

Chapter 24.

Boards Commissions and Departments

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¹ As to subdivision regulations generally, see ch. 101 of this code. As to zoning regulations generally, see ch. 102. As to mobile home regulations generally, see ch. 100.

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² For state law as to public parks in cities, see Indiana Code § 36-10-5-2. As to riding on bicycle paths, see § 46.11 of this code. (Ord. No. 14-11, Appendix A, item 7.)

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Article I. Human Relations Commission.

Sec. 24.01. Purpose of article.

The purpose of this article is to provide all of its citizens equal opportunity for:

- (a) Employment.
- (b) Public accommodations.
- (c) Housing.
- (d) Education.

This article is designed to prevent prejudice, intolerance, bigotry, disorder and discrimination. The city will encourage and attempt to bring about mutual self-respect and understanding of each other by all groups in the city and help guarantee equal rights to all citizens as afforded by this code and other ordinances of the city, the laws of the state and the Constitution of the United States. (Ord. No. 11-68, § 2.)

Sec. 24.02. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Age means and includes any person who is at least forty years of age.

Attorney means a person duly authorized and licensed by the State of Indiana or any other state to engage in the practice of law.

Commission means the City of West Lafayette Human Relations Commission.

Complainant means a person for or on whose behalf a complaint alleging unlawful discrimination has been filed or issued.

Disability means a mental or physical condition which constitutes a handicap.

Discriminate or *discrimination* means and includes any act, attempted act, policy or practice which results in the unequal treatment, separation or segregation of or which otherwise adversely affects any person who is a member of a class protected by this title, and for purposes of discrimination based upon sex it includes sexual harassment.

Educational institution means a public or private institution located or operating in the city which performs educational services and includes an academy, college, university, elementary or secondary school, extension course, kindergarten, nursery school system, and a business, nursing, professional, secretarial, technical or vocational school; and further includes any agent or employee of an educational institution.

Employ means to use or be entitled to use and benefit of the services of a person as an employee.

Employee means and includes all persons who seek to, apply to, or perform services for any employer for compensation, whether in the form of wages, salaries, commission or otherwise.

Employer means and includes any person within the city who hires or employs any employee, and any person wherever situated who hires or employs any employee whose services are to be partially or wholly performed in the city.

Employment means the state of being employed as an employee by an employer.

Employment agency means any person located or operating in the city regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer.

Hearing committee means a committee of three commissioners who have been designated by the chair of the commission to hear a complaint after a determination of probable cause.

Hire means to engage or contract for, or attempt to engage or contract for, the services of any person as an employee.

Labor organization means and includes any person, employee representation committee or plan in which employees participate, or any agent or employee thereof, which operates in the city or whose members live or are employed in the city, and which exists wholly or in part for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment and shall include any conference, general committee, joint or system board or joint council.

Mediation means a confidential process by which a neutral person, acting as Mediator, assists parties to a dispute in reaching a mutually acceptable settlement of a complaint; a Mediation may also involve clarification of disputed issues, exploration of areas of compromise, and finding points of agreement for purposes of expediting further proceedings. (Ord. No. 26-10)

Mediator means a neutral person that is listed on the registry of mediators maintained by the Indiana Supreme Court Commission for Continuing Legal Education or successor agency, or any other neutral and qualified person selected by the Commission to mediate a Mediation. (Ord. No. 26-10)

National origin means the place of birth of an individual or of any of the person's lineal ancestors.

Person means and includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, public bodies or public corporations, including but not limited to the city or any department or unit thereof, any other legal or commercial entity, and any agent or employee of all the foregoing.

Public accommodations means and includes all services or facilities, other than governmental, of any kind offered or located within the city

which are generally open or offered to the public or which generally solicit public patronage or usage, whether operated for profit or not.

Public services means and includes all activities, services or facilities offered to the public within the city by any governmental agency or unit of government owned, operated or managed by any local, state or federal government.

Real estate broker means a real estate broker and real estate salesperson as defined by Indiana Code § 25-34.1-2(4), (5). (Ord. No. 14-11, Appendix A, item 8.)

Real property means any right, title, interest in or to the possession, ownership, enjoyment of occupancy of any parcel or land in the city, any building situated thereon, or any portion of such buildings.

Religious or denominational education institutions mean an educational institution located or operating in the city which is operated, supervised, controlled or sustained primarily by a religious or denominational organization, or is one which is stated by the parent church body to be and is, in fact, officially related to that church through church representation on the board of the institution and through substantial church financial assistance to the institution, providing the institution has certified, in writing, to the commission that it is a religious or denominational educational institution; and further includes any agent or employee of such an institution.

Respondent means a person against whom a complaint alleging unlawful discrimination has been filed or issued.

Sex means the character of being male or female and encompasses, but is not limited to, pregnancy, childbirth, disabilities related to pregnancy or childbirth and sexual harassment.

Sexual harassment may mean and include unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct, or communication of a sexual nature when:

- (1) Submission to that conduct, or communication, is made a term or condition, either explicitly or implicitly, of obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services or the services of an educational institution; or
- (2) Submission to or rejection of that conduct or communication is used as a factor in decisions affecting that individual in obtaining the services of a labor organization, employment, the services of an employment agency, real estate, the services of a lending institution, public accommodations, public services or the services of an educational institution; or
- (3) That conduct or communication has the purpose or effect of substantially interfering with an individual in regard to, or creating an intimidating, hostile or offensive environment in regard to the services of a labor organization, employment, the services of an

employment agency, real estate, the services of a lending institution, public accommodations, public services, or the services of an educational institution; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

Status with regard to public assistance means the condition of being a recipient of federal, state or local assistance, including medical assistance, or of being a tenant receiving federal, state or local subsidies, including rental assistance or rent supplements.

(Ord. No. 11-68, § 1; Ord. No. 17-71, § 1; Ord. No. 5-76, § 1; Ord. No. 24-89, § 1; Ord. No. 26-10.)

Sec. 24.03. Exemptions.

(a) General. This article shall not apply to any governmental entity or agency other than the city.

(b) Employment. The provisions referred to in § 24.08(1), (2) and (3) of this article shall not apply to or prohibit:

(1) The employment of any individual by his or her parent, grandparent, spouse, child or grandchild, or in the domestic service of any person;

(2) Any religious corporation, association or society with respect to the hiring or employment of individuals of a particular religion, when religion shall be a bona fide occupational qualification for employment;

(3) An employer, employment agency or labor organization for requiring a person to undergo physical examination for the purpose of determining the person's capability to perform available employment; or from conducting an investigation as to the person's medical history for the purpose of determining the person's capability to perform available employment;

(4) The State of Indiana or any of its agencies.

