3300  
Facsimile: 317-232-6097

**PARTICIPATING EMPLOYER**

Name: Town of Pendleton

**GOVERNING BODY**

Name: Town Council of Pendleton, Madison County  
Address: 100 West State Street, Pendleton, IN 46064  
Phone: (765) 778-7937  
Facsimile: (765) 221-5031  
E-mail: wboles@town.pendleton.in.us  
Person Authorized to receive Official Notices from  
the Plan or Administrator and to access account and  
Plan information: Willie Boles & Dawn Speedy

**DISCLOSURE OF OTHER 457(b) PLANS**

The Participating Employer  does or  does not have an existing deferred compensation plan(s). If the Participating Employer does have one or more deferred compensation plans, the Governing Body must provide the plan name and the name of the provider below, and other such relevant information requested by the Administrator. If the Participating Employer establishes another deferred compensation plan in the future, it must promptly provide the information below regarding the new plan to the Administrator.

Plan Name(s) \_\_\_\_\_

\_\_\_\_\_

Provider(s) \_\_\_\_\_

\_\_\_\_\_

**VERY IMPORTANT:** All eligible plans of a Participating Employer are considered to be a single plan for purposes of compliance with Code Section 457(b). **Thus, if a Participating Employer has more than one eligible plan (or additional investment options under a 457(b) arrangement with more than one vendor), the Participating Employer is responsible for ensuring that all of its arrangements, treated as a single plan, comply with the 457(b) requirements, including, but not limited to, the requirements listed below.** The Participating Employer must carefully review the Master Plan provisions listed below to fulfill its responsibility for monitoring coordination of multiple plans.

- **Compliance with the limit on Annual Deferrals to an eligible plan (including the basic limit (Section 4.01), the age 50 catch-up (Section 4.02), and the special 457 catch-up limit (Section 4.03)) (carefully review Article IV of the Master Plan for these rules).**
- **Compliance with the requirements for special 457 catch-up deferrals limits, including the requirement that a Participant have only one Normal Retirement Age (with respect to the special 457 catch-up limit) under all eligible plans offered by an Employer (carefully review Sections 1.13 and 4.03 of the Master Plan for these rules). (In essence, this means that once a Participant has selected a Normal Retirement Age under any eligible plan offered by an employer, he or she may not select a different one, and the selection will remain that Participant's Normal Retirement Age under all eligible plans offered by the Employer).**
- **Compliance with the requirement to distribute excess deferrals (an excess deferral means the amount of deferrals for a calendar year that is more than the basic limit, the age 50 catch-up limit, and the special 457 catch-up limit) (carefully review Section 4.07 of the Master Plan for these rules). (This means that the Participating Employer will have to tell the Administrator if excess deferrals need to be distributed from this Plan.)**
- **If the Participating Employer has directed a plan-to-plan transfer, then the Participating Employer is responsible for compliance with the plan-to-plan transfer provisions (carefully review Article XIII of the Master Plan for these rules).**

**Section I. Types of Contributions Allowed.** A Participating Employer may permit eligible employees to defer a portion of their compensation to the Plan. A Participating Employer may, but is not required to, allow eligible employees to designate that their elective deferrals to the Plan are to be made as Roth contributions. Roth contributions are deducted from an employee's paycheck on an **after-tax** basis; therefore, an employer's payroll system must be able to accommodate this deduction type. Eligible employees are not allowed to split contributions with respect to a pay period between pre-tax deferrals and Roth contributions.

A Participating Employer is permitted, but is not required, to make contributions to the Plan on behalf of Participating Employees. Employer contributions shall be processed as payroll deferrals, shall apply toward the maximum deferral limits in the taxable year that they are made and must comply with any procedure established by the Administrator, including the submission of data and funds electronically.

- Employee Contributions (check one of the following):
  - Pre-Tax Contributions, but not Roth Contributions
  - Pre-Tax Contributions or Roth Contributions
  
- Employer Contributions (if checked, please complete the AMOUNT OF EMPLOYER CONTRIBUTIONS section below).

