

# CHAPTER 3

## LEGISLATIVE BRANCH

|           |  |
|-----------|--|
| Sec. 3-1  | The Common Council.  |
| Sec. 3-2  | Clerk of the Council.  |
| Sec. 3-3  | Regular Meetings of the Common Council.                      |
| Sec. 3-4  | Presiding Officer.   |
| Sec. 3-5  | Order of Business at Common Council Meetings.                |
| Sec. 3-6  | Contempt and Disorder in the Council Room.                   |
| Sec. 3-7  | Introduction and Adoption of Ordinances and Resolutions.     |
| Sec. 3-8  | Questions of Order.  |
| Sec. 3-9  | Appeal from Decision of Presiding Officer.                   |
| Sec. 3-10 | Suspension of Rules.   |
| Sec. 3-11 | Abstention.  |
| Sec. 3-12 | Four (4) Council Wards (Districts) - Map - Five (5) Members. |
| Sec. 3-13 | Quorum.  |
| Sec. 3-14 | Council Salaries.  |
| Sec. 3-15 | Effective Date of Ordinance.                                 |
| Sec. 3-16 | Overall Powers of the Common Council.                        |
| Sec. 3-17 | Presentation and Approval to Mayor; Veto.                    |
| Sec. 3-18 | Recording Ordinances.  |
| Sec. 3-19 | Home Rule Authority.   |
| Sec. 3-20 | Budget and Finance Committees of the Council.                |
| Sec. 3-21 | Council Approval of General Fund.                            |
| Sec. 3-22 | Amending the <i>Greencastle City Code</i> .                  |
| Sec. 3-23 | Council Attorney.  |
| Sec. 3-24 | through Sec. 3-29 Reserved for Future Use.                   |

### ARTICLE 2. JUDICIAL BRANCH.

|           |  |
|-----------|--|
| Sec. 3-30 | City Court.                                |
| Sec. 3-31 | through Sec. 3-39 Reserved for Future Use. |

## CHAPTER 3

### LEGISLATIVE BRANCH.<sup>1</sup>

#### **Sec. 3-1      The Common Council.**<sup>2</sup>

The legislative branch of the City of Greencastle is the Common Council. The Council shall have exclusive authority to adopt ordinance and appropriate tax monies received by the City, and to perform all other necessary and desirable legislative functions (*Indiana Code*, § 36-4-6). (Ord. No. 1982-12, § 3[a], 8-10-82; 1986 *City of Greencastle Code*, § 200-40; Ord. No. 1997-1, § 3[a], 1-14-97)

#### **Sec. 3-2      Clerk of the Council.**

The Clerk-Treasurer shall be the Clerk of the Council and shall perform the duties prescribed by *Indiana Code*, § 36-4-6-9, and said other duties as the Council may direct. (Ord. No. 1982-12, § 3[b], 8-10-82; 1986 *City of Greencastle Code*, § 200-50; Ord. No. 1997-1, § 3[b], 1-14-97)

#### **Sec. 3-3      Regular Meetings of the Common Council.**<sup>3</sup>

a. The regular meeting date and time for the Common Council shall be at 7:00 o'clock p.m. on the second Tuesday of each month. (Ord. No. 1997-1, § 3[c], 1-14-97)

b. Council meetings are held at the Putnam County Public Library.

#### **Sec. 3-4      Presiding Officer.**<sup>4</sup>

The Mayor, or in his absence, the President of the Council, shall be the presiding officer of council pursuant to *Indiana Code*, § 36-4-6-8, and meetings shall be conducted pursuant to the applicable statutes (*Indiana Code*, §§ 36-46-10 through 36-46-17) and in accordance with the following rules which are adopted as part of this ordinance. (Ord. No. 1982-12, § 3[d], 8-10-82; 1986 *City of Greencastle Code*, § 200-55)

#### **Sec. 3-5      Order of Business at Common Council Meetings.**

The order of business to be followed at a meeting of the Common Council shall be as follows:

- a. Calling to order.
- b. Roll call by Clerk-Treasurer.
- c. Reading of minutes and approval.

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<sup>1</sup> I.C., § 36-1-2-9, defines the "legislative body".

