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CHAPTER 30: CITY GOVERNMENT; ORGANIZATION

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GENERAL PROVISIONS

§ 30.01 BRANCHES OF CITY GOVERNMENT.

The government of the city shall consist of the following branches:

- a. Executive branch;
- b. Legislative branch;
- c. Fiscal branch;
- d. Judicial branch; and
- e. Statutory boards and commissions.

('79 Code, § 2-11) (Ord. passed 8-30-82)

EXECUTIVE BRANCH

§ 30.15 CHIEF CITY EXECUTIVE.

The Mayor is the chief executive of the city and head of the executive branch. The Mayor shall faithfully perform the duties and responsibilities contained in IC 36-4-5 and other statutes of the state of Indiana.

('79 Code, § 2-12) (Ord. passed 8-30-82)

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§ 30.16 AUTHORITY OF MAYOR TO HIRE EMPLOYEES AND PURCHASE MATERIALS AND SERVICES.

Subject to the appropriation power of the Common Council, the Mayor, with the approval of the Board of Public Works and Safety, shall have the authority to hire such employees and purchase or contract for such materials or services as the Board of Public Works and Safety deems necessary to perform their public functions.

('79 Code, § 2-14) (Ord. passed 8-30-82)

§ 30.17 BOARD OF PUBLIC WORKS AND SAFETY.

a. ***Establishment of Board and Board's control of executive departments of city.*** There is hereby established a Board of Public Works and Safety within the executive branch. The Board shall be the chief administrative body of the city and shall have control of the day-to-day operations of the following executive departments which are hereby established:

1. Police Department;
2. Fire Department;
3. Utilities Department, consisting of the sewage collection and disposal system, electrical generation and distribution system and waterworks;
4. Street Department;
5. Garbage Collection Department; and,
6. Parks Department.

Cross-reference:

For further provisions concerning the Parks Department, see § 30.47

For further provisions concerning the duties of the Board of Public Works in relation to garbage collection, see § 50.02

b. ***Members of board, appointment of department heads.*** The members of the Board of Public Works and Safety are the Mayor and two others who shall be chosen by the Mayor pursuant to law and serve at the Mayor's pleasure. The chiefs of the police and fire departments and the heads of the department of law, electrical, sewage, and street and sanitation department and the park board are appointed by the Mayor and serve at the Mayor's pleasure.

('79 Code, § 2-13) (Ord. passed 8-30-82)

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§ 30.18 DEPARTMENT OF LAW ESTABLISHED.

There is hereby established a department of law pursuant to IC 36-4-9-12. ('79 Code, § 2-15) (Ord. passed 8-30-82)

LEGISLATIVE BRANCH

§ 30.25 COMMON COUNCIL.

a. **Authority generally.** The legislative branch of the city is the Common Council. The Council shall have exclusive authority to adopt ordinances and appropriate tax monies received by the city, and to perform other necessary and desirable legislative functions.

b. **Regular meetings.** The Common Council of the city shall meet on the first and third Tuesday of each month at the city hall in the council room or at such other place as is designated by the Mayor or presiding officer. The meeting shall begin at 7:00 p.m. local time.

('79 Code, § 2-16) (Ord. passed 8-30-82)

Cross-reference:

Clerk-Treasurer designated Clerk of Council, see § 31.16

§ 30.26 MEETINGS OF COUNCIL.

a. The Mayor, or in his or her absence the Councilmember at large of the Common Council, shall be the presiding officer of the Council pursuant to IC 36-4-6-8, and meetings shall be conducted pursuant to the applicable statutes and in accordance with the rules set out in division (B) below.

b. The following rules of conduct shall apply at meetings of the Council:

1. **Council agenda.** An agenda of the order of the business of the regular meeting shall be prepared by the Clerk-Treasurer not later than closing time on the Friday before a Tuesday meeting.

2. **Contempt and disorder in the council room.** No person shall use violent or contemptuous language, behave 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 the presiding officer may order the removal from the council room of anyone who intentionally disturbs the decorum of the Council meeting by proper police personnel.