(c) Real estate. The provisions of § 24.08 of this article shall not apply to or require:

(1) Rental by an owner or occupier of a one-family accommodation, in which he or she resides, of a room or rooms in such accommodation to not more than one family, or not more than two persons unrelated to each other;

(2) Any person or group of persons selling, renting or leasing property to modify the property in any way or to exercise a higher degree of care of a person having a disability than for a person who does not have a disability; nor shall this section be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to

fulfill the terms and conditions, including financial obligations of such lease, agreement or contract.

(d) Education.

(1) It is not unfair discriminatory practice for a religious or denominational institution to limit admission or give preference to applicants of the same religion.

(2) The provisions of § 24.08 of this article relating to sex shall not apply to a private educational institution, or branch or level of a private educational institution, in which students of only one sex are permitted to enroll.

(3) Nothing in this section shall be construed to require any private educational institution to provide any special service to any person because of disability to such person or to modify in any manner its buildings, grounds, facilities or admission procedures because of the disability of any such person.

(4) Nothing in this section shall prohibit an educational institution from requiring from applicants information which relates to academic qualifications or achievements.

(e) Disability. Nothing in this section shall be construed to prohibit any program, service, facility or privilege afforded to a person with a disability which is intended to habilitate, rehabilitate or accommodate that person.

(f) Affirmative Action. Nothing in this section shall be interpreted as restricting the implementation of positive action programs to combat discrimination. (Ord. No. 24-89, § 3.)

Sec. 24.04. Created; composition.

There is hereby created in the office of the mayor a commission on human relations. It shall consist of nine members, serving without compensation and broadly representative of the religious, racial, ethnic, economic, business and political groups in the city. (Ord. No. 11-68, § 3; Ord. No. 17-07, § 1.)

Sec. 24.05. Appointment; term of office and removal of members; filling vacancy in office.

The members of the human relations commission shall be appointed by the mayor with the advice and majority consent of the common council and shall be appointed for a term of three years. In the event of the death or resignation of any member, a successor shall be appointed to serve for the unexpired period for which such member had been appointed. Members of the commission may be removed by the mayor, with the majority consent of the common council. (Ord. No. 11-68, § 3; Ord. No. 17-07, § 1.)

Sec. 24.06. Officers; meetings.

The human relations commission shall elect from the commission members, once each year, a chair, vice-chair and secretary. The commission shall hold one regular meeting each quarter and such special meetings as the chair may deem necessary. All meetings will be open public meetings, conducted at the City Hall or any other

designated place and shall take place at reasonable times. (Ord. No. 26-10)

All continuations and adjournments will be open public meetings. (Ord. No. 26-10)

(Ord. No. 11-68, §§ 1 to 4; Ord. No. 39-78, § 1; Ord. No. 26-10.)

Sec. 24.07. Powers and duties.

The human relations commission shall have the following powers and duties:

(a) To create subcommittees and advisory committees as in its judgment will aid in effectuating the purpose of this section;

(b) To issue such publications and such results of investigation and research as in its judgment will tend to minimize or eliminate discrimination because of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance;

(c) To accept complaints for filing. Complaints of discrimination shall be received and investigated by the human relations commission. To be acceptable, a complaint shall be sufficiently complete so as to reflect properly the name and address of the complainant; the name and address of respondent against whom the complaint is made; the alleged discriminatory practice and a statement of particulars thereof; the date or dates and places of the alleged discriminatory practice; if it is of a continuing nature, the dates between which continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the complaint; together with a statement as to the status or disposition of such other action. No complaint shall be valid unless filed within ninety days from the occurrence of the alleged discriminatory practice, or from the date of the termination of a published and meaningful grievance procedure provided by a respondent employer or labor union; provided, that complaints filed only with the Equal Employment Opportunity Commission shall be deemed to have been filed simultaneously with the human relations commission for purposes of measuring the ninety-day limitation, as long as the complaint is otherwise within the human relation commission's jurisdiction; provided further, that any person who files a complaint with the Indiana Civil Rights Commission shall have no recourse to the city human relations commission concerning any of the matters alleged in such complaint, except upon transfer of the case; provided, further, that the human relations commission shall have no jurisdiction over the state or any of its agencies, or over the city or any of its departments;

(d) To appoint a Mediator to facilitate Mediation of a complaint. The chair of the human relations commission may, at any time, refer the parties to attend Mediation, whereupon the parties may choose to sign a statement agreeing to Mediation and to pay any expenses thereof. All parties shall attend any such Mediation in person or by telephonic or other electronic means, participate in good faith, and pay the costs of such Mediation, including fees for the mediator, if any; (Ord. No. 26-10)

(e) To investigate each complaint properly filed. Upon the proper filing of a complaint and if a complaint is not fully resolved by a Mediation, the chair of the human relations commission shall appoint a member of the commission to investigate the complaint and determine whether there is probable cause to believe that a prohibited act of discrimination occurred. When the recommendation after the investigation is no probable cause, the complainant shall be furnished a copy of the findings of fact and recommendations and shall be given ten days to make a written request, with the reasons therefor, to the chair of the commission for review of the finding. Upon the receipt of the request for review, the chair or chair's designee shall review the request and the decision of the reviewing commissioner regarding probable cause shall be final; (Ord. No. 26-10)

(f) To schedule and conduct a conciliation conference. After a determination of probable cause, the chair may appoint a commissioner to undertake conciliation of all issues in the complaint or require the parties to participate in Mediation. Prior to a public hearing to adjudicate the complaint, the human relations commission shall schedule a conciliation conference. All parties shall attend any such conciliation conference; (Ord. No. 26-10)

(g) To schedule complaints for public hearings upon a determination of probable cause if a complaint is not fully resolved by a Mediation. The chair shall appoint a hearing committee or refer the case for hearing by the full commission. However, no commissioner who has participated in the determination of probable cause shall sit as a commissioner to hear the case; (Ord. No. 26-10)

(h) To prevent any person from discharging, expelling, or otherwise discriminating against any other person because the person filed a complaint or testified in any hearing before the commission or in any way assisted in any matter under investigation;