<sup>2</sup> I.C., § 36-4-4-1, *et seq.*, addressed the "Division of Powers of Cities".

<sup>3</sup> I.C., § 36-4-6-7, addresses regular and special meeting of the Common Council; I.C., § 5-14-1.5-1, *et seq.*, sets forth the "Indiana Open Door Law".

<sup>4</sup> I.C., § 36-4-6-8(b), addresses the selection of a President *Pro Tempore*; I.C., § 36-4-6-8(b), addresses the presiding officer and the authority to vote to break a tie.

- d. Petitions or comments of citizens.
- e. Reports from Committees, Boards and Commissions.
- f. Unfinished business, including ordinances or resolutions already introduced.
- g. New Business, including introduction of ordinances and resolutions.
- h. Miscellaneous Business, including any matters not already considered.
- i. Adjournment. (Ord. No. 1982-12, § 3[d][1], 8-10-82; 1986 *City of Greencastle Code*, § 200-55; Ord. No.1997-1, § 3[d][1], 1-14-97)

### **Sec. 3-6 Contempt and Disorder in the Council Room.**

No person shall use violent or contemptuous language, behavior in a disorderly manner, or refuse to obey the orders of the Mayor or presiding officer in the Council room while the Common Council is in session. The Mayor or presiding officer may order the removal from the Council room of anyone who intentionally disturbs the decorum of a Council Meeting. (Ord. No. 1982-12, § 3[d][2], 8-10-82; 1986 *City of Greencastle Code*, § 200-55; Ord. No.1997-1, § 3[d][2], 1-14-97)

### **Sec. 3-7 Introduction and Adoption of Ordinances and Resolutions.**

a. All ordinances shall be regularly filed with the Clerk-Treasurer prior to the calling to order of the Council meeting at which such ordinances are to be considered. (Ord. No. 1982-12, § 3[d], 8-10-82; Ord. No.1997-1, § 3[d][3][a], 1-14-97)

b. All ordinances shall be read two (2) times before being passed and no ordinance shall pass on the same day in which it is introduced unless the provisions of *I.C.*, § 36-4-6-13 are complied with such at the will of the Council. Ordinances may be read by title only with second readings. (Ord. No. 1997-1, § 3 [d][3][b], 1-14-97)

c. Resolutions shall be subject to the same rule in method of introduction and adoption as ordinances except that resolutions shall be read only once. (Ord. No. 1997-1, § 3 [d][3][c], 1-14-97)

d. On the passage or adoption of any ordinance or resolution the yeas and nays shall be taken and entered in the record, and the ordinance shall be processed in accordance with *Indiana Code*, §§ 36-4-6-14 through 36-4-6-17. (Ord. No. 1982-12, § 3[d][3], 8-10-82; 1986 *City of Greencastle Code*, § 200-55; Ord. No. 1997-1, § 3 [d][3][d], 1-14-97)

**Sec. 3-8 Questions of Order.**

The Mayor or presiding officer shall decide all questions of order. He or she shall decide whether any question submitted to the Council for adoption or rejection is decided in the affirmative or negative. (Ord. No. 1982-12, § 3[d][4], 8-10-82; 1986 *City of Greencastle Code*, § 200-55; Ord. No. 1997-1, § 3 [d][4], 1-14-97)

**Sec. 3-9 Appeal from Decision of Presiding Officer.**

From any decision of the presiding officer any member may appeal to the Council. The appeal shall be by motion duly made and seconded. A majority vote as defined in *Indiana Code*, § 36-4-6-11 is necessary to overrule the chair. (Ord. No. 1982-12, § 3[d][5], 8-10-82; 1986 *City of Greencastle Code*, § 200-55; Ord. No. 1997-1, § 3 [d][5], 1-14-97)

**Sec. 3-10 Suspension of Rules.**

The Order of Business set forth in Sec. 3-5 of this *Code* may be suspended by a two-thirds ( $\frac{2}{3}$ ) vote of the members of the Council. (Ord. No. 1982-12, § 3[d][6], 8-10-82; 1986 *City of Greencastle Code*, § 200-55; Ord. No. 1997-1, § 3 [d][6], 1-14-97))

