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ORDINANCE 2016-15

AN ORDINANCE ESTABLISHING A SECURITY DEPOSIT FUND AND SECURITY DEPOSIT PROCEDURE FOR USE OF WHITESTOWN FACILITIES

WHEREAS, the Town of Whitestown ("Whitestown" or "Town") from time to time rents and/or permits the use of the Whitestown Community Recreation and Event Center and Public Hall, located at the Whitestown Municipal Complex, and other Whitestown facilities (collectively, "Facilities"), to various community groups and individuals for sports practice, fundraising events, conferences, business meetings, birthday parties, holiday gatherings, dances, fitness classes, etc.; and

WHEREAS, Whitestown requires individuals or groups renting or using the Facilities ("User(s)") to be responsible for cleaning the Facilities and for any damages to the Facilities; and

WHEREAS, to ensure the timely cleaning and repair of the Facilities, the Town desires to require certain Users to provide a security deposit for the use of the Facilities ("Security Deposit"); and

WHEREAS, the Town Council desires to establish a Security Deposit Fund, wherein Security Deposits will be deposited; and

WHEREAS, the Town Council desires to establish a procedure for using Security Deposits towards reimbursing the Town for the cost of cleaning and repairing the Facilities as a result of the respective User's use of the Facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA:

Section 1. Deposit Requirement. Each User may be required to pay a security deposit ("Security Deposit") for each event at or use of the Facilities, in an amount to be determined by and in the discretion of the Town Manager and/or his/her designee.

Section 2. Fund Creation. The Town hereby establishes a Security Deposit Fund ("Fund"), for the purpose of receiving and disbursing of Security Deposits. The Fund shall be non-reverting and perpetual until terminated or amended by subsequent ordinance of the Town Council.

Section 3. Procedures for Collection and Disbursement.

a. The Whitestown employee or official that receives the Security Deposit shall make a record of the Security Deposit and shall immediately provide or obtain a receipt to the User.

b. The Security Deposit shall be remitted to the Clerk-Treasurer's office by the end of the business day on which it is received.

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c. The Clerk-Treasurer's office shall make an official receipt at the time the Security Deposit is received by that office and shall post the receipt to the Clerk-Treasurer's financal records.

d. The Clerk-Treasurer shall deposit the Security Deposit into the Fund not later than the next business day. Ind. Code § 5-13-6-1.

e. Within a reasonable time following the conclusion of the event or User's use of the Facilities, a Whitestown employee shall inspect the Facilities for any damage and to ensure that the Facilities have been appropriately and completely cleaned and any equipment returned as directed by the Town.

f. If the Facilities are not properly cleaned, are damaged, or are otherwise not returned as directed by the Town (e.g., chairs not returned), the Town Manager shall, in his/her discretion: (a) direct the User to immediately pay the costs for any labor and materials to repair, clean, or resituate the Facilities ("Expenses"); or (b) pay such Expenses from an appropriated fund using available appropriations in the regular manner. Such costs and Expenses include, but are not limited to, any labor and materials of Town employees or officials or third party services.

g. After the repairs or cleaning are completed satisfactorily, the Town shall use the Fund to reimburse the fund that was used to pay for the Expenses. No appropriation is required for this expenditure. A claim shall be generated for this transaction.

h. If after all Expenses are reimbursed there should remain a balance of the Security Deposit, then a refund shall be generated from the Fund to the User. No appropriation is required for this expenditure. A claim shall be generated for this transaction.

i. If the Security Deposit is not sufficient to pay all Expenses, then the User shall be invoiced for the remaining Expenses, plus any other applicable costs and fees.

Section 4. **Effective Date**. This Ordinance shall be effective immediately upon its passage.

[Signatures on next page]

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Passed and adopted by the Whitestown Town Council on this 13th day of April, 2016.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA	YAY/NAY
Eric Miller, President	Yes
Susan Austin, Vice President	Yes
Kevin Russell	
Clinton Bohm	Yes
Jeffrey Wishek	YES

ATTEST:

Matthew Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

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