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3. Introduction and adoption of ordinances and resolutions.
- c. All ordinances shall be regularly filed with the Clerk–Treasurer and distributed to Councilmembers at least five business days before a regular meeting.
 - d. Each ordinance and resolution shall have a title and shall bear a brief summary of its contents and purpose on a separate sheet.
 - e. All ordinances and resolutions shall be posted for public inspection immediately upon filing. At least three copies of each ordinance and resolution read by the Council shall be available to members of the public who are present at Council meeting.
 - f. All ordinances shall be read one time before being passed, and no ordinances shall pass unless the provisions of the Indiana Code are complied with. Exception: If an ordinance carries a penalty, it must be read twice.
 - g. It shall require a majority of all the elected members of the Council to pass an ordinance unless otherwise provided by law.
 - h. Resolutions shall be subject to the same rule in the method of introduction as ordinances but only require one reading for adoption.
 - i. 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 [IC 36-4-6-14 through 36-4-6-17](#).
 - j. No ordinance, order, or resolution of the Council shall become a law, or operative until it has been signed by the Mayor or passed over his veto and promulgated according to law.

City Government; Organization

- a. Every ordinance, order or resolution of the Council shall immediately upon its passage, enrollment, attestation and signature by the Clerk–Treasurer be presented by the Clerk–Treasurer to the Mayor and a record of the time of the presentation made by the Clerk–Treasurer. If the Mayor approves the ordinance, order or resolution he or she shall enter his approval thereon and sign the same and file it in the office of the Clerk–Treasurer. If he or she does not approve the ordinance, he or she shall veto it and return it to

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the Clerk–Treasurer with his objections in writing within ten days after receiving it, and the Clerk–Treasurer shall present it to the Council at its next regular meeting. If the Mayor should fail to discharge his duty by approving or disapproving the ordinance within the time, this failure shall be deemed a disapproval.

- b. If the Mayor should veto any ordinance, order or resolution passed by the Council, the Council may override the veto by passing it again by a two–thirds vote of all the members elect of the Council at the next regular or special Council meeting following the Mayor's veto.
- c. All ordinances shall, within a reasonable time after their approval by the Mayor, or their becoming law in spite of his or her veto, be recorded in a book kept for that purpose by the Clerk–Treasurer.
- d. **Questions of order.** The Mayor or presiding officer shall decide all questions of order. The Mayor shall decide whether any question submitted to the Council for adoption or rejection is decided in the affirmative or negative. When two or more members ask to be heard at the same time, the Mayor or presiding officer shall decide which shall speak first. *Robert's Rules of Order, Revised*, the latest edition, shall be the controlling authority on all questions of parliamentary law and procedure not covered by statute or ordinance.
- e. 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 [IC 36-4-6-11](#), is necessary to overrule the chair.
- f. Suspension of rules. The order of business may be suspended by a two–thirds vote of the members of the Council.
(’79 Code, § 2–18) (Ord. passed 8–30–82; Am. Ord. 2000–19, passed 12–26–00)

§ 30.27 COMPOSITION OF COUNCIL; DISTRICTS GENERALLY.

- a. The Common 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 heretofore adopted by § 30.28 and as it may hereafter be amended.
- b. The councilmanic district at large shall consist of the entire city.
(’79 Code, § 2–19) (Ord. passed 8–30–82)

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Statutory reference:

Redistricting of Councilmanic districts generally, see [IC 36-4-6-4](#)

§ 30.28 COMMON COUNCIL POSITIONS.

- a. ***Election to be governed by state law.*** The Common Council does hereby elect to be governed pursuant to the terms of [IC 36-4-6-5](#), as to council election districts in third class cities having a population of less than 10,000 persons.
- b. ***Adoption of precincts.*** The Council adopts the four precincts as described herein to be the four councilmanic districts of the city.
- c. ***Filling of positions.***
 1. Beginning with the next regular election of city officials in the year of 1983 and thereafter until changed by law of this state, there shall be five Common Councilmembers elected at the city election in 1983 and in every city election thereafter, and those five Common Council positions shall be filled as follows:
 - (a). One position to be an at large position, filled by a resident of the city;
 - (b). One position to be a Councilmember from and resident of the precinct known as Keyser 1;
 - (c). One position to be a Councilmember from and resident of the precinct known as Keyser 2;
 - (d). One position to be a Councilmember from and resident of the precinct known as Keyser 3;
 - (e). One position to be a Councilmember from and resident of the precinct known as Keyser 4.
 2. Each voter of the City of Garrett may vote for one candidate at-large and one candidate from the district from which he or she resides.
- d. ***When candidates deemed elected.*** The at-large candidate receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts shall be deemed elected to the Common Council.
- e. ***Revision of districts.*** A revised division of the districts shall be made in the year 1992, in the year 2002, and every ten years thereafter.

