

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1174

AN ORDINANCE REGULATING THE UTILIZATION OF
TOWN VEHICLES AND EQUIPMENT.

WHEREAS, the State Legislature of the State of Indiana has provided, at I.C. 36-1-3-1 et seq., that it is the policy of the State of Indiana to grant towns all the powers that they need for the effective operation of government as to local affairs; and

WHEREAS, it has come to the attention of the Town Council of the Town of St. John, Lake County, Indiana, that the Town of St. John has no ordinance specifically regulating the utilization of Town vehicles and equipment; and therefore, the Town Council of the Town of St. John, Lake County, Indiana, deems it necessary and advisable to enact such an ordinance regulating the utilization of Town vehicles and equipment; and

WHEREAS, the Town Council of the Town of St. John, Lake County, Indiana, finds that it is in the best interest of the citizens of the Town of St. John to enact such an ordinance regulating the use of Town vehicles and equipment; and

WHEREAS, the purpose of this ordinance is to restrict both the access to and the use of Town vehicles, equipment, and tools to Town employees and those persons authorized by certain department heads, to assure that vehicles, equipment, and tools are used only for authorized purposes to carry out the business functions of the Town of St. John, to specifically deny access to and the use of vehicles, equipment, and tools by non-employees, contractors, and others who are not considered employees or officials of the Town of St. John (or are not under the protection of the Town's liability or other insurance policies), and to assure that only those persons who are trained and skilled in the safe use of the Town's vehicles, equipment, and tools have access to and utilization of the same; and

WHEREAS, this ordinance is not intended to restrict the discretion of department heads to use the most effective means at their disposal to respond to immediate emergencies that clearly constitute immediate peril to public safety or health.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of St. John, Lake County, Indiana, as follows, to-wit:

SECTION 1. The utilization of Town of St. John vehicles, equipment, and tools is hereby restricted to Town employees and those persons authorized by certain department heads and which vehicles, equipment, and tools shall be utilized only for authorized purposes to carry out the business functions of the Town of St. John.

SECTION 2. The term "department heads" as utilized in this ordinance shall mean and be defined as the Clerk-Treasurer, the Public Works Director, the Police Chief, the Fire Chief, and the Building Commissioner. The term "officials" as utilized in this ordinance shall mean and be defined as elected or appointed persons of the Town of St. John.

SECTION 3. This ordinance shall apply to all motor vehicles owned, leased, or rented by the Town and shall include automobiles (civilian, police, and fire), vans, and trucks, as well as any vehicle licensed for travel or use either on or off-road.

SECTION 4. This ordinance shall apply to all equipment and tools owned or rented by the Town, and the term "equipment" shall include trailers, outdoor power equipment (e.g. tractors, mowers, generators, air compressors, chain saws, etc.) and office equipment including copy machines, paper shredders, computers, cameras, etc.; and the term "tools" shall include hand tools, small power tools (e.g. drills, saws, etc.), vehicle jacks, etc.

SECTION 5. Vehicles, equipment, and tools assigned for the use of any department shall be used at the discretion of the department head for authorized work conducted by and for the department but not for the personal use of any person. The department head or authorized designee is permitted to authorize other Town employees and officials to utilize Town vehicles, equipment, or tools, but only for work authorized for the Town.

SECTION 6. At no time may a Town employee utilize any vehicle, equipment, or tool assigned to another department without the consent of the other department head or authorized designee unless there is an actual emergency that threatens immediate peril to public safety or health. Under circumstances of such an emergency, a department head that assumes the use of such vehicles, equipment, or tools not assigned to that person's department must notify the other department head of this use as soon after the emergency occurs as is reasonably possible.

SECTION 7. At no time may any of the Town's vehicles, equipment, or tools be utilized for purposes other than work or business approved for or by the Town, unless an actual emergency that threatens immediate peril to public safety or health exists. At no time shall the Town's vehicles, equipment, or tools be utilized for personal use but for those vehicles provided to certain Town employees as a part of their job assignment. (This section shall also not apply to the police officers employed by the St. John Police Department).

SECTION 8. At no time may non-employees utilize any Town vehicles, equipment, or tools.

SECTION 9. This ordinance is not intended to restrict the

authorized rental of vehicles by elected or appointed officials to carry out their duties; or the authorized rental of vehicles, equipment, or tools by department heads as necessary to carry out the functions of their departments.

SECTION 10. A violation of this ordinance shall constitute a violation of the Town's Personnel Policy Ordinance with appropriate disciplinary measures to be determined by the Town Council based upon the facts and circumstances of the case and the severity of the offense.

BE IT FURTHER ORDAINED that all existing ordinances and regulations or parts thereof, in conflict with the provisions of this ordinance, are hereby deemed null, void, and of no legal affect, and are hereby specifically repealed.

BE IT FURTHER ORDAINED that if any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana.

PASSED AND ADOPTED by the Town Council of the Town of St. John, Lake County, Indiana, this 25th day of May, 2000.

Aye 3 Nay 0

TOWN COUNCIL, TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA

Kathleen J. Willman
KATHLEEN J. WILLMAN

Kristie L. Aldridge
KRISTIE L. ALDRIDGE

Jerome J. Rudy
JEROME J. RUDY

ATTEST:

Judith L. Companik
JUDITH L. COMPANIK
Clerk-Treasurer