

TITLE I: GENERAL PROVISIONS

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CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 TITLE OF CODE.

All ordinances of a permanent and general nature of the town, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “Spencer Code,” for which designation “Code of Ordinances,” “Codified Ordinances,” or “Code” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CONSTRUCTION OF CODE.

(A) This code is a codification of previously existing laws, amendments thereto, and newly enacted laws. Any previously existing law or amendment thereto reenacted by this code shall continue in operation and effect, as if it had not been repealed by this code. All rules and regulations adopted under laws reenacted in this code shall remain in full force and effect unless repealed or amended subsequent to the enactment of this code.

(B) Any appropriation repealed and reenacted by this code is continued only for the period designated in the original enactment of that appropriation.

(C) The numerical order and position of sections in this code does not resolve a conflict between 2 or more sections.

(D) Any irreconcilable conflict between sections shall be resolved by reference to the dates that the sections were originally enacted. The section most recently enacted supersedes any conflicting section or division.

(E) All references within a section of this code to any section of previously existing laws refer to the numbers in the original enactment.

(F) (1) The numerical designations and descriptive headings assigned to the various titles, chapters, subchapters, or sections of this code, as originally enacted or as added by amendment, are not law, and may be altered by the compilers of this or any subsequent codification, in any official publication, to more clearly indicate its content. These descriptive headings are for organizational purposes only and do not affect the meaning, application, or construction of the law they precede.

(2) Each note following a section of this code is for reference purposes only and is not a part of the section.

(G) All references to any section of this code refer to all subsequent amendments to that section, unless otherwise provided.

(I.C. 1-1-1-5)

§ 10.05 RULES OF INTERPRETATION; DEFINITIONS.

(A) *Rules of interpretation.* This code shall be construed by the following rules unless the construction is plainly repugnant to the legislative intent or context of the provision.

(1) Words and phrases shall be taken in their plain, ordinary, and usual sense. Technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(2) Words imputing joint authority to 3 or more persons shall be construed as imputing authority to a majority of the persons, unless otherwise declared in the section giving the authority.

(3) Where a section requires an act to be done which, by law, an agent or deputy may perform in addition to the principal, the performance of the act by an authorized deputy or agent is valid.

(4) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(B) *Definitions.* For the purpose of this code of ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CLERK-TREASURER. The Clerk-Treasurer of the Town Council.

COUNCIL. The Town Council.

COUNTY. Owen County, Indiana.

HIGHWAY. Includes bridges, roads, and streets, unless otherwise expressly provided.

MONTH. One calendar month.

PERSON. Extends to and includes person, persons, firm, corporation, copartnership, trustee, lessee, receiver, and bodies politic. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING and **FOLLOWING.** When referring to sections or divisions in this code, refer to the sections or divisions next following or next preceding that in which the words occur, unless some other section is designated.

TOWNSHIP. The township or townships in which the town is located.

WRITTEN and **IN WRITING.** Include printing, lithographing, or other modes of representing words and letters. Where the written signature of a person is required, the terms mean the proper handwriting of the person, or the person's mark.

YEAR. One calendar year, unless otherwise expressly provided.

(I.C. 1-1-4-5)

§ 10.06 SEVERABILITY.

(A) If any section of this code now enacted or subsequently amended or its application to any person or circumstances is held invalid, the invalidity does not affect other sections that can be given effect without the invalid section or application.

(B) Except in the case of a section or amendment to this code containing a non-severability provision, each division or part of every section is severable. If any portion or application of a section is held invalid, the invalidity does not affect the remainder of the section unless:

(1) The remainder is so essentially and inseparably connected with and so dependent upon the invalid provision or application that it cannot be presumed that the remainder would have been enacted without the invalid provision or application; or

(2) The remainder is incomplete and incapable of being executed in accordance with the legislative intent without the invalid provision or application.

(C) This section applies to every section of this code regardless of whether a section was enacted before or after the passage of this code.

(I.C. 1-1-1-8)

§ 10.07 REFERENCE TO OTHER SECTIONS.