**Section II. Eligibility Requirements.** Only Employees as defined in the Plan may be covered by the Adoption Agreement. Subject to other conditions in the Plan and this Adoption Agreement, the following Employees are eligible to participate in the Plan:

**J. Employee Contributions**

- All Employees.
  
- All Employees with following exclusions:
  - Employees who are not covered by the Employer's regular retirement plan
  - Elected or appointed officials
  - Other (must specify) \_\_\_\_\_

The Employer wishes to allow its independent contractors to participate in this Plan:

- Yes
- No

Employers electing this option must ensure that proper procedures are in place to make deferrals for independent contractors.



**K. Employer Contributions (complete only if applicable)**

- All Employees.
- All Employees with following exclusions:
- Employees who are not covered by the Employer's regular retirement plan
  - Elected or appointed officials
  - Other (must specify) \_\_\_\_\_

The Employer shall provide the Trustees with the name, address, Social Security Number, and date of birth for each Employee.

**Section III. Payroll Period.** The payroll period of the Participating Employer is:

- Weekly       Semi-Monthly
- Bi-Weekly       Monthly
- Other (must specify): \_\_\_\_\_

Deferrals for an Eligible Employee with respect to a payroll period in a calendar month shall only be made if the Eligible Employee has entered into a Participation Agreement before the beginning of such month.

**Section IV. Amount of Employer Contributions (complete only if applicable). Do not include any contributions that will be made to the State of Indiana Deferred Compensation Matching Plan.**

- Employer contributions will be made to this Plan on behalf of all Employees who choose to participate in the Plan according to the following formula: (must specify contribution calculation):

Employer will match 100% of employee contributions up to \$150.00 maximum per bi-weekly pay

**Section V. Modification of the Terms of the Adoption Agreement.** If a Participating Employer desires to amend any of its elections contained in this Adoption Agreement, the Governing Body by official action must adopt an amendment of the Adoption Agreement or a new Adoption Agreement must be adopted and forwarded to the Trustees for approval. The amendment of the Adoption Agreement is not effective until approved by the Trustees and other procedures required by the Plan have been implemented.

**Section VI. Termination of the Adoption Agreement.** This Adoption Agreement may be terminated only in accordance with the Plan.

**Section VII. Effective Date.** This 457(b) Plan will be effective January 1st, 2024 for this Employer.

**EXECUTION BY EMPLOYER**

The foregoing Adoption Agreement is hereby adopted and approved on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Willie F. Boles \_\_\_\_\_

Title: Clerk-Treasurer \_\_\_\_\_

Date of Signature: \_\_\_\_\_

**ADMINISTRATOR’S APPROVAL**

The Adoption Agreement is approved by the Administrator of the State of Indiana Public Employee Deferred Compensation. Contributions shall first be remitted as follows:

within 15 business days after the first Payroll Period following \_\_\_\_\_, 20\_\_.

other (must specify) \_\_\_\_\_

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Auditor of State, as Administrator of the Plan



**RESOLUTION FOR EMPLOYER PICK-UP OF THE MANDATORY MEMBER CONTRIBUTION**

State Form 55544 (R4 / 11-22)

**INDIANA PUBLIC RETIREMENT SYSTEM**

One North Capitol Avenue, Suite 001  
Indianapolis, IN 46204-2014  
Telephone: (888) 876-2707 (Toll-free)  
Fax: (866) 591-9441 (Toll-free)  
E-mail: [epa@inprs.in.gov](mailto:epa@inprs.in.gov)  
Web site: [www.inprs.in.gov](http://www.inprs.in.gov)

**DO NOT USE FOR VOLUNTARY (10%) MEMBER CONTRIBUTIONS.**

**NOTE:** [IC 5-10.2-3-2](#), [35 IAC 11](#) authorizes employers to pick-up and pay all or part of members' mandatory contributions and also contributions to the member's Defined Contributions (DC) in addition to the required contributions.

