

CHAPTER 31: BODY OF GOVERNMENT

Section

Officials

- 31.01 Mayor
- 31.02 Clerk-Treasurer
- 31.03 City Attorney

Council

- 31.15 City Council
- 31.16 Council and traffic regulation

OFFICIALS

§ 31.01 MAYOR.

The powers and duties of the Executive shall be:

- (A) Enforce the ordinances of the city and the statutes of the state;
- (B) Provide a statement of the finances and general condition of the city to the City Council at least once a year;
- (C) Provide any information regarding city affairs that the City Council requests;
- (D) Recommend, in writing, to the City Council actions that he or she considers proper;
- (E) Call special meetings of the City Council when necessary;
- (F) Supervise subordinate officers;
- (G) Ensure efficient government of the city;
- (H) Fill vacancies in city offices when required by I.C. 3-13-8;

(I) Sign all bonds, deeds, and contracts of the city and all licenses issued by the city; and

(J) Approve or veto ordinances, orders, and resolutions of the City Council under I.C. 36-4-6-15.
(Prior Code, § I-1-1)

Statutory reference:

Related provisions, see I.C. 36-4-5-3

§ 31.02 CLERK-TREASURER.

The power and duties of the Clerk-Treasurer shall be:

(A) Serve as Clerk of the city legislative body under I.C. 36-4-6-9;

(B) Sign and issue all warrants on the city's treasury;

(C) Maintain all records required by law;

(D) Keep the city seal;

(E) As soon as his or her successor is elected and qualified, deliver to him or her all the records and property of the Clerk's office;

(F) Perform all duties prescribed by law;

(G) Prescribe the form of reports and accounts to be submitted to his or her department;

(H) Audit and revise all accounts and trusts in which the city is concerned;

(I) Keep separate accounts for each item of appropriation made for each city department, including a statement showing the amount drawn on each appropriation, the unpaid contracts charged against it, and the balance remaining;

(J) At the end of each fiscal year, submit, under oath, to the city's legislative body a report of the accounts of the city, published in pamphlet form and showing revenues, receipts, expenditures, and the source of revenue;

(K) Maintain custody of the records of his or her department and turn them over to his or her successor in office;

(L) Perform duties prescribed by statute concerning the negotiation of city bonds, notes, and warrants;

(M) Keep a register of bonds of the city and of transfer of those bonds;

(N) Manage the finances and accounts of the city and make investments of city monies, subject to the ordinances of the legislative body;

(O) Issue city licenses on payment of the license fee;

(P) Collect fees as fixed by ordinances;

(Q) Pay into the city treasury, once each week, all fees and other monies collected by his or her department during the preceding week, specifying the source of each item;

(R) Prescribe payroll and account forms for all city employees;

(S) Prescribe the manner in which salaries shall be drawn;

(T) Prescribe the manner in which credits, officers, and employees shall be paid;

(U) Provide that all salaries are payable monthly, unless the legislative body establishes more frequent payment;

(V) Notify the executive of the failure of any city officer to collect monies due to the city or pay city monies into the treasury;

(W) Examine tax duplicates held by the County Auditor and County Treasurer for proper form concerning city taxes;

(X) Examine property assessments for proper form concerning city taxes;

(Y) Report unassessed property to the County Treasurer;

(Z) Draw warrants on the city treasury for miscellaneous city expenditures not made under the direction of the department and not specifically fixed by statute; and

(AA) Administer oaths when necessary in the discharge of his or her duties, without charging a fee.
(Prior Code, § I-1-2)

Statutory reference:

Related provisions, see I.C. 36-4-10-4

§ 31.03 CITY ATTORNEY.

(A) The City Attorney, as head of the Department of Law, shall:

(1) Manage the legal affairs of the city;

(2) Prosecute violators of city ordinances;

(3) Give legal advice to the officers, departments, boards, commissions, and other agencies of the city;

(4) Draft ordinances or other legal papers for the city and its departments, boards, commissions, and other agencies when requested by the proper officer;

(5) Maintain custody of the records of his or her office and turn them over to his or her successor in office;

(6) Make all title searches and examine all abstracts required in public work of any kind, including opening, widening, or changing a street, alley, or public place;

(7) Promptly commence all proceedings necessary, or advisable, for the protection or enforcement of the rights of the city or the public;

(8) Use all diligence to collect costs, fees, and recoveries within the scope of his or her duties;

(9) Report, in writing, to the city executive all matters that he or her considers important; and

(10) Report, in writing, to the city fiscal officer all judgments for which the city is liable.

(B) Officers, departments, boards, commissions, and other agencies of the city may not employ attorneys without the authorization of the head of the Department of Law.

(Prior Code, § I-1-3)

Statutory reference:

Related provisions, see I.C. 36-4-9-12

COUNCIL

§ 31.15 CITY COUNCIL.

(A) The City Council shall be composed of five members, four of whom are elected from districts and one of whom is elected at-large. The districts are as follows:

(1) Councilmanic district one shall be composed of the precinct known as Perry 1;

(2) Councilmanic district two shall be composed of the precinct known as Perry 2;

(3) Councilmanic district three shall be composed of the precinct known as Perry 3;

(4) Councilmanic district four shall be composed of the precinct known as Perry 4; and

(5) Councilmanic district at-large consists of the precincts known as Perry 1, Perry 2, Perry 3, and Perry 4.

(B) Redistricting of councilmanic districts shall be done every ten years after 2012. The Clerk-Treasurer is directed to send a certified copy of this section to the Secretary of the County Election Board.

(Ord. 2012-9, passed 11-13-2012)

§ 31.16 COUNCIL AND TRAFFIC REGULATION.

(A) The City Council shall fix, determine, and establish from time to time, all vehicle traffic and parking regulations and requirements, and give notice thereof by erecting an appropriate sign or signs, lights and signals. Aforesaid shall have determined, upon the basis of a traffic investigation of the requirements and conditions existing at any street or highway intersection, or other place or upon any street or any part of any street, highway, or alley in the city that a sign should be posted or erected, or any traffic regulations established. Said City Council shall establish and determine the same, and after the same has been so determined and established, cause the appropriate sign, signals, or lights to be erected giving notice thereof, as to state law, whereupon said traffic regulations shall forthwith become effective.

(B) No person shall drive a vehicle on a street or highway of the city at a speed greater than existing speed limits, and is reasonable and prudent under the conditions and having regard to the actual and potential hazard then existing. The driver of every vehicle shall, consistent with the requirements, drive at an appropriate reduced speed when approaching and crossing an intersection or railroad crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions.

(C) For the purpose of this section, a **VEHICLE** is defined as being every device in, upon, or by which any person or property is, or may be, transported or drawn upon a street or highway, which includes, but is not limited to, a motor vehicle, a motorcycle, and a bicycle.

(Prior Code, § V-1-1) (Ord. 18-68, passed - -1968) Penalty, see § 10.99