(i) To issue a temporary emergency order against any person requiring such person to do an act preserving the possibility of a remedy for a complaint or to refrain from doing an act damaging the possibility of a remedy during the investigation of the complaint; provided, however:

(1) That no emergency order shall be issued unless a time and place for hearing on the temporary order is designated in the order,

(2) That the hearing on the temporary emergency order shall be held within ten days following the issuance of the temporary order, unless continued by the commission at the request of the respondent. At such hearing the complainant shall show that a failure to continue the temporary order would damage a remedy. The commission shall thereupon weigh the comparative hardship to the complainant and respondent and issue a decision continuing or terminating the temporary emergency order, pending final disposition of the complaint. The respondent may waive the hearing on the temporary emergency order without prejudice to the defense of the matters charged in the complaint, in which case the temporary order

shall remain in effect pending final disposition of the complaint,

(3) The commission may by rule provide for issuance of its temporary order by a majority of the commission, and it may compel compliance with any such temporary order by bringing an action in any circuit or superior court for prohibitory or mandatory injunction upon showing that such person is subject to the court's jurisdiction; resides or transacts business within the county in which the proceeding is brought; and that such injunction is necessary to protect the complainant's rights under this section until the complaint is resolved through Mediation, conciliation or public hearing; (Ord. No. 26-10)

(j) To reduce the terms of settlement agreed to by the parties in writing at either a Mediation or at a conciliation conference, to be called a consent agreement, which the parties and a majority of the commissioners shall sign. When so signed, the consent agreement shall have the same effect as a cease and desist order pursuant to subsection (i) of this section. If the commission determines that a party is not complying with it, the commission may obtain enforcement of the consent agreement in a circuit or superior court upon showing that the party is not complying with the consent agreement, and the party is subject to the commission's jurisdiction, and resides or transacts business within the county in which the petition for enforcement is brought; (Ord. No. 26-10)

(k) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take testimony of any person under oath and require the production for examination of all books and papers relating to any matter under investigation or in question before the commission. The commission may make rules governing the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena or temporary emergency order issued pursuant to this section shall be a breach of this chapter and such person shall be liable to a penalty therefore, if adjudged by the circuit or superior court, of the payment of a penalty not to exceed three hundred dollars. Each penalty shall be deposited in the general fund of the city; provided, however, that the payment of such penalty by a party shall not impair the commission's ability to grant affirmative relief and compensatory damages to the complainant, should justice so require;

(l) To state its findings of fact after hearing, which statement shall be made in a written opinion containing both the findings of fact and the principles of law applied. All written opinions shall be compiled and maintained as public record and, in making decisions, the commission shall give due consideration to its prior decisions which may be applicable. If a majority of the commissioners who hear the case finds that a person has engaged in unlawful discriminatory practice, the commission shall cause to be served on the person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action necessary to effectuate the purposes of this section.

(1) If unlawful discrimination is found in the area of employment, an order shall be issued requiring the

respondent to take such affirmative action including but not limited to hiring, reinstatement and upgrading of employees or people deprived of employment, with or without compensatory damages to which the complainants would have been entitled had they not been deprived of equal opportunity; provided, that this subsection shall not be construed to require any employer to modify physical accommodations or administrative procedures to accommodate a handicapped person,

(2) If unlawful discrimination is found in the area of housing or acquisition of real property, an order may be issued requiring a respondent to take affirmative action, including but not limited to renting, selling or leasing to a person deprived of equal opportunity. Compensation for the denial of equal opportunity shall be allowed within the discretion of the commission,

(3) If unlawful discrimination is found in the area of public accommodation, an order shall be issued requiring respondent to take affirmative action, including but not limited to providing services, goods or access to property, reinstatement to membership, reinstatement to membership, posting of notice that a facility is a public accommodation, with or without compensatory damages for a complainant being denied equal opportunity,

(4) If unlawful discrimination is found in the area of education, an order may be issued requiring a respondent to take affirmative action including but not limited to a review and revision of school boundaries, revision of teaching aids and materials, human relations training for personnel recruitment of minority people for professional staff, with or without compensatory damages to which the complainant would have been entitled except for the denial of equal opportunity,

(5) If upon all the evidence, the commission finds that a person has not engaged in any such unlawful practice or violation of this section, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the complaint as to such person,

(6) Judicial review of such cease and desist order, or other final order, or other affirmative action or damages as referred to in this chapter may be obtained by filing in the circuit or superior courts. The scope of review shall be in accordance with the provisions set out in Indiana Code § 22-9-1-12.1. If no proceeding to obtain judicial review is instituted within fifteen days from the receipt of notice by a person that such order has been made by the commission, the commission, if it determines that the person upon whom the cease and desist order has been served is not complying or is making no effort to comply, may obtain a decree of a court for the enforcement of such order in circuit or superior court upon showing that such person is subject

to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought, or may request the city attorney or attorney representing the complainant to seek enforcement;

(m) To refer the complaint to the Indiana Civil Rights Commission for investigation and resolution.

(Ord. No. 11-68, § 4; Ord No. 17-71, § 1; Ord. No. 5-76, § 1; Ord. No. 24-89, § 2; Ord. No. 26-10.)

Sec. 24.08. Acts of discrimination specified.

Without limitation, the following are declared to be unfair discrimination acts:

(a) Discrimination by a labor organization. Except when based on a bona fide occupational qualification, for any labor organization, because of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance:

(1) To deny full and equal membership rights to a person seeking membership or to a member,

(2) To expel a member from membership,

(3) To discriminate against a person seeking membership or a member with respect to hiring, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities or privileges of employment, or

(4) To fail to classify properly, or refer for employment or otherwise to discriminate against a person or member;

(b) Discrimination in employment. Except when based on a bona fide occupational qualification, for an employer because of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance:

(1) To fail to hire or to maintain a system of employment which unreasonably excludes a person seeking employment,

(2) To discharge an employee, or

(3) To discriminate against a person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, discharge, or any term or condition of employment;

(c) Discrimination by an employment agency. Except when based on a bona fide occupational qualification, for an employment agency because of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance:

(1) To refuse or fail to accept, register, classify properly or refer for employment or otherwise to discriminate against a person, or

(2) To comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this section;

(d) Discriminatory practices in furnishing employment information and employment advertising. Except when based on a bona fide occupational qualification, for an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization:

(1) To require a person to furnish information that pertains to race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance, unless:

(A) For the purpose of national security, information pertaining to national origin is required by the United States, this state, or political subdivision or agency of the United States or this state, or

(B) For the purpose of compliance with the Public Contract Act or any rule, regulation or laws of the United States or of this state requiring information pertaining to race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance is required by the United States, this state, or a political subdivision or agency of the United States or this state, or

(2) To cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification or discrimination based on race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance;

(e) Discrimination in real estate. For an owner, lessee, sublessee, managing agent of, real estate broker, real estate salesperson or other person having to sell, rent or lease any property, or any agent or employee of any of these:

(1) To refuse to sell, rent or lease, to offer for sale, rental or lease, or otherwise deny or withhold any real property to or from any person or group of persons or to refuse to negotiate for the sale, rental or lease of any real property to any person or group of persons because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status or status with regard to public assistance,

(2) To represent that real property is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities of real property to or from any person or group of persons because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status or status with regard to public assistance,

(3) To discriminate against any person in the terms, conditions or privileges of the sale, rental or lease of real property or in the furnishing of facilities or services in connection therewith because of the person's race, color, creed, religion, ancestry, national origin, sex, disability, marital status or status with regard to public assistance,

(4) To print, circulate or post, or cause to be printed, circulated or posted, any advertisement or sign, or use any form of application for the purchase, rental or lease of any real property, or make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, ancestry, national origin, sex, disability, marital status or status with regard to public assistance;

(f) Discriminatory representation by real estate brokers or real estate salespersons. For any real estate broker or real estate sales person, or any agent or employee thereof, for the purpose of inducing a real property transaction from which a person, that person's firm, or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities;

(g) Discrimination in lending. For any person, bank, banking organization, mortgage company, insurance company or other financial institution or lender, or any agent or employee thereof, to whom application is made for financial assistance:

(1) To discriminate against any person or group of persons because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status or status with regard to public assistance in the granting, withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any such financial assistance or in the extension of services in connection therewith,

(2) To use any form of application for such financial assistance or make any record or inquiry in connection

with applications for such financial assistance which expresses, directly or indirectly, any preference limitation, specification or discrimination as to race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance or any intent to make any such preference, limitation, specification or discrimination,

(3) To discriminate against any person or group of persons who desire to purchase, lease, acquire, construct, rehabilitate repair or maintain real property in a specific urban area because of the social, economic or environmental conditions of the area in the granting, withholding, extending, modifying or renewing or in the rates, terms, conditions or privileges or any such financial assistance or in the extension of services in connection therewith. All financial institutions shall post the following sign in a conspicuous place: "This institution abides by the state and local law prohibiting the denial of a mortgage or home improvement loan or the granting of a mortgage or home improvement loan on different terms, because of the conditions in the neighborhood in which the home is located. If you believe you have been discriminated against, call either of the following agencies for help: Indiana State Human Relations Commission; West Lafayette Civil Rights Commission";

(h) Discrimination in public accommodations. For any person engaged in the provision of public accommodations, because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance:

(1) To fail or refuse to provide to any person access to the use of and benefit from the services and facilities of such public accommodations, or

(2) To discriminate against any person with respect to the availability of such services and facilities, the price or other consideration therefor, the scope and quality thereof, or the terms and conditions under which the same are made available, including terms and conditions relating to credit, payment, warranties, delivery, installation and repair;

(i) Discrimination in public services. For any person engaged in the provision of public services, because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status, status with regard to public assistance, to discriminate against any person in the access to, admission to, full use of or benefit from any public service;

(j) Discrimination in educational institutions. For any educational institution, because of race, color, creed, religion, ancestry, national origin, sex, disability, marital status or status with regard to public assistance:

(1) To discriminate against any person in the full use of or benefit from such institution, or

(2) To exclude, expel or otherwise discriminate against a person seeking admission as a student, or a person enrolled as a student;

(k) Aiding, abetting or facilitating discrimination; reprisals related to discrimination. For any person:

(1) To conceal or attempt to conceal any discriminatory act forbidden by this section or to aid, abet, compel, coerce, incite or induce, or attempt to induce, another person to discriminate,

(2) To use any trick, artifice, advertisement, sign, form of application, record on inquiry or any device whatsoever to bring about or facilitate discrimination,

(3) To engage in any reprisal, economic or otherwise, because another person opposed a discriminatory act forbidden under this section, has filed a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under this section, or has associated with a person or group of persons of a different race, color, creed, religion, ancestry, national origin, sex, disability, marital status or status with regard to public assistance. (Ord. No. 24-89, § 4.)

Sec. 24.09. Affirmative action by city contractors.

(a) All contractors doing business with the city in an aggregate amount greater than fifty thousand dollars per year, except those specifically exempted by regulations promulgated by the human relations commission and approved by the common council shall take affirmative action to insure that applicants and employees are treated, in respect to employment, in a manner which provides equal employment opportunity and tends to eliminate inequality based upon race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance. Affirmative action shall include but not be limited to the issuance of a policy statement regarding equal employment and its communication to all personnel involved in recruitment, hiring, training, assignment and promotion; notification of all employment sources of company policy and active efforts to review the qualifications of all applicants regardless of race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance; recruiting in the minority/female group community for employees; and establishing an internal system of reporting concerning equal employment, recruiting, hiring, training, upgrading and the like.

(b) The human relations commission shall promulgate regulations prescribing such minimum requirements for an affirmative action plan as it shall deem necessary after public hearings. Such regulations shall become effective upon approval by the common council.

(c) All contracting agencies of the city or any department thereof shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor to take affirmative action to insure that the applicants and employees are treated in a manner which provides equal employment opportunity

and tends to eliminate inequality based upon race, color, creed, religion, ancestry, national origin, sex, disability, age, marital status or status with regard to public assistance. The requirements of affirmative action shall be not Less than the minimum specified in any regulation of the human relations commission passed and approved as specified in subsection (b) of this section. Such contracts shall provide further that breach of the obligation to take affirmative action shall be a material breach of the contract for which the city shall be entitled to as its option:

- (1) To cancel, terminate or suspend the contract in whole or in part; and/or
- (2) To declare the contractor or vendor ineligible for further city contracts. (Ord. No. 24-89, § 5.)

Article II. Area Plan Commission.

Sec. 24.20. Participation in operation of area plan commission.

