

ORDINANCE 2018-19

**TO AMEND SECTION 36.136 OF THE ELLETTSVILLE
TOWN CODE REGARDING USE OF TOWN PROPERTY**

BE IT ORDAINED AND ADOPTED by the Town Council of Ellettsville, Indiana:

Section 1. The following revisions are hereby made to Section 36.136(D) of the Ellettsville Town Code regarding the use of town property.

When an existing section of the ordinance is being amended, the text of the existing provision will appear in this style type, additions will appear **in this style type**, and deletions will appear ~~in this style type~~.

36.136 USE OF TOWN PROPERTY

(D) Use of vehicles and equipment.

(1) Town's equipment and vehicles are essential tools in accomplishing an employee's job duties. When using property, employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines. The Town Council must approve all vehicle purchases or acceptance of donations.

(2) Please notify the Supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

(3) Employees operating town vehicles shall maintain the ability to legally operate assigned vehicles. Employees who operate town vehicles are required to notify their supervisor in the event that their driver's license is suspended or revoked. An employee's failure to notify their supervisor of a driver's license suspension or revocation is subject to disciplinary action up to and including discharge.

(4) Each occupant of a town or personal vehicle while on town business must wear appropriate seat belts and shoulder harnesses (if so equipped). Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a town vehicle or personal vehicle for town business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication or intoxication.

(5) The driver of a town vehicle shall obey all traffic and safety laws, except for fire and law enforcement personnel engaged in the performance of their duties as set forth in I.C. 9-21-1-8. Improper, careless, negligent, destructive or unsafe use or operation of equipment or vehicles, as well, as excessive or avoidable traffic and parking violations, can result in disciplinary action, including discharge.

(6) Vehicles owned by the town shall be used for town business only. All town employees are prohibited from using town vehicles for personal use. Only those employees assigned take-home vehicles by the Town Council are authorized to use town vehicles for commuting purposes. In such cases, incidental non-business stops (such as stopping for lunch between two town business stops) are permissible. The town follows the regulations set forth by the Internal Revenue Service regarding taxable fringe benefits. Employees shall contact their supervisors with questions about the manner in which those regulations are applied. Each employee assigned a take home vehicle should make sure he or she knows and understands the regulations and how they apply to the employee.

(7) A town vehicle may be used only by the employee to whom it is issued or by other employees of the town who use it for departmental business. All use by non- employees (including friends and family members) is prohibited.

(8) Except for official town business or as provided in any special policies or procedures that supersede this policy, town owned vehicles shall not be driven out of the state unless authorized by the Town Council.

(9) Maintenance, repairs and fueling of motor vehicles shall be done by the town. Each department is responsible for maintenance for their vehicles and equipment.

(10) Police officers and personnel are exempt from 36.136(D)(6). All police personnel issued take-home vehicles are considered to be on call 24 hours a day, seven days a week for emergency purposes and shall respond to emergency situations when requested by Central Dispatch. Police personnel who are issued take-home vehicles may exercise de minimis use of vehicles assigned as take-home vehicles for reasonable and limited personal transportation. Police personnel may use a take-home vehicle to drive to and from other employment, but may not use the vehicle to perform substantial duties at that employment. Police personnel may not use take-home vehicles for vacation travel.

(11) Employees who violate these provisions shall be subject to discipline, up to and including termination.

Section 2. This ordinance shall take effect upon final publication as provided by law.

This Ordinance was adopted by the Ellettsville Town Council on the ___ day of August, 2018 at the Ellettsville Town Hall, Ellettsville, Indiana.

ELLETTSVILLE TOWN COUNCIL

Brian Scott Oldham, President

Attest:

Sandra Hash, Ellettsville Clerk-Treasurer