I, Marissa Skaggs hereby certify, that I am President of  
(Name of Officer) (Title of Officer)

Town of Pendleton, \_\_\_\_\_, an entity duly organized and existing  
(Name of Entity) (Employer Number)

under the laws of Indiana that a meeting of the Town Council of this entity,  
(Designated Board Council, etc.)

duly called and held on the 9th day of November, 2023, at which a quorum  
(Day) (Month) (Year)

was present and, acting through, the following resolutions were duly adopted, and are still in full force and effect.

Whereas the General Assembly of the State of Indiana has authorized covered employers to pick-up all or part of members' mandatory contributions, be it resolved:

1. That the Entity participates in the: *(select one)*

- Public Employees' Retirement Fund (PERF)
- Teachers' Retirement Fund (TRF)
- 1977 Police Officers' and Firefighters Pension and Disability Fund (1977 Fund)

**NOTE:** Prepare a separate Resolution for participation in each Fund.

2. That, effective as of the 1st day of JANUARY, 2024, this Entity shall pick up  all or \_\_\_\_\_%  
(Day) (Month) (Year)  
of the mandatory contribution by  all or \_\_\_\_\_ *(complete information about affected group)* employees who are members of and that no contributions prior to the Entity's action shall be picked-up under the terms of this Resolution.

**RESOLUTION FOR EMPLOYER PICK-UP OF THE MANDATORY MEMBER CONTRIBUTION**

State Form 55544

**SELECT EITHER 3A OR 3B.**

3A.  **New Money Pick-Up** - That the above contributions, even though designated as employee contributions for state law purposes, are being paid by the employer in addition to regular compensation as a supplemental contribution that is separate and distinct from the employees' current or future compensation, and in lieu of contributions by the employees.

Such contributions are not included in the gross income of the employees for any tax reporting purposes, that is for federal, state or local income tax withholding, or FICA taxes, until distributed either through a pension benefit or a lump sum payment. These contributions are made on a pre-tax basis and are paid by the employer on behalf of the employee.

3B.  **Salary Reduction Pick-Up** - That said contributions, even though designated as employee contributions for state law purposes, are being paid by the employer via a reduction in salary.

Such contributions are not included in the gross income of the employees for certain tax reporting purposes, that is, for federal, state, or local income tax withholding, until distributed either through a pension benefit or a lump sum payment. Such contributions are included in the gross income of the employees for FICA taxes when they are made. These contributions are made on a pre-tax basis but are paid by the employee through a payroll deduction.

That said employees shall not be entitled the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the specified pension fund.

I further certify that the action authorized to be taken by the foregoing resolutions is not contrary to any provision of the Entity.

In witness whereof,

I have hereunto affixed my hand and seal of said Entity this 9<sup>th</sup> day of November, 2023  
(Day) (Month) (Year)

(Signature)

President  
(Title)

SEAL

Marissa Skaggs  
(Printed Name)

- NOTES:**
1. The effective date **MUST** be after the date that the resolution is adopted.
  2. Submitter must use either 3A or 3B, do not use both.



**RESOLUTION NO. R-23- 12**  
**ADDITIONAL APPROPRIATION**

**WHEREAS**, it has been determined that it is now necessary to appropriate more money than was originally appropriate in the annual budget.