It is the declared intention of the common council to avail itself of the provisions of Indiana Code § 36-7-4, and to participate in the operation of the area plan commission after it is established. (Code 1960, § 18-1., Ord. No. 14-11, Appendix A, item 9.)

Sec. 24.21. Adoption of state law.

The common council of the city hereby adopts the provisions of Indiana Code § 36-7-4 (Code 1960, § 18-2, Ord. No. 14-11, Appendix A, item 10.)

Sec. 24.22. Membership generally.

(a) The representation, both as to the number of members and the qualification of members of the area plan commission of Tippecanoe County, Indiana, be, pursuant to Indiana Code § 36-7-4-211, fixed at a total of fifteen members to be determined as follows:

- (1) Two representatives who shall be a member of the Tippecanoe County board of commissioners, and who shall be chosen by such board of commissioners, and whose term shall be fixed by such board, but shall not exceed their term as such commissioner.
- (2) Two representatives who shall be a member of the Tippecanoe County council, and who shall be chosen by such county council, and whose term shall be fixed by such council, but shall not exceed his or her term on such council.
- (3) A representative who shall be an elected official who shall be appointed by the mayor of the city of Lafayette, Indiana, and whose term shall correspond to his or her term as such elected official.
- (4) One representative who shall be a member of the city council of the city of Lafayette, Indiana. and who shall be chosen by such city council, and whose term shall be fixed by such council, but shall not exceed his or her term on such council.
- (5) A representative who shall be an elected official who shall be nominated by the mayor of the city of West

Lafayette, Indiana, subject to council approval of the appointment, and whose term shall correspond to his or her term as such elected official.

(6) One representative who shall be a member of the town board of the town of Battle Ground, Indiana. and who shall be chosen by such town board, and whose term shall be fixed by such town board. but shall not exceed his or her term on such town board.

(7) One representative who shall be a member of the Town Council of the town of Clarks Hill, Indiana and who shall be chosen by such Town Council. And whose term shall be fixed by such Town Council, but shall not exceed his or her term on such Town Council. The initial term shall begin on July 1, 1995, or the month of the adoption of this provision by the last adopting member unit, whichever is latest. (Ord. No. 22-95 § 1.)

(8) One representative who shall be a member of the town board of the town of Dayton, Indiana, and who shall be chosen by such town board, and whose term shall be fixed by such town board, but shall not exceed his or her term on such town board.

(9) Two representatives who shall be citizen members holding no other elected or appointed municipal, county or state office who shall be appointed by the Tippecanoe County board of commissioners which appointees having heretofore been appointed shall continue in their present term which terminates December 31, 1995, and whose successor shall thereafter be appointed for a term of two years. (Ord. No. 22-95 § 2.)

(10) One representative who shall be a citizen member holding no other elected or appointed municipal, county or state office who shall be appointed by the mayor of the city of West Lafayette, Indiana, which appointee having heretofore been appointed shall continue the present term which terminates December 31, 1995, and whose successor shall thereafter be appointed for a term of two years. (Ord. No. 22-95 § 3.)

(11) Two representatives who shall be citizen members holding no other elected or appointed municipal, county or state office who shall be appointed by the mayor of the city of Lafayette, Indiana, which appointees having heretofore been appointed shall continue in their present term which terminates December 31, 1996, and whose successor shall thereafter be appointed for a term of two years. (Ord. No. 22-95 § 4.)

(b) In the event any city or town named herein is not, on the effective date of the ordinance codified in this section, a participant by ordinance in the area plan commission of Tippecanoe County, or subsequently withdraws from said participation, then the representative or representatives, be they mayor, city councilmen, town board member, or citizen appointment, shall not be entitled to

membership on the plan commission and the total membership of the commission shall be reduced thereby.

(c) In the event any governmental unit, who has made an appointment to the area plan commission of Tippecanoe County under this section, should amend the ordinance codified in this section so as to eliminate or alter their particular representation on said area plan commission, without the adoption of a similar ordinance by all other participation governmental units, the representation by such governmental unit shall terminate, and for failure to then be in compliance with Indiana Code § 36-7-4-211(b), the membership of such governmental unit in the area plan commission shall be considered terminated. Thereafter the area plan commission shall provide no further services of any nature, including, but not limited to, services in zoning, subdivision, board of zoning appeals functions, hearings, recommendations, and enforcement to such governmental unit.

(d) This section shall be effective on July 1, 1986, or such later date as the governmental units representing all members shall have adopted the ordinance codified in this section.

(e) Subject to the full implementation and enactment of this section and the transfer of all necessary matters to the jurisdiction of the Tippecanoe County area plan commission, the Tippecanoe council of governments shall disband and all ordinances for its creation or implementation shall be repealed. (Code 1960, § 18-4; Ord. No. 21-75, §§ 1 to 5; Ord. No. 7-86, § 1.)

Sec. 24.23. Notification of county council upon establishment; initial contribution of county council.

The county council upon establishment of the area plan commission shall be notified of the action and requested to make the initial contributions directed by Indiana Code 1971, § 18-7-4-96. (Code 1960, § 18-5.)

Article III. Public Transportation Corporation.

Sec. 24.40. Created.

There be and there hereby is created a mass transit authority which shall be known as "Greater Lafayette Public Transportation Corporation." (Ord. No. 10-71, § 1.)

Sec. 24.41. Territory included.

Such mass transit authority shall include all of the territory within the corporate limits of each of such cities and all other territory contained within the territory description which is attached hereto and by reference made a part hereof and marked "Exhibit A." ³ (Ord. No. 10-71, § 2; Ord. No. 16-71, § 1.)

³ Exhibit A is not set out in this volume but may be found on file in the office of the city clerk-treasurer.

Sec. 24.42. Board of directors-appointment of members.

The members of the board of directors of such corporation shall be appointed in the following order: The common council of the City of Lafayette shall make the first two appointments to the commission; the common council of the City of West Lafayette shall make the next two appointments; the mayor of the City of Lafayette shall make the

next two appointments and the mayor of West Lafayette shall make the last appointment. (Ord. No. 10-71, § 3.)

Sec. 24.43. Same--quorum; concurring majority vote required for official action.

A majority of the members of the board of directors shall be required to constitute a quorum, and the concurring vote of a majority of the members of the board of directors shall be necessary for the board to take official action. (Ord. No. 10-71, § 4.)

Sec. 24.44. Same--Political affiliation of members.

Not more than four members of the board of directors shall be affiliated with any one political party. (Ord. No. 10-71, § 5.)