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('79 Code, § 2-20) (Ord. passed 3-16-82)

§ 30.29 COUNCILMANIC DISTRICTS.

a. There shall be four councilmanic districts known as Keyser 1, Keyser 2, Keyser 3 and Keyser 4, and there shall also be one council-at-large position. Each voter of the city votes for one candidate at large and for one candidate from his or her respective district.

b. The boundaries of the districts are defined as follows:

1. **Keyser 1.** All that portion of Garrett, Indiana situated north of the CSX Transportation Railroad tracks (railroad tracks) and also that part of Garrett south of the railroad tracks bounded as follows: Beginning at the intersection of North Randolph Street

and railroad tracks and then south on Randolph Street to its intersection with West Keyser Street, then west on Keyser Street to its intersection with South Hamsher Street, then north on Hamsher Street to its intersection with West King Street, then west on West King Street to its intersection with North Union Street, then north on North Union Street to the railroad tracks.

2. **Keyser 2.** That portion of Garrett bounded as follows: Beginning at the intersection of North Randolph Street and railroad tracks and then east on the railroad tracks to the eastern city limits, then south on the east city limits to the south city limits, then west on the south city limits to its intersection with Columbian Run, then north on Columbian Run to its intersection with East Houston Street, then west on East Houston Street to its intersection with South Randolph Street, thence north on south Randolph Street to the railroad tracks.

3. **Keyser 3.** That portion of Garrett bounded as follows: Beginning at the intersection of North Randolph Street and Keyser Street, thence west on Keyser Street to its intersection with Hamsher Street, thence west on King Street to its intersection with Union Street, thence north on Union Street to its intersection with the north city limit line (alley), thence west on said city limit line to the west city limit line, thence south on the city limit line to the south corporate line, thence east on the corporate line to its intersection with Union Street (the previous three calls include that portion of Garrett west of Union Street) thence south on Union Street. which is also the west city limit, continuing south on the west city limits

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to its intersection with County Road 52, which is the southern city limit, then east on the southern city limit to its intersection with South Cowen Street, then south on South Cowen Street to its intersection with Country Road 54, then east on Country Road 54 to its intersection with South Randolph Street, thence north on South Randolph Street to the place of beginning.

4. **Keyser 4.** Beginning at the intersection of South Randolph Street and Houston Street, thence east on Houston Street to its intersection with Columbian Run, then south on Columbian Run to its intersection with Warfield Street, then west on Warfield Street to its intersection with the existing eastern city limits, then southerly on the eastern city limits to its intersection with County Road 54, thence west on County Road 54 to its intersection with South Randolph Street, then north on South Randolph Street to the place of beginning.

- c. All boundaries are measured from the center of the street and the center of the railroad tracks.

('79 Code, § 8-1) (Ord. passed 12-20-66; Am. Ord. passed 3-16-82; Am. Ord. 12192, passed 12-1-92; Am. Ord. 2002-23, passed 10-15-02)

§ 30.30 COMMITTEES.

The Common Council may, by resolution adopted by a majority vote of its elected members, establish committees as necessary to facilitate the transaction of business. These committees shall perform the duties required by the Council and report their actions or findings at any meeting of the Common Council whenever called upon to do so.

(Ord. 2000-19, passed 9-26-00)

§ 30.31 APPOINTMENTS TO BOARDS AND COMMISSIONS.

Vacancies on boards and commissions to be filled by the Common Council shall be filled by a majority vote of the members in a properly convened session of the Council.

(Ord. 2000-19, passed 9-26-00)

§ 30.32 INVESTIGATORY POWERS.

The Common Council shall have the power to investigate all departments, officers and employees of the city. The investigation shall be conducted in accordance with the rules and procedures set forth in [IC 36-4-6-21](#).

(Ord. 2000-19, passed 9-26-00)

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FISCAL BRANCH

§ 30.35 CLERK–TREASURER DESIGNATED FISCAL OFFICER.

The Clerk–Treasurer is the fiscal officer of the city and responsible for keeping all city records and books of accounting. He or she shall perform the duties assigned by [IC 36-4-10](#), and such other duties as the Common Council may by ordinance require. All books and records shall be open to the public.

('79 Code, § 2-21) (Ord. passed 8-30-82)

JUDICIAL BRANCH

§ 30.40 CITY COURT ESTABLISHED.

There is hereby established, effective January 1, 1984, a city court to be headed and operated by a city judge elected and seated pursuant to [IC 33-10.1-1-3](#).

('79 Code, § 2-22) (Ord. passed 8-30-82)

STATUTORY BOARDS AND COMMISSIONS

§ 30.45 POLICE PENSION BOARD OF TRUSTEES ESTABLISHED.

There shall be a Police Pension Board of Trustees to perform certain duties prescribed by [IC 36-8-6](#) (1925 Fund), and [IC 36-8-8](#) (1977 Fund), concerning the statutory pensions of city police.

('79 Code, § 2-23) (Ord. passed 8-30-82)

**§ 30.46 CITY PLANNING COMMISSION, BOARD OF ZONING APPEALS,
ECONOMIC**

**DEVELOPMENT COMMISSION AND PARK BOARD ESTABLISHED; DESIGNATION OF
LEGAL COUNSEL.**

There shall be a City Planning Commission, a Board of Zoning Appeals, an Economic Development Commission, and Park Board whose members shall be appointed as prescribed by statute. The Mayor shall appoint the Attorney to serve as Legal Counsel to such boards upon advice and consent of the City Attorney.

('79 Code, § 2-24) (Ord. passed 8-30-82)

§ 30.47 RECREATION BOARD.

Under the provision of IC 36-10-5-2, the Common Council establishes a Recreation Board which shall serve as Park Authority.

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- a. The Recreation Board shall be composed of five resident freeholders.
- b. The five members of the Recreation Board shall be appointed by the Mayor with one member being a member of the governing body of the Garrett–Keyser–Butler Community School District Corporation.
- c. No member of the Recreation Board may also be a member of the Common Council.
- d. All members appointed to the Recreation Board must be qualified by an interest in and knowledge of the social and educational values of recreation. All members shall serve without compensation.
- e. Members shall be appointed for four–year terms from January 1 of the year of appointment until a successor is appointed. The initial terms of the members of the Recreation Board shall be as follows:
 1. One term for one year.
 2. One term for two years.
 3. One term for three years.
 4. Two terms for four years.
 5. Any vacancies shall be filled by the Mayor for the remainder of any unexpired term of any member.
- f. The Recreation Board shall manage all parks, including approaches, that belong to the City of Garrett.
- g. The City of Garrett, the Park Authority, and the Recreation Board shall have all powers and limitations enumerated in IC 36–10–5–2 as amended from time to time. Any amendments to said code section are hereby incorporated by reference under the terms of this section as said amendments shall be promulgated. Any conflict between the provisions of this section and IC 36–10–5–2 shall be controlled by IC 36–10–5–2. (Ord. 97–2, passed 2–4–97; Ord. 97–5, passed 2–18–97)
Statutory reference:
Enabling establishment of Park Authority and Recreation Board, see IC 36–10–5–2

§ 30.48 REDEVELOPMENT COMMISSION.

- a. The Garrett Redevelopment Committee was properly and lawfully adopted February 17, 1987, pursuant to the provisions of [IC 36–7–14–1](#) et seq. as it

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existed at that time and as has been amended thereafter.

- b.** The Commission has had and shall continue to have five commissioners which shall be appointed as follows:
 - 1.** Three shall be appointed by the municipal executive.
 - 2.** Two shall be appointed by the municipal legislative body.
- c.** Each Redevelopment Commissioner shall serve for one year, and Commissioners shall be appointed or re-appointed for terms beginning January 1 of each year.
- d.** The Redevelopment Commission shall have all of the rights, privileges, duties and powers as provided in [IC 36-7-14-1](#) et seq. as may be amended from time to time.
(Ord. 94-26, passed 12-6-94)