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Pendleton, Madison County, Indiana, that for expenses of Fund 6106 Water Capital Fund, the additional sum of money is hereby appropriated out of Fund 2240 Public Safety LIT, for the purpose specified, subject to laws governing the same:

<u>Fund Name</u>	<u>Amount Requested</u>	<u>Amount Approved</u>
From: Public Safety LIT Fund #2240	\$ 34,894.72	\$ 34,894.72
To: Water Capital Fund #6106	\$ 34,94.72	\$ 34,894.72

**ADOPTED this \_\_\_ day of November, 2023.**

**TOWN OF PENDLETON, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Shane Davis, Vice President

\_\_\_\_\_  
Shane Davis, Vice President

\_\_\_\_\_  
Steve Denny

\_\_\_\_\_  
Steve Denny

\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jerry Burmeister

\_\_\_\_\_  
Jerry Burmeister

ATTEST:

\_\_\_\_\_  
Willie F. Boles  
Clerk-Treasurer



**RESOLUTION NO. 23-13**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
PENDLETON, MADISON COUNTY, INDIANA,  
APPROVING THE TRANSFER OF APPROPRIATIONS  
BETWEEN MAJOR BUDGET CLASSIFICATIONS**

---

**WHEREAS**, Indiana Code 6-1.1-18-6 authorizes the Town to transfer appropriations from one major budget classification to another within the same fund and department when the transfer is necessary and does not require the expenditure of more money than the total amount set out in the adopted budget; and,

**WHEREAS**, the Clerk-Treasurer's Office has determined that it is necessary to transfer certain 2023 budget appropriations from major budget classifications to another within certain departments and funds; and

**WHEREAS**, the transfer of appropriations from certain major budget classifications to another within the departments and funds will not require the expenditure of more money than the total amount set out in the adopted 2023 budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Pendleton Town Council, that the transfer of appropriations from one major budget classification to another within the department and fund is hereby approved.

[Signature Page Follows]

Passed and adopted by the Town Council of the Town of Pendleton, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2023.

**TOWN OF PENDLETON, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Shane Davis, Vice President

\_\_\_\_\_  
Shane Davis, Vice President

\_\_\_\_\_  
Steve Denny

\_\_\_\_\_  
Steve Denny

\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jerry Burmeister

\_\_\_\_\_  
Jerry Burmeister

ATTEST:

\_\_\_\_\_  
Willie F. Boles, Clerk-Treasurer

Prepared By:

Jeffrey K. Graham #26380-29  
GRAHAM, FARRER & WILSON, PC  
Attorneys at Law  
200 E. State Street, Pendleton, IN 46064  
1601 S. Anderson Street, Elwood, IN 46036  
(765) 221-9273 or (765) 552-9878  
[jgraham@gfwlawyers.com](mailto:jgraham@gfwlawyers.com)



**RESOLUTION NO. 23-14**

**A RESOLUTION OF THE TOWN COUNCIL OF PENDLETON, INDIANA  
ADOPTING AN AMENDMENT TO THE 2018 COMPREHENSIVE PLAN**

---

**WHEREAS**, the Pendleton Plan Commission has previously conducted a duly noticed public hearing on a certain amendment to the Town's Comprehensive Plan, which amendment is attached hereto as "Exhibit A"; and,

**WHEREAS**, the Pendleton Plan Commission certified its unanimous favorable recommendation of the attached amendment to the Town's Comprehensive Plan; and,

**WHEREAS**, the Town Council, based on its review of the attached proposed amendment and the recommendation of the Plan Commission, finds that the proposed amendment provides for the continued responsible growth and development of the Town of Pendleton.

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

1. The Town Council hereby approves and adopts the proposed Amendment to the Town's current Comprehensive Plan, which Amendment is attached hereto as "Exhibit A."
2. This Resolution shall be in full force and effect from and after its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Pendleton, Indiana,  
this \_\_\_\_ day of \_\_\_\_\_, 2023.

[Signature Page Follows]



**2018 Comprehensive Master Plan - Page 8 - Planning Area**

*Page 8 of the Comprehensive Plan currently states:*

**Planning Area**

The planning jurisdiction for this comprehensive plan update is the incorporated area of the Town of Pendleton.

- Add the following language to “planning area” section:
  - Refer to the 2021 Road Impact Fee Zone Improvement Plan for the jurisdiction of the zone improvement plan.