**Sec. 3-11 Abstention.**

In the event of an abstention in the course of voting on any issue coming before the Council, such abstention may be counted by the Mayor as a yes or no vote so as to create a tie in order to enable or permit the Mayor to vote. (Ord. No. 1982-12, § 3[d][7], 8-10-82; 1986 *City of Greencastle Code*, § 200-55; Ord. No. 1997-1, § 3 [d][7], 1-14-97)

**Sec. 3-12 Four (4) Council Wards (Districts) - Map - Five Members.**

a. The Common Council shall be composed of five (5) members, four (4) of whom are elected from districts and one (1) of whom is elected at large. The districts are as follows:

1. Councilmanic district one shall be composed of Ward 1.
2. Councilmanic district two shall be composed of Ward 2.
3. Councilmanic district three shall be composed of Ward 3.
4. Councilmanic district four shall be composed of Ward 4.
5. Councilmanic district at large shall consist of the entire city.

Redistricting of councilmanic districts shall be done at the option of the Council in 1982, and shall thereafter be done every ten (10) years in accordance with *I.C.*, § 36-4-6-4 and 5. (Ord. No. 1997-1, § 3 [e], 1-14-97)

b. A map depicting the four (4) Councilmanic districts appears on the next page.

***Greencastle Councilmanic Districts***



**Sec. 3-13 Quorum.**<sup>5</sup>

A majority of all the elected members of the Common Council constitutes a quorum.

**Sec. 3-14 Council Salaries.**

Pursuant to *Indiana Code*, § 36-4-7-2, compensation of an elected City Officer may not be changed in the year for which it was fixed, nor may it be reduced below the amount fixed the previous year.

**Sec. 3-15 Effective Date of Ordinance.**

Unless otherwise expressly provided, an ordinance shall take effect when passed according to *Indiana Code*, § 36-4-6-14.

**Sec. 3-16 Overall Powers of the Common Council.**<sup>6</sup>

a. The Common Council may expel a member of the Common Council pursuant to *Indiana Code*, § 36-4-6-6.

b. The Council may pass ordinances orders, resolution, and motions for the government of the City, the control of the City's property and finances, and the appropriation of money, pursuant to *Indiana Code*, § 36-4-6-18.

c. The Council may, by ordinance, make loans and issue bonds pursuant to *Indiana Code*, § 36-4-6-19.

d. The Council has investigative powers pursuant to *Indiana Code*, § 36-4-6-21.

**Sec. 3-17 Presentation and Approval to Mayor; Veto.**<sup>7</sup>

a. After an ordinance, order, or resolution passed by the Common Council has been signed by the presiding officer, the Clerk shall present it to the Mayor, and record the time of the presentation.

b. Within ten (10) days after an ordinance, order, or resolution is presented to him, the Mayor shall:

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<sup>5</sup> I.C., § 36-4-6-10, addresses a quorum.

<sup>6</sup> I.C., § 36-4-7-1, *et seq.*, address City budget procedures

<sup>7</sup> I.C., §§ 36-4-6-15 through 36-4-6-17, addresses ordinances being pr

1. Approve the ordinance, order, or resolution, by entering his approval on it, signing it, and sending the Common Council a message announcing his approval; or

2. Veto the ordinance, order, or resolution, by returning it to the Common Council with a message announcing his veto and stating his reasons for the veto.

c. The Mayor may approve or veto separate items of an ordinance appropriating money or levying a tax.

d. If the Mayor fails to perform his duty under divisions (b) above, the ordinance, order, or resolution is considered vetoed.

e. Whenever an ordinance, order, or resolution is vetoed by the Mayor, it is considered defeated unless the Common Council, at its first regular or special meeting after the ten day period prescribed by division 'b' above, passes the ordinance, order, or resolution over his veto by a two-thirds vote.

### **Sec. 3-18 Recording Ordinances.**

a. Within a reasonable time after an ordinance of the Common Council is adopted, the Clerk shall record it in a book kept for that purpose. The record must include:

1. The signature of the presiding officer;
2. The attestation of the Clerk;
3. The Mayor's approval or veto of the ordinance;
4. If applicable, a memorandum of the passage of the ordinance over the veto; and
5. The date of each recorded item.

b. The record or a certified copy of it constitutes presumptive evidence of the adoption of the ordinance pursuant to *Indiana Code*, § 36-4-6-17.