Whenever in 1 section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§ 10.08 REFERENCE TO OFFICES; NAME DESIGNATIONS.

(A) *Reference to offices.* Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

(B) *Name designations.* Whenever any ordinance or resolution of the Council refers to any board, bureau, commission, division, department, officer, agency, authority, or instrumentality of any government, and that name designation is incorrectly stated; or at the time of the effective date of that ordinance or subsequent thereto, the rights, powers, duties, or liabilities placed with that entity are or were transferred to a different entity; then the named board, bureau, commission, department, division, officer, agency, authority, or instrumentality, whether correctly named in the ordinance at its effective date or not, means that correctly named entity, or the entity to which the duties, liabilities, powers, and rights were transferred.

(I.C. 1-1-6-1)

§ 10.09 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

§ 10.10 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be a Saturday, Sunday, or a state holiday, it shall be excluded.

§ 10.11 REPEAL OR MODIFICATION OF CODE SECTION.

When a section of this code is repealed which repealed a former section or law adopted prior to the enactment of this code, the former section or law is not revived unless it so expressly provides. The repeal of any section shall not extinguish or release any penalty, forfeiture, or liability incurred under the section, unless the repealing section so expressly provides. The section shall be treated as still remaining

in force for the purposes of sustaining any proper action or prosecution for the enforcement of the penalty, forfeiture, or liability.

(I.C. 1-1-5-1)

§ 10.12 LIMITATION PERIODS.

The running of any period of limitations or any requirement of notice contained in any law, whether applicable to civil causes or proceedings, or to the prosecution of offenses, or for the recovery of penalties and forfeitures, contained in a law repealed and reenacted by this code, shall not be affected by the repeal and re-enactment; but all suits, proceedings, and prosecutions for causes arising or acts committed prior to the effective date of this code may be commenced and prosecuted with the same effect as if this code had not been enacted.

Statutory reference:

Periods of limitation, see I.C. 1-1-1-7

§ 10.13 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§ 10.14 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to an indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§ 10.15 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and amending ordinances, if any, are listed following the text of the code section. Example: (Ord. 10, passed 5-13-1960; Am. Ord. 15, passed 1-1-1970; Am. Ord. 20, passed 1-1-1980; Am. Ord.

25, passed 1-1-1985)

(B) (1) If a statutory cite is included in the history, this indicates that the text of the section reads substantially the same as the statute. Example:

(I.C. 36-5-2-2)

(2) If a statutory cite is set forth as a “statutory reference” following the text of the section, this indicates that the reader should refer to that statute for further information. Example:

§ 39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

Inspection of public records, see I.C. 5-14-3-1 et seq.

(C) If a section of this code is derived from the previous code of ordinances of the town published in the prior year and subsequently amended, the previous code section number shall be indicated in the history by “(Prior Code, Ch. ____, Art. ____, § ____).”

§ 10.16 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS AND LIABILITIES.

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings, and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment, or vacation of any highway, and the election of corporate officers shall remain valid in all respects, as if this code had not been enacted.

§ 10.99 GENERAL PENALTY.

(A) Any person, firm or corporation who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to the following:

(1) A fine not exceeding \$2,500 for the first violation; and

(2) A fine not exceeding \$7,500 for second and subsequent violations, except for violations of ordinances regulating traffic and parking.

(B) A separate violation shall be deemed committed upon each day during which a violation occurs or continues.

Statutory reference:

Authority, see I.C. 36-1-3-8(a)(10)

CHAPTER 11: TOWN STANDARDS

Section

- 11.01 Town boundaries
- 11.02 Divisions of the town
- 11.03 Town seal

§ 11.01 TOWN BOUNDARIES.

(A) Those portions of Section 19, Section 20, Section 21, Section 28 and Section 29 all in Township 10 north Range 3 west of the second principal meridian, Owen County, Indiana more particularly described as follows.

(B) Considering the west line of the northwest quarter of Section 20 as bearing South 00 degrees 22 minutes 57 seconds east with all bearings contained herein relative thereto.