**\*\*This addition of reference is due to the state statute of an Impact Fee ordinance requiring reference to an Impact Fee zone improvement plan in the Comprehensive Plan. See statute below:**

**IC 36-7-4-1318 Ordinance; zone improvement plan preparation; contents of plan**

(e) A zone improvement plan and amendments and modifications to the zone improvement plan **become effective after adoption as part of the comprehensive plan under the 500 SERIES of this chapter** or adoption as part of the capital improvements program under section 503(5) of this chapter. If the unit establishing the impact fee schedule Indiana Code 2015 or formula and establishing the zone improvement plan is different from the unit having planning and zoning jurisdiction, the unit having planning and zoning jurisdiction shall incorporate the zone improvement plan as part of the unit's comprehensive plan and capital improvement plan.

IC 36-7-4-1339 Declaratory relief; challenge of ordinance (c) The validity of an impact fee ordinance adopted by a unit or the validity of the application of the ordinance in a specific impact zone may be challenged under this section on any of the following grounds: (1) The unit has not provided for a zone improvement plan in the unit's comprehensive plan.

**TOWN OF PENDLETON, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Marissa Skaggs, President

\_\_\_\_\_  
Shane Davis, Vice President

\_\_\_\_\_  
Shane Davis, Vice President

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Steve Denny

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\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jennifer Roberts

\_\_\_\_\_  
Jerry Burmeister

\_\_\_\_\_  
Jerry Burmeister

ATTEST:

\_\_\_\_\_  
Willie F. Boles  
Clerk-Treasurer

I affirm under the penalties for perjury that I have taken reasonable care to redact each Social Security number I this document unless required by law. /s/ *Jeffrey K. Graham*

Prepared By:  
Jeffrey K. Graham #26380-29  
GRAHAM, FARRER & WILSON, PC  
Attorneys at Law  
200 E. State Street, Pendleton, IN 46064  
1601 S. Anderson Street, Elwood, IN 46036  
(765) 221-9273 or (765) 552-9878  
[jgraham@gfwlawyers.com](mailto:jgraham@gfwlawyers.com)

# NOTICE OF EXECUTIVE SESSION OF PENDLETON TOWN COUNCIL

Name of governing body: Pendleton Town Council

Date of meeting: Thursday, November 9, 2023

Time of meeting: 5:00 p.m.

Place of meeting: Pendleton Town Hall

Address: 100 W. State Street, Pendleton, IN 46064

The governing body named above will conduct an executive session pursuant to Indiana's Open Meetings Law, IC 5-14-1.5-6.1(b)(2)(B) for the following reason(s):

- (1) Meeting is authorized by federal or state statute (other than IC 5-14-1.5-6.1).
- (2) For discussion of strategy with respect to:
  - (A) Collective bargaining.
  - (B) Initiation of litigation or litigation which is either pending or has been threatened specifically in writing.
  - (C) The implementation of security systems.
  - (D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.  
*(By law, "all such strategy discussions must be necessary for competitive or bargaining; reasons and must not include competitive or bargaining adversaries.")*
- (3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.
- (4) Interviews with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, the office of tourism development, the Indiana finance authority, or economic development commissions.
- (5) To receive information about and interview prospective employees.
  - (6) With respect to any individual over whom the governing body has jurisdiction:
    - (A) To receive information concerning the individual's alleged misconduct.
    - (B) To discuss, before a determination, the individual's status as an employee, student or independent contractor who is a physician or a school bus driver.
- (7) For discussion of records classified as confidential by state or federal statute.
- (8) To discuss before any placement decision an individual student's abilities, past performance, behavior, and needs.
- (9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.
- (10) When considering the appointment of a public official, to do the following:
  - (A) Develop a list of prospective appointees.
  - (B) Consider applications.
  - (C) Make one (1) initial exclusion of prospective appointees from further consideration.
- (11) To train school board members with an outside consultant about the performance of the role of the members as public officials.
- (12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

/s/ Marissa Skaggs, Pendleton Town Council President