Sec. 24.45. Same--Terms of office of members.

The terms of office of the first board of directors shall expire January 1, 1972, January 1, 1973, January 1, 1974 and January 1, 1975 for the members whose terms are specified by state law to be one, two, three and four years respectively.

On the initial board of directors, the mayor of the City of Lafayette shall appoint one member whose term expires at the end of one year and one member whose term expires at the end of three years. The mayor of the City of West Lafayette shall appoint one member whose term expires at the end of two years. The common council of the City of Lafayette shall appoint one member whose term expires in two years and another member whose term expires in four years. The common council of the City of West Lafayette shall appoint one member whose term expires in one year and one member whose term expires in three years. (Ord. No. 10-71, §§ 6, 7.)

Article IV. Department of Economic Development.

Sec. 24.60. Created.

Pursuant to authority granted by the Municipal Economic Development Act of 1965, there is hereby created the Department of Economic Development which shall be in addition to existing executive departments of this city. (Ord. No. 21-73, § 1.)

Sec. 24.61. Administration.

The department of economic development shall be under the control of a board of five members to be known as the West Lafayette Economic Development Commission. The members of such commission shall be appointed and shall perform the duties and exercise the powers, all as set forth in the Municipal Economic Development Act of 1965. (Ord. No. 21-73, § 2.)

Article V. Department of Community Development.

Sec. 24.80. Created.

There is hereby created a department of community development in the city. (Ord. No. 10-76, § 1.)

Sec. 24.81. Director--Appointment; service in accordance with state law.

The director of the department of community development shall be appointed by the mayor, to serve in such appointed position as provided by state law. (Ord. No. 10-76, § 2.)

Sec. 24.82. Same--Duties generally.

The director shall administer community development programs consistently with administrative procedures determined by the mayor. (Ord. No. 11-76.)

Sec. 24.83. Funding.

The community development department shall be subject to the continued availability of block grant funds. (Ord. No. 10-76, § 4.)

Article VI. Redevelopment Commission.

Sec. 24.100. Established.

The city hereby establishes the West Lafayette redevelopment commission. (Ord. No. 6-89, § 1.)

Sec. 24.101. Powers.

The West Lafayette redevelopment commission shall have all powers set forth by state law, including those set forth in Indiana Code chapter 36-7-14. (Ord. No. 6-89, § 2.)

Sec. 24.102. Members.

The members of the West Lafayette redevelopment commission shall be appointed as provided by law. (Ord. No. 6-89, § 3.)

Article VII. Board of Parks and Recreation.

Sec. 24.120. Established.

Under the provisions of Indiana Code chapter 36-10-3 there is hereby established a city board of parks and recreation. (Ord. No. 13-67, § 1.)

Sec. 24.121. Composition; appointment of members.

The board of parks and recreation shall be composed of four members, and a member of the board of school trustees, serving as an ex officio member. The mayor shall select the regular members on the basis of their interest in and knowledge of members shall be parks and recreation, but not more than two of the same political party. (Ord. No. 13-67, § 2.)

Sec. 24.122. Terms of office of members.

Upon the establishment of a board of parks and recreation, the terms of the members initially appointed shall be one, two, three and four years. At the time of the initial appointment of the board members, the terms of the members shall be determined whereby a political balance will be maintained on the board. Thereafter, as a term expires, each new appointment shall be for a four year term. All terms shall expire on the first Monday of January, but an appointee shall continue in office until a successor is appointed. (Ord. No. 13-67, § 3.)

Sec. 24.123. President; vice-president.

At its first regular meeting in each year, the board of parks and recreation shall elect a president and vice-president. The vice-president shall have authority to act as the president of the board during the absence or disability of the president. (Ord. No. 13-67, § 4.)

Sec. 24.124. Powers and duties.

The board of parks and recreation shall have the general power to perform all acts necessary to acquire and develop sites and facilities

to conduct such programs as are generally understood to be park and recreation functions, including powers and duties listed in Indiana Code §§ 36-10-3-10 and 36-10-3-11. (Ord. No. 13-67, § 5.)

Sec. 24.125. Advisory council and committees.

The board of parks and recreation may create an advisory council and special committees composed of citizens interested in the problem of parks and recreation. (Ord. No. 13-67, § 6.)

Sec. 24.126. Annual budget; acceptance of gifts, donations, etc.; records; meetings.

The board of parks and recreation shall prepare and submit an annual budget in the same manner as other departments of the city government. The board may accept gifts, donations and subsidies for park and recreation purposes. The board shall be responsible for keeping complete records of its meeting minutes and accounts. The board shall establish a regular meeting place and determine regular dates which will be made public knowledge. (Ord. No. 13-67, § 7.)

Article VIII. Parks.

Sec. 24.130. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Board. The board of park commissioners of the West Lafayette Park District.

Parks. Any land owned or controlled by the board of park commissioners of the West Lafayette Park District. (Ord. No. 25-64, § 14.)

Sec. 24.131. Non-reverting capital fund.

Under the provisions of Indiana Code § 36-10-3-20, there is hereby created a special non-reverting capital fund for the purpose of acquiring land for the department of parks and recreation.

The common council may include, from year to year, in the budget of the board of parks and recreation an item and an appropriation for the purchase of land.

Money placed in the Non-reverting capital fund shall not be withdrawn except for the purpose for which the fund is created unless the common council repeals this section, which repeal may not be made under suspension of the rules. (Ord. No. 19-68, §§ 1 to 3.)

Sec. 24.132. Non-reverting operating fund.

(a) All designated and approved parks and recreational facilities of the city shall be operated and maintained under a special Non-reverting operating fund.

(b) All parks and recreational programs shall be free, but where necessary to provide a particular activity the park board may charge a reasonable fee.

(c) When fees are charged such fees shall be deposited the following day with the fiscal officer of the city.

(d) Expenditures may be made from the special Non-reverting operating fund without appropriation. Moneys in the form of fees procured from golf courses, swimming pools, skating rinks or other similar facilities requiring major expenditures for management and maintenance shall not be deposited in this fund. Moneys from either fund shall be disbursed only on approved claims allowed and signed by the president and secretary. (Ord. No. 20-71, §§ 1 to 4.)

Sec. 24.133. Preservation of property and natural features.

No person shall injure, deface or disturb any part of the parks nor any building, sign, equipment or other property found therein; nor shall any tree, flower, shrub, rock or other mineral be removed, injured or destroyed. (Ord. No. 25-64, § 1.)

Sec. 24.134. Depositing garbage, sewage, etc., in parks prohibited.⁴

No person shall deposit, permit or suffer to be deposited, in any part of the parks, any garbage, ashes, sewage, refuse, waste or other noxious material otherwise than in receptacles provided for such purposes. (Ord. No. 25-64, § 2.)

⁴ As to garbage and refuse regulations generally, see ch. 67 of this code. As to sewers and sewage disposal regulations generally, see ch. 30.

Sec. 24.135. Hunting and molesting wildlife.⁵

No person shall hunt, pursue with dogs, trap or in any other way molest any wild bird or animal found within the confines of the parks, or therein rob or molest any bird nest or take the eggs of any bird. (Ord. No. 25-64, § 3.)

⁵ As to animals and fowl generally, see ch. 61 of this code.

Sec. 24.136. Fires.⁶ No person shall start a fire in any park except for culinary purposes in park grills, privately owned grills or in designated areas approved by the board. All fires shall be put out by the person starting or using the same before leaving the immediate vicinity of the fire. The dumping of hot ashes or fire from portable grills onto the grass or plants is prohibited. (Ord. No. 25-64, § 4.)

⁶ As to fire protection generally, see ch. 63 of this code.

Sec. 24.137. Discharge of firearms, air rifles, etc.⁷

It shall be unlawful for any person to shoot, fire or discharge any firearms of any description, guns, air guns, air pistols or other mechanical device to shoot or throw shot, bullet, stones or other missile within the parks; except, that this section shall not prohibit

⁷ As to prohibition against discharge of air rifles, firearms, etc., generally, see § 65.30 of this code.

any officer of the law to discharge a firearm in the performance of the officer's official duty. (Ord. No. 25-64, § 5.)

Sec. 24.138. Camps.

No person shall establish or maintain any camp or temporary lodging place without specific written permit from the board. (Ord. No. 25-64, § 6.)

Sec. 24.139. Disorderly conduct.

No person shall, either by word or act, indulge in any noisy, boisterous, disorderly or indecent conduct, or in any manner disturb the peace or good order of the community within the parks; nor shall any person engage in any active game endangering other persons in the parks; nor shall any person play at games of chance, drink intoxicating liquor or be drunk, or do any indecent, lascivious, lewd or improper act therein. (Ord. No. 25-64, § 7.)

Sec. 24.140. Beer and intoxicating beverages.

(a) Except as provided in subsection (b), no person shall bring into, have, keep, carry, serve or drink beer, or any intoxicating beverage within the parks. The term beer or intoxicating beverage shall include any drink containing any alcohol whatsoever. (Ord. No. 8-04 §1)

(b) The West Lafayette Board of Parks and Recreation may permit the sale and consumption of alcoholic beverages in Tapawingo Park at community festivals, at such locations and under such conditions as the board may approve. (Ord. No. 8-04 , § 1.)

Sec. 24.141. Traffic regulations.⁸

(a) No person shall drive or propel, or cause to be driven or propelled, along or over any road within the parks, any vehicle at a greater rate of speed than ten miles per hour.

(b) No portion of the parks shall be used for purposes of way, except drives, roadways, paths, walks and trails established for such purposes; and footpaths established for pedestrian travel shall not be used for vehicular travel.

(c) No person shall park any motorcar, motorcycle or other vehicle within the parks, except in places designated for parking. (Ord. No. 25-64, § 8.)

⁸ As to motor vehicles and traffic regulations generally, see ch. 40 of this code.

Sec. 24.142. Commercial enterprises.

No person shall sell or offer for sale any article, thing, privilege or service within the parks without a permit from the board. (Ord. No. 25-64, § 9.)

Sec. 24.143. Use of signs.

No person shall expose, distribute or place any sign, advertisement, circular, notice or statement, or display any banner, emblem or design, within the parks, without permit from the board. (Ord. No. 25-64, § 10.)

Sec. 24.144. Presence of domestic animals.⁹

No dog, cat or any animal destructive to wildlife is permitted in the parks unless such animal is controlled at all times on a leash not more than eight feet long. (Ord. No. 25-64, § 11.)

9 As to animals and fowl generally, see ch. 61 of this code.

Sec. 24.145. Hours of operation.

(a) It shall be unlawful for any person to be within the parks outside of their hours of operation without a specific written permit from the board; except, that this section shall not prohibit any officer of the law from taking action in the performance of the officer's official duty.

(b) The hours of operation of the parks shall be from 8:00 a.m. to one-half hour after sunset, or as posted by order of the board. (Ord. No. 25-64, § 12; Ord. No. 9-78, § 1.)

Article IX. Police Merit Commission.

Sec. 24.160. Establishment of Merit System.

There is established for the West Lafayette Police Department a police merit system as authorized by Indiana Code chapter 36-8-3.5.

(a) The police merit system will be implemented through appointed and elected merit commissioners as authorized by Indiana Code Chapter 36-8-3.5.

(b) The merit commission will be known as the West Lafayette Police Merit Commission ("Commission"). (Ord. No. 10-03.)

Sec. 24.161. Procedure for adoption of the merit system; notice to members of police department.

(a) Before the merit system takes effect, it must be approved by a majority of the active members of the police department in a referendum as set forth in I.C. Sec. 36-8-3.5-3(a).

(b) Within 60 days after adoption of this ordinance establishing a merit system, the City of West Lafayette Board of Public Works and Safety ("Board of Works") must give at least three weeks notice to all active members of police department that a meeting will be held to approve or reject the merit system.

(c) The notice shall be posted in prominent places in all stations of the department. The notice must state the time, place, and purpose of the meeting.

(d) A copy of the ordinance shall be given to each active member of the department at least one week before the date of the meeting. Only active members of the department may attend the meeting. The active members shall select a chair at the meeting. All voting must be by secret written ballot.

(e) The Board of Works may determine other procedures for the meeting and post such other procedures along with the notice of the meeting in prominent places in all stations of the department in accordance with I.C. §§ 36-8-3.5-4(b) and (c).

(f) If a majority of active members of the police department approve the merit system, it shall take effect on January 1 following the vote. (Ord. No. 10-03.)

Sec. 24.162. Commissioners.

(a) Initial appointments to the commission shall be made by March 1 following the January 1 police department approval.

(b) The Commission shall consist of

(1) Two persons, who must be of different political parties, appointed by the mayor;

(2) One person appointed by the Common Council; and,

(3) Two persons, who must be of different political parties, elected by the active members of the department.

(c) Each year, the commissioners shall select a president, vice president and secretary.

(d) Each commissioner must take an oath to conscientiously discharge his or her duties. A signed copy of the oath must be filed with the Board of Works.

(e) Each commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time as set forth in Indiana Code § 36-8-3.5-7. (Ord. No. 10-03.)

Sec. 24.163. Budget and records.

(a) The commission shall submit a proposed annual budget to the City of West Lafayette as other budgets of the City are submitted.

(b) The commission shall keep a permanent record of its proceedings. (Ord. No. 10-03.)

Sec. 24.164. Powers and duties.

(a) The West Lafayette Police Merit Commission will have all of the powers and duties as set out in Indiana Code chapter 36-8-3.5, including but not limited to the power of selection, appointment, promotion, demotion, discipline and dismissal of members of the police department.

(b) Indiana Code § 36-8-3.5-11, which provides that the commission may appoint and remove members of the department except for a member in an upper level policymaking position, is specifically adopted as a power of the Commission in accordance with the provisions of that Section.

(c) Indiana Code § 36-8-3.5-14, which provides that the commission may employ instructors, purchase materials and make other expenditures to provide information for applicants for promotion examinations, is specifically adopted as a power of the Commission in accordance with the provisions of that Section.

(d) Indiana Code § 36-8-3.5-17, which provides that the commission may take the following disciplinary actions against a regular member of the department:

(1) Suspension with or without pay;

(2) Demotion; or

(3) Dismissal

is specifically adopted as a power of the Commission in accordance with the provisions of that Section.

(e) Indiana Code § 36-8-3.5-17, which provides that a member of the police department may be disciplined by the commission if the member is convicted of a crime or the commission finds the member guilty of a breach of discipline as defined in I.C. § 36-8-3.5-17, is specifically adopted as a power of the Commission in accordance with the provisions of that Section. (Ord. No. 10-03.)

Sec. 24.165. Rules.

(a) Within thirty (30) days after the commission is selected, it shall adopt governing rules, subject to applicable laws, statutes, and ordinances, for its own operation, including time and place of regular monthly meetings and special meetings that are necessary to transact the business of the commission. A majority of the commissioners constitutes a quorum, and a majority vote of all the commissioners is necessary to transact the commission's business.

(b) Within ninety days after the commission is selected, the commission shall adopt rules, subject to applicable laws, statutes, and ordinances, governing the police department, including but not limited to:

- (1) Selection and appointment of persons to be employed as members of the police department;
- (2) Promotions and demotions of members of the police department; and,
- (3) Disciplinary action or dismissal of members of the police department.

(c) Before the required rules are adopted by the commission, the commission shall hold a public hearing. At least ten days before the hearing, the commission shall:

- (4) publish notice of the hearing in accordance with I. C. § 5-3-1;
- (5) place one copy of the proposed rules on file in the city clerk's office for inspection by the residents of the City of West Lafayette; and,
- (6) Forward three copies of the proposed rules to the chief of police to be retained on file in the chief's office for inspection at all times by police department members.

(d) The commission shall adopt rules for determining a performance rating for department members and appeal by department members aggrieved by the rating in accordance with I.C. § 36-8-3.5-15.

(e) The commission shall adopt rules governing promotions of department members in accordance with I.C. §§ 36-8-3.5-13 and 36-8-3.5-16. (Ord. No. 10-03.)

Article X. Go Greener Commission.
(New with Ord. No. 19-08 (Amended))

Sec. 24.171. Establishment and Purpose.

The West Lafayette Go Greener Commission is established to promote sustainable environmental well-being of West Lafayette and all its inhabitants. A sustainable community seeks to enhance the environmental well-being of the community while taking precautions not to compromise the quality of life of future generations. Toward that end, it reduces its use of nonrenewable natural resources and its product.

The bylaws of the Commission and any amendments shall be submitted to the City Council for approval. (Ord. No. 19-08 (Amended))

Section 24.172. Commissioners.

(a) Appointment. The commission shall consist of any interested person (members) and will be represented by twelve voting members (commissioners): three appointed by the mayor, four appointed by the common council, and five appointed by the commission itself. One of the four council appointments shall be a City Council member. Members shall serve without compensation.

(b) Qualifications. Sustainability is an interdisciplinary concept. As such, the commission's membership shall reflect environmental, social and economic perspectives, unified by the common interest of sustainability. The commission shall draw its members from government, business, academia, not-for-profits and neighborhood associations and residents.

(c) Residency. As environmental concerns cannot be contained within a political region, membership from others outside of the city proper is encouraged. No more than 5 of the commissioners may live outside of the city.

(d) Terms. The first twelve commissioners shall be appointed for 1, 2, or 3 years. All subsequent appointments shall be for three years. (Ord. No. 19-08 (Amended))

Section 24.173. Powers and Duties.

The commission shall have the following powers and duties:

(1) To coordinate ongoing and to propose and promote new sustainability initiatives among residents, businesses, governmental, nongovernmental agencies and educational organizations through education and outreach programs.

(2) To advise and make recommendations to the West Lafayette City Council, city administration, and city boards and commissions on sustainability policies and programs.

(3) To determine, in cooperation with other city boards and commissions, West Lafayette's current and future sustainability status by developing and monitoring a set of sustainability indicators.

(4) To provide, in cooperation with other city boards and commissions, an annual "sustainability assessment" based on selected indicators. The assessment shall be included in an annual report and provided to the city council, mayor and the public.

(5) To advise, consult and cooperate with other agencies, boards and commissions of the city of West Lafayette, the state, other local governments, industries, other states, interstate or interlocal agencies, and the federal government, and with interested persons or groups on matters of sustainability.

(6) To research and apply for grants or other funds or gifts from public or private agencies for the purpose of carrying out any of the provisions or purposes of this chapter.

(7) To elect officers annually by vote of the commission.

(8) To adopt administrative rules and regulations for the conduct of its business (Ord. No. 19-08 (Amended))

Section 24.174. Administrative Staff.

The mayor will appoint a staff liaison to the commission. The liaison will research and pursue funding opportunities for sustainable development, engage in education and outreach, and identify "best practices." The city administration shall provide general administrative support for the commission.
(Ord. No. 19-08 (Amended))