

CHAPTER 3

TOWN LEGISLATIVE AND JUDICIAL BRANCH

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ARTICLE 2. JUDICIAL BRANCH.

Reserved for Future Use

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CHAPTER 3

TOWN LEGISLATIVE AND JUDICIAL BRANCHES

ARTICLE 1. TOWN COUNCIL.

Sec. 3-1 Three (3) Member Council.

- a. The Town Council is the Town Legislative Body. ¹
- b. The Council shall consist of three (3) members whose terms of office are four (4) years, beginning at noon on January 1st after election, and continuing until successors are elected and qualified. ²
- c. One (1) Council member is elected At Large but each member is elected by the vote of the entire Town. ³

Sec. 3-2 Election Based (At Large) - No Precincts. ⁴

- a. The Town of Hudson, Indiana, is no longer divided into three (3) districts or legislative districts for purposes of conducting elections of Town Officers but hold elections on an At Large Basis.

Sec. 3-3 Reserved for Future Use.

Sec. 3-4 President of the Town Council.

- a. The Town Council shall elect at their first annual meeting one (1) of its members to be President for a definite terms which may not exceed his or her term of office. ⁵
- b. The President is the Town Executive. ⁶
- c. It shall be the duty of the President to preside at all meetings of the Council, to preserve

¹ Editor's Note: *I.C.*, § 36-5-2-2, addresses the Town Council. During the 1996 recodification, "Board of Trustees" was removed and replaced with "Town Council" to be consistent with current State Law.

² *I.C.*, § 36-5-2-3, addresses the term of office of Council Members.

³ *I.C.*, § 36-5-2-5, addresses legislative districts.

⁴ *I.C.*, § 36-5-2-4.1 which pertains to the division of Towns into districts and *I.C.*, § 36-5-1-10.1 which pertains to the composition of districts are no longer applicable in the Town of Ashley per information received via fax 6/25/96. Therefore, this Section has been changed per the request of the Town of Ashley, Indiana, to reflect the change from three (3) Districts to At Large based elections.

⁵ *I.C.*, § 36-5-2-7, addresses the President of the Town Council and term of office.

⁶ *I.C.*, § 36-5-2-2, addresses the Town Executive.

order, and generally to perform the duties of a presiding officer.

d. The President shall have the right to vote on all questions, the same as any other member of the Council.

e. In the absence of the President, the Council may choose from among its members a President *pro tempore*, who shall, for the time being, perform all the duties required of the President.

Sec. 3-5 Quorum and Votes to Pass.

a. A majority of all elected members of the Town Council constitute a quorum. ⁷

b. Passage of ordinances, orders or resolutions shall be governed by applicable State statutes. ⁸

Sec. 3-6 Powers of the Town Council. ⁹

The Town Council may:

1. adopt ordinances and resolutions for the performance of functions of the Town,
2. purchase, hold, and convey any interest in property, for the use of the Town,
3. adopt and use a common seal, and
4. exercise all powers that are needed for the effective operation of local governmental affairs. ¹⁰

Sec. 3-7 Regular Meetings¹¹

The Town Council shall hold its regular meetings on the fourth (4th) Monday of each month at 7:00 p.m.

(Reserved)

⁷ I.C., § 36-5-2-9.2, defines a quorum of the Council.

⁸ I.C., §§ 36-5-2-9.4 through 36-5-2-9.8 addresses majority, two-thirds ($\frac{2}{3}$), and unanimous votes.

⁹ I.C., § 36-5-2-9, sets forth the powers of the legislative body.

¹⁰ I.C., §§ 36-1-3-1 through 36-1-3-9, sets forth the Home Rule powers of municipalities.

¹¹ At the request of the Town during the 1996 recodification, the Town Council meeting time was changed from 7:30 p.m. to 7:00 p.m.

c. It shall be the duty of the President to preside at all meetings of the Council, to preserve order, and generally to perform the duties of a presiding officer.

d. The President shall have the right to vote on all questions, the same as any other member of the Council.

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Sec. 3-8 Special Meetings.¹¹

Special meetings may be convened at any time other than the time fixed for regular meetings, upon the call of the President of the Town Council, or upon call of a majority of the members of the Town Council with proper notice being given.