(C) Commencing at the northwest corner of Section 20, monumented by a Brass plug; thence on and along the west line of the northwest quarter of Section 20, South 00 degrees 22 minutes 57 seconds east 2,623.01 feet to the north right-of-way of State Road #46, same being the point of beginning; thence on and along the right-of-way, south 89 degrees 22 minutes 47 seconds east 96.78 feet to the beginning of a tangent curve to the right having a radius of 1,475 feet, a central angle of 09 degrees 30 minutes 16 seconds, a radial line passing through the point bears north 00 degrees 37 minutes 13 seconds east; thence on and along the arc of the curved right-of-way 244.68 feet to the southeast corner of that certain parcel of land described in deed recorded in Book 209, Page 377 records of the county, thence on and along the east line of the certain parcel, north 00 degrees 22 minutes 57 seconds west 375.49 feet to the northeast corner thereof; thence south .89 degrees 25 minutes 52 seconds east 993.92 feet; thence north 00 degrees 38 minutes 26 seconds west 593.28 feet; thence south 88 degrees 34 minutes 26 seconds east 922.82 feet; thence south 00 degrees 38 minutes 26 seconds east 241.46 feet; thence south 89 degrees 21 minutes 34 seconds west 486 feet; thence, south 00 degrees 38 minutes 26 seconds east 337.78 feet to an overhead power line; thence south 88 degrees 06 minutes 23 seconds east 479.49 feet to an overhead power line; thence on and along the power line, north 00 degrees 08 minutes 10 seconds west 123.05 feet; thence north 89 degrees 17 minutes 38 seconds east 1,620.12 feet to the east right-of-way of old State Road #43; thence on and along the right-of-way, north 00 degrees 45 minutes 44 seconds west 310.99 feet to the beginning of a tangent curve to the right having a radius of 695.00 feet, a central angle of 26 degrees 32 minutes 47 seconds, a radial line passing through the point bears south 89 degrees 14 minutes 16 seconds

west; thence northerly along the arc of the curved right-of-way 322.01 feet; thence leaving the right-of-way; north 89 degrees 32 minutes 21 seconds east 2,047.99 feet; thence south 01 degrees 57 minutes 39 seconds east 132 feet to the intersection of the west right-of-way of Laymon Avenue and the north right-of-way of James Street; thence on and along the north right-of-way south 86 degrees 48 minutes 04 seconds east 155.50 feet to the beginning of a tangent curve to the left having a radius of 125 feet, a central angle of 70 degrees 49 minutes 42 seconds; thence northeasterly on and along the arc of the curved right-of-way 154.52 feet; thence north 22 degrees 22 minutes 14 seconds east 97.09 feet to the beginning of a tangent curve to the right, having a radius of 60 feet and a central angle of 70 degrees 52 minutes 09 seconds; thence northeasterly on and along the curved right-of-way 74.21 feet; thence continuing on and along the right-of-way and the easterly extension thereof, south 86 degrees 45 minutes 37 seconds east 30.67 feet to the centerline of State Road #67; thence on and along the centerline, north 21 degrees 39 minutes 38 seconds east 359.60 feet; thence leaving the centerline, south 67 degrees 44 minutes 22 seconds east 259.66 feet to an iron pipe found; thence, north 39 degrees 07 minutes 38 seconds east 25.48 feet to an iron pipe found; thence south 54 degrees 51 minutes 22 seconds east 134.88 feet to an iron pipe found; thence south 10 degrees 02 minutes 38 seconds west 372.98 feet to an iron pipe; thence south 64 degrees 45 minutes 22 seconds east 238.79 feet to an iron pipe found; thence south 24 degrees 00 minutes 22 seconds east 534.86 feet to an iron pipe found; thence south 57 degrees 43 minutes 38 seconds west 424.38 feet to an iron pipe found; thence north 49 degrees 20 minutes 22 seconds west 51.92 feet to an iron pipe found; thence north 73 degrees 36 minutes 22 seconds west 39.87 feet; thence south 68 degrees 19 minutes 38 seconds west 59.81 feet; thence south 66 degrees 50 minutes 38 seconds west 252 feet; thence south 42 degrees 38 minutes 38 seconds west 52 feet to an iron pipe found; thence south 00 degrees 23 minutes 38 seconds west 86.03 feet; thence east 90 degrees 00 minutes 00 seconds 343.46 feet; thence south 77 degrees 30 minutes 00 seconds east 486 feet to the northwest corner of Kay's Addition; thence the next 14 courses and distances being on and along the north, east and south lines of Kay's Addition, north 88 degrees 25 minutes 08 seconds east 67.50 feet; thence south 71 degrees 08 minutes 52 seconds east 139.70 feet; thence south 75 degrees 41 minutes 52 seconds east 200.70 feet; thence south 74 degrees 06 minutes 52 seconds east 148.30 feet; thence south 70 degrees 04 minutes 52 seconds east 154.40 feet; thence south 71 degrees 30 minutes 52 seconds east 270.80 feet; thence south 02 degrees 04 minutes 08 seconds west 143.60 feet; thence south 75 degrees 42 minutes 08 seconds west 259.40 feet; thence south 67 degrees 33 minutes 08 seconds west 159 feet; thence south 65 degrees 08 minutes 08 seconds west 247.10 feet; thence south 72 degrees 34 minutes 08 seconds west 90.50 feet; thence south 73 degrees 11 minutes 08 seconds west 147 feet; thence north 68 degrees 20