### **Sec. 3-19 Home Rule Authority.**<sup>8</sup>

The City may exercise the powers that it needs for the effective operation of government as to local affairs.

### **Sec. 3-20 Budget and Finance Committees of the Council.**

a. The Council appoint[s] two (2) of its members to serve as a Budget Committee and two (2) members to serve as a Finance Committee of the Common Council.

b. The standing committee shall have the following duties:

1. *Budget Committee* - shall familiarize themselves with the City budget and may attend meetings of the Mayor and Clerk-Treasurer during budget preparation. The Budget Committee

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<sup>8</sup> *I.C.*, § 36-1-3-1, *et seq.*, addresses Home Rule.

shall report to the Council as appropriate.

2. *Finance Committee* - shall audit and review claims submitted to and approved by the Clerk-Treasurer prior to submission to the approving Board or Commission. The Finance

Committee shall note any exceptions, irregularity, or discrepancy and report such to the Council. (Res. No. 1996-11, 6-3-96)

**Sec. 3-21 Council Approval of General Fund.**

Approval of General Fund claims shall be made by the Common Council beginning with those claims approved in July 1996. (Res. No. 1996-11, 6-3-96)

**Sec. 3-22 Amending the Greencastle City Code.<sup>9</sup>**

All Ordinances which are of a general and permanent nature, and which would amend the *Greencastle City Code*, shall be in the form depicted on the next page.

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<sup>9</sup> I.C., § 36-1-5-1 *et seq.*, sets forth the procedure for codification of Ordinances and I. C., § 36-4-6-14, addresses requirements for adoption of Ordinances.



Ord. No. \_\_\_\_\_

*(Include the calendar year followed by a dash and the chronological number of the Ordinance: Ex. 1997-1)*

**(Short Title)**

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF GREENCASTLE, INDIANA,  
AMENDING CHAPTER \_\_\_\_\_, ARTICLE \_\_\_\_\_,  
SECTION(S) \_\_\_\_\_, OF THE *GREENCASTLE CITY CODE*  
BY THE INCLUSION/DELETION OF SECTIONS (S),  
ENTITLED \_\_\_\_\_.

*Whereas, (background statements setting forth the purpose or background of the Ordinance where appropriate)*

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENCASTLE, INDIANA, AS FOLLOWS:

Section I. Chapter \_\_\_\_\_, Article \_\_\_\_\_, Section(s) \_\_\_\_\_, of the *Greencastle City Code*, is/are hereby amended to read as follows  
*(set forth specific amendatory language)*

Section II. All prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

Section III. This Ordinance was passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
Presiding Officer

*Attest:*

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

Presented by me to the Mayor of the City of Greencastle, Indiana, on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ m..

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

Approved and signed by me this \_\_\_\_ day of \_\_\_\_\_, 199\_\_, at \_\_\_\_ o'clock \_\_m.

\_\_\_\_\_  
Mayor

*Attest:*

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

Synopsis: This ordinance \_\_\_\_\_, pursuant to I.C. § \_\_\_\_\_.

**Sec. 3-23 Council Attorney.**

Pursuant to *Indiana Code*, § 36-4-6-24, the Council may hire or contract with competent attorneys and legal research assistants.

**Sec. 3-24 through Sec. 3-29 Reserved for Future Use.**

**ARTICLE 2. JUDICIAL BRANCH.<sup>10</sup>**

**Sec. 3-30 City Court.<sup>11</sup>**

[Reserved]

**Sec. 3-31 through Sec. 3-39 Reserved for Future Use.**

**\*\*Page 117 through Page 150 Reserved for Future Use.\*\***

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<sup>10</sup> I.C., § 33-10.1-1-3, sets forth the authority to establish or abolish a City Court. At the time of the 1997 codification, Greencastle did **not** have a City Court.

<sup>11</sup> I.C., § 33-10.1-2-1, *et seq.*, addresses the powers and jurisdiction of the City Court, and I.C., § 34-4-32-1, addresses enforcement proceedings for infractions and ordinance violations.