Sec. 3-9 Procedure for Filing Ordinances and Resolutions.

a. All ordinances, resolutions, orders, petitions and other papers calling for the attention or action of the Town Council must be regularly filed with the Town Clerk-Treasurer at least five (5) days before a regular meeting. They shall be immediately noted, filed and delivered to the President of the Town Council. (Ord. No. 4, § 1, 1-23-33)

b. Ordinances, resolutions, orders, petitions and other papers may be received, introduced and acted upon at any regular meetings of the Town Council by the unanimous suspension of the foregoing rule, but then only in case there are present and voting at least two-thirds ($\frac{2}{3}$) of all the members elect of said Town Council. (Ord. No. 4, § 2, 1-23-33)

c. All ordinances and resolutions shall be read three (3) times before being passed, which reading shall be noted of record by the Town Clerk-Treasurer and no ordinances or resolutions shall be presented or read three (3) times upon the same day or at the same meeting in which it is introduced, except upon the unanimous suspension of the foregoing rule and then only in case there are present and voting at least two-thirds ($\frac{2}{3}$) of the members elect of said Town Council. (Ord. No. 4, § 3, 1-23-33)

d. Upon the passage or adoption of any ordinances or resolutions, the votes in favor and in opposition to said adoption of said ordinances or resolutions shall be recorded and the name and vote of each member duly entered of record by the Town Clerk-Treasurer in the minutes of the meeting at which said vote is taken.¹² (Ord. No. 4, § 4, 1-23-33)

Sec. 3-10 Ordinances Which Amend the *Town Code*.

a. All ordinances which are of a general and permanent nature, and which would amend the *HudsonTown Code*, shall be on the next page in the following form:

¹¹ I.C., § 36-4-6-7, pertains to special meetings. I.C., §§ 5-14-1.5-1 through 5-14-1.5-7, set forth the Indiana Open Door Law or Sunshine Law.

¹² I.C., § 36-5-2-10.2, addresses the recording of ordinance procedures to be followed by the Clerk-Treasurer.

Ord. No. _____

(Include the last two digits of the calendar year followed by a dash and the chronological number of the Ordinance: Ex. 94-1)

(Short Title)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HUDSON, INDIANA,
AMENDING CHAPTER _____, ARTICLE _____,
SECTION(S) _____, OF THE HUDSON TOWN CODE
BY THE INCLUSION/DELETION OF SECTION(S),
ENTITLED _____.

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

Whereas,

Whereas,

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HUDSON, INDIANA, AS FOLLOWS:

Section I. Chapter _____, Article _____, Section(s) _____, of the *Hudson Town 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 is hereby passed and adopted at a regular meeting of the Town Council of the Town of Hudson, Indiana, this _____ day of _____, 19____.

By: _____
President

Council Member

Council Member

Attest:

Clerk-Treasurer

Sec. 3-11 Order of Business.**Reserved for Future Use****Sec. 3-12 Parliamentary Procedure.**

Any matter not addressed by any rules of procedure which may be adopted by the Town Council, shall be governed by *Robert's Rules of Order*.

Sec. 3-13 Recording and Publishing of Ordinances.¹³

a. All ordinances, within a reasonable time after their passage, shall be recorded in a book kept for that purpose by the Clerk-Treasurer.

b. Any adopted ordinance, order, or resolution which must be promulgated or published before it takes effect shall be done pursuant to applicable State statute.

Sec. 3-14 Compensation of Town Council.¹⁴

a. The Town Council shall, by ordinance, fix the compensation of its own members.

b. The compensation of an elected Town officer may not be changed in the year it is fixed nor may it be reduced below the amount fixed for the previous year.

Sec. 3-15 through 3-20 Reserved for Future Use.**ARTICLE 2. JUDICIAL BRANCH.**¹⁵**Reserved for Future Use.******Page 78 through Page 108 Reserved for Future Use.****

¹³ I.C., § 36-4-6-14, addresses the posting of ordinances in three (3) public places and the publication of ordinances in a Town Code.

¹⁴ I.C., § 36-5-3-2, addresses the compensation for members of the Council and other Town officers and employees. This State Law was amended in 1993 and § 3-14 was amended as a result during the 1996 recodification.

¹⁵ I.C., § 33-10.1-1-3, *et seq.*, addresses the establishment of a Town Court and the election of its judge.