minutes 52 seconds west 57.20 feet; thence north 12 degrees 05 minutes 52 seconds west 33.60 feet to the east right-of-way of Crane Avenue; thence on and along the right-of-way, south 03 degrees 02 minutes 04 seconds east 186.40 feet to the north right-of-way of State Road #46; thence on and along the north right-of-way, north 74 degrees 37 minutes 56 seconds east 362.85 feet to the northeast corner of that certain parcel of land described in deed recorded in Book 207, Page 100 records of the county; thence the next 4 courses and distances being on and along the east and south lines of the certain parcel, south 00 degrees 09 minutes 56 seconds west 233.30 feet; thence north 89 degrees 50 minutes 04 seconds west 211.20 feet; thence south 00 degrees 09 minutes 56 seconds west 70.71 feet; thence north 89 degrees 50 minutes 04 seconds west 126.83 feet to the east right-of-way of the Crane Avenue; thence on and along the right-of-way south 03 degrees 02 minutes 04 seconds east 179.52 feet to the north rail of the Pennsylvania Railroad; thence on and the north rail, south 89 degrees 34 minutes 08 seconds west 955.37 feet to the northerly extension of the east right-of-way of Taylor Street; thence on and along the northerly extension and the east right-of-way, south 01 degrees 38 minutes 12 seconds east 727.70 feet to the south right-of-way of Jefferson Street; thence on and along the right-of-way, south 89 degrees 29 minutes 47 seconds west 444.70 feet; thence south 00 degrees 17 minutes 26 seconds east 1,781.47 feet to the north bank of the White River, thence the next 7 courses and distances being on and along the north bank, north 75 degrees 10 minutes 07 seconds west 156.90 feet; thence north 67 degrees 38 minutes 48 seconds west 287.91 feet; thence north 65 degrees 17 minutes 46 seconds west 471.26 feet; thence north 68 degrees 52 minutes 16 seconds west 615.88 feet; thence north 82 degrees 21 minutes 02 seconds west 537.32 feet; thence north 86 degrees 55 minutes 33 seconds west 155.46 feet; thence south 80 degrees 52 minutes 44 seconds west 48.26 feet; thence north 00 degrees 38 minutes 35 seconds west 307.80 feet to a rebar, thence north 77 degrees 58 minutes 54 seconds west 1,212.84 feet to a rebar; thence north 84 degrees 59 minutes 04 seconds west 1,225.50 feet; thence north 00 degrees 12 minutes 05 seconds west 1,285.77 feet; thence north 61 degrees 17 minutes 50 seconds west 114 feet to the centerline of Fifth Avenue; thence on and along the centerline south 69 degrees 20 minutes 55 seconds west 19.66 feet; thence continuing on and along the centerline, south 60 degrees 46 minutes 47 seconds west 7.93 feet to the west right-of-way of State Road #67 and the beginning of a non-tangent curve to the left having a radius of 595.89 feet and a central angle of 11 degrees 21 minutes 44 seconds, a radial line passing through the point bears north 54 degrees 18 minutes 08 seconds west; thence on and along the arc of the curved right-of-way 118.71 feet; thence the next 9 courses and distances being on and along the right-of-way, south 24 degrees 20 minutes 07 seconds west 705.96 feet; thence south 24 degrees 12 minutes 46 seconds west 449.96 feet to the beginning of a tangent curve to the left having a radius of 2,295.46

feet and a central angle of 15 degrees 11 minutes 29 seconds, a radial line passing through the point bears north 65 degrees 47 minutes 14 seconds west; thence southwesterly on and along the arc of the curved right-of-way, 608.62 feet; thence south 09 degrees 01 minutes 17 seconds west 402.38 feet; thence south 19 degrees 38 minutes 54 seconds west 101.97 feet; thence south 10 degrees 01 minutes 46 seconds west 98.81 feet to the beginning of a tangent curve to the right having a radius of 1,241.78 feet, a central angle of 17 degrees 22 minutes 30 seconds, a radial line passing through the point bears south 79 degrees 58 minutes 14 seconds east; thence southerly on and along the arc of the curve 376.56 feet; thence south 27 degrees 24 minutes 16 seconds west 379.06 feet to the beginning of a tangent curve to the left having a radius of 2,020.41 feet, a central angle of 00 degrees 19 minutes 02 seconds, a radial line passing through the point bears north 62 degrees 35 minutes 44 seconds west; thence on and along the arc of the curve 11.19 feet to the north line of Thornridge as recorded in Plat Book 3, Page T-1 records of the county; thence the next 14 courses and distances being on and along the north, east, south and west lines of the Thornridge, south 86 degrees 43 minutes 36 seconds east 27.36 feet to the west right-of-way of the State Road #67 and the beginning of a tangent curve to the left having a radius of 1995.41 feet, a central angle of 28 degrees 06 minutes 59 seconds, a radial line passing through the point bears north 62 degrees 35 degrees 44 minutes west; thence on and along the arc of the curve 979.19 feet; thence north 89 degrees 02 minutes 34 seconds west 1305.14 feet; thence north 26 degrees 26 minutes 35 seconds west 146.66 feet; thence north 63 degrees 33 minutes 25 seconds east 180.75 feet; thence north 26 degrees 26 minutes 35 seconds west 185.37 feet; thence north 01 degrees 14 minutes 57 seconds east 110.10 feet; thence south 88 degrees 45 minutes 03 seconds east 248.28 feet; thence north 86 degrees 17 minutes 41 seconds east 226.76 feet; thence north 62 degrees 23 minutes 22 seconds east 57.74 feet; thence north 44 degrees 01 minutes 51 seconds east 181.41 feet; thence north 67 degrees 49 minutes 14 seconds east 98.97 feet; thence north 78 degrees 09 minutes 41 seconds east 144.96 feet; thence north 53 degrees 21 minutes 56 seconds east 252.09 feet; thence leaving the north line of the Thornridge Subdivision, north 00 degrees 54 minutes 47 seconds east 1,036.32 feet; thence, north 00 degrees 01 minutes 55 seconds east 150.03 feet; thence north 88 degrees 51 minutes 57 seconds west 1,920.00 feet; thence north 00 degrees 01 minutes 16 seconds east 407.99 feet to the centerline of Hyden Road; thence on and along the centerline, north 88 degrees 42 minutes 02 seconds west 424.44 feet to a 60D nail on the north-south centerline of Section 19; thence on and along the north-south centerline, north 01 degrees 16 minutes 17 seconds west 2,692.48 feet to the north right-of-way of State Road #46 and the beginning of a non-tangent curve to the left having a radius of 5,665.38 feet, a central angle of 05 degrees 52 minutes 33 seconds, a radial line passing through the point bears south 06 degrees 29 minutes 46 seconds west; thence easterly on and

along the arc of the curved right-of-way 580.99 feet; thence continuing on and along the right-of-way south 89 degrees 22 minutes 47 seconds east 129.43 feet; thence north 00 degrees 37 minutes 13 seconds east 680 feet; thence south 89 degrees 22 minutes 47 seconds east 400 feet; thence south 00 degrees 37 minutes 13 seconds west 680 feet to the north right-of-way of State Road #46; thence on and along the right-of-way south 89 degrees 22 minutes 47 seconds east 1,486.36 feet to the point of beginning.

(D)The above described parcel contains 805.58 acres and is subject to all easements and right-of-ways of record.

(E) The following described land be, and the same is, hereby annexed to and declared a part of the Town of Spencer, Indiana effective as of the 2nd day of January, 2010:

(1) Part of the Southwest Quarter of Section 21-Township 10 North-Range 3 West of the second principal meridian, Owen County, Indiana more particularly described as follows: Considering the East Right-of-Way of Taylor St. as bearing North 01 degrees 38 minutes 12 seconds West with all bearings contained herein are relative to. Commencing at a point 1277.60 feet South and 1112.55 feet East of the Northwest corner of the Southwest quarter of said Section 21, same being the **POINT OF BEGINNING**, said point being on the North rail of the Pennsylvania Railroad (also known as the Vandalia Railroad); thence, on and along the North rail of said Pennsylvania Railroad (also known as the Vandalia Railroad), North 89 degrees 34 minutes 08 seconds East 955.37 feet to a point of the Northerly extension of the East line of that certain parcel of land described in Deed recorded in Book 159, Page 423, record of said County; thence on and along the East line of said certain parcel and the northerly extension thereof, South 01 degree 38 minutes 24 seconds East 430.99 feet to the Southeast corner of said certain parcel; thence on and along the South line of said certain parcel and the Westerly extension thereof South 89 degrees 29 minutes 47 seconds West 955.37 feet to the East right-of-way of Taylor St.; thence on and along said Easterly right-of-way and said Northerly extension thereof, North 01 degree 38 minutes 12 seconds West 432.20 feet to the **POINT OF BEGINNING**. The above described parcel contains 9.36 acres and is subject to all easements and right-of-ways of record.

(2)Part of the Southwest Quarter of Section 21-Township 10 North-Range 3 West of the second principal meridian, Owen County, Indiana more particularly described as follows: Considering the East Right-of-Way of Taylor St. as bearing North 01 degrees 38 minutes 12 seconds West with all bearings contained herein are relative to. Commencing at a point 1277.60 feet South and 1112.55 feet East of the Northwest corner of the Southwest Quarter of said Section 21; thence on and along the East right-of-way of Taylor St., South 01 degree 38 minutes 12 seconds East 432.20 feet to the Westerly extension of the South line of a certain parcel of land described in deed recorded in Deed Record 159 Page 423, record

of said County ,same being the **POINT OF BEGINNING**; thence on and along said Westerly extension and parallel with the Easterly extension of the South right-of-way of Jefferson St., North 89 degrees 29 minutes 47 seconds East 444.95 feet; thence parallel with said East right-of-way, South 01 degree 38 minutes 12 seconds East 295.50 feet to the Southeast corner of Williamsburg Apartments and the Easterly extension of the South right-of-way of Jefferson St.; thence on and along said Easterly extension, South 89 degrees 29 minutes 47 seconds West 444.95 feet to the intersection of the south right-of-way of Jefferson St. and the East right-of-way of Taylor St.; thence on and along said East right-of-way, North 01 degree 38 minutes 12 seconds West 295.50 feet to the **POINT OF BEGINNING**. The above described parcel contains 3.02 acres and is subject to all easements and rights-of-ways of record.

(3)Part of the Southwest Quarter of Section 21 and Part of the Northwest Quarter of Section 28- all being Township 10 North-Range 3 West of the second principle meridian, Owen County, Indiana more particularly described as follows: Considering the East Right-of-Way of Taylor St. as bearing North 01 degrees 38 minutes 12 seconds West with all bearings contained herein are relative to. Commencing at a point 1277.60 feet South and 1112.55 feet East of the Northwest corner of the Southwest Quarter of said Section 21; thence on and along the East right-of-way of Taylor St., South 01 degree 38 minutes 12 seconds East 727.70 feet monumenting the **POINT OF BEGINNING**; thence South 00 degrees 17 minutes 26 seconds East 1881.63 feet to the north bank of the White River; thence along said North bank, North 77 degrees 46 minutes 32 seconds West 455.51 feet to the Southeast corner of the Corporate boundary for the Town of Spencer; thence on and along said corporate boundary, North 00 degrees 17 minutes 26 seconds West 1781.47 feet to the south right-of-way of Jefferson St.; thence on and along said South right-of-way, North 89 degrees 29 minutes 47 seconds East 444.70 feet to the intersection of said East and South right-of-ways same being the **POINT OF BEGINNING**. The above described parcel contains 18.67 acres and is subject to all easements and right-of-ways of record.

(4) Part of the Southwest Quarter of Section 19 Township 10 North- Range 3 West of the second principle meridian, Owen County, Indiana more particularly described as follows: Consider the West line of the Southwest Quarter of said Section being North 00 degrees 05 minutes 40 seconds West with all bearings contained herein are relative to. Beginning at the Southwest corner of said Section; thence on and along the West line of the Southwest Quarter of said Section 19, North 00 degrees 05 minutes 40 seconds West 2619.13 feet to the West quarter corner of said Section; thence on and along the East-West centerline of said Section, South 88 degrees 42 minutes 37 seconds East 2585.97 feet to the west corporate boundary of the Town of Spencer; thence on and along said west boundary and with the North-South centerline of said Section, South 01 degree 16 minutes 17 seconds East 2612.34 feet to the South

Quarter corner monumented by a nail found; thence leaving said corporate boundary and on and along the South line of the Southwest quarter of said Section, North 88 degrees 53 minutes 52 seconds West 2639.46 feet to the **POINT OF BEGINNING**. The above-described parcel contains 156.80 acres and is subject to all easements and right-of-ways of record.

(5) A part of the Southwest Quarter of the Northwest Quarter of Section 20, Township 10 North, Range 3 West, of the Second Principal Meridian in Owen County, Indiana, being more particularly described as follows: Commencing at the Southeast Corner of the Southwest Quarter of the Northwest Quarter of said Section 20, Township 10 North, Range 3 West; thence North 01°55'17" West on and along the East line of said Southwest Quarter, Quarter Section a distance of 396.00 feet to the TRUE POINT OF BEGINNING; thence North 89°46'19" West and parallel with the South line of said Quarter, Quarter Section a distance of 300.00 feet; thence North 01°55'17" West and parallel with the East line of said Quarter, Quarter Section a distance of 335.00 feet; thence South 89°46'19" East and parallel with the South line of said Quarter, Quarter Section a distance of 300.00 feet to the East line of said Quarter, Quarter Section; thence South 01°55'17" East on and along said East line a distance of 335.00 feet to the Point of Beginning, containing 100,429.29 square feet (2.306 acres) more or less and subject to all easements and rights-of-way of record. AND, a part of the Southwest Quarter of the Northwest Quarter of Section 20, Township 10 North, Range 3 West, of the Second Principal meridian in Owen County, Indiana, being more particularly described as follows: Commencing at the Southeast Corner of the Southwest Quarter of the Northwest Quarter of said Section 20, Township 10 North, Range 3 West; thence North 01°55'17" West on and along the East line of said Southwest Quarter, Quarter Section a distance of 396.00 feet to the TRUE POINT OF BEGINNING; