

**ORDINANCE NUMBER 2006-10**  
**ORDINANCE ESTABLISHING LOCAL MAJOR MOVES**  
**CONSTRUCTION FUND FOR TOWN OF MILLERSBURG**

WHEREAS, Indiana Code §§ 36-1-3-1, et. seq., permit any town in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its town or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or preempted by any other law, or as not expressly granted by any other law to another governmental entity;

WHEREAS, the Millersburg Town Council is the fiscal body for the Town of Millersburg, Indiana, and is by law authorized to adopt ordinances and resolutions concerning Town fiscal matters;

WHEREAS, House Enrolled Act No. 1008 as adopted by the General Assembly of the State of Indiana, and as duly enacted into law, created, as Ind. Code § 8-14-16, "Local Major Moves Construction Funds" to be established by each county, city, or town in Indiana that receives a distributive share under Ind. Code § 8-14-16-3 of funds from the State of Indiana Major Moves Construction Fund under Ind. Code § 8-14-14-6(a)(3);

WHEREAS, the Town Council of the Town of Millersburg, Indiana desires to establish the contemplated "Local Major Moves Construction Fund:"

NOW, THEREFORE, BE IT ORDAINED, ORDERED, AND ESTABLISHED by the Town Council of the Town of Millersburg, Indiana ("Town Council") as follows:

1. Establishment of Local Major Moves Construction Fund. There is hereby established the "Town of Millersburg Local Major Moves Construction Fund," as contemplated by House Enrolled Act No. 1008, and Ind. Code § 8-14-16-4(a) forming a part thereof (hereinafter the "Fund").

2. Expenditures from the Fund. Monies in the Fund may be expended only (1) for the purposes set forth in Ind. Code § 8-14-16-5, as such was incorporated in House Enrolled Act No. 1008, and as such shall from time to time hereinafter be amended or expanded, and (2) in a fashion consistent with the provisions of this Ordinance. Monies in the fund shall consist of (a) the original allocation to the Town of Millersburg government from the State of

Indiana Major Moves Construction Fund, (b) monies received hereafter from other state, federal, or local sources, and (c) investment earnings in the Fund.

3. Regulation on the Use of Monies in the Fund. In accordance with Ind. Code § 8-14-16-4(d), the Town Council may appropriate money in the Fund for purposes described in Ind. Code § 8-14-6-5, provided, however, that such appropriations must be included as part of the annual budget for the calendar year in accordance with Ind. Code § 6-1.1-17. Money remaining in the Fund at the end of a particular calendar year shall remain in the Fund and shall not revert to any other fund.

4. Effective Date. This Ordinance shall be effective immediately upon its adoption by the Town Council.

ADOPTED AND ORDAINED this 13<sup>th</sup> day of September, 2006.

TOWN COUNCIL OF THE TOWN OF  
MILLERSBURG, INDIANA

  
\_\_\_\_\_  
Jim Winkler, Council President

  
\_\_\_\_\_  
Abe Beachy, Town Councilman

  
\_\_\_\_\_  
Dean Hawkins, Town Councilman

ATTEST:

  
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Wanda R. Chupp, Clerk Treasurer

IC 8-14-16-5 Sec. 5. Money in the fund may be expended only for the following purposes:

- (1) Construction of highways, roads, and bridges.
- (2) In a county that is a member of the northwest Indiana regional development authority, or in a city or town located in such a county, any purpose for which the regional development authority may make expenditures under IC 36-7.5.
- (3) Providing funding for economic development projects (as defined in IC 6-3.5-7-13.1(c)(1) or IC 6-3.5-7-13.1(c)(2)(A) through IC 6-3.5-7-13.1(c)(2)(K)).
- (4) Matching federal grants for a purpose described in this section.
- (5) Providing funding for interlocal agreements under IC 36-1-7 for a purpose described in this section.
- (6) Providing the county's or city's contribution to the northwest Indiana regional development authority, in the case of a county described in section 1(3) of this chapter or a city described in IC 36-7.5-2-3(e).

&HST.As added by P.L.-2006, SEC.7.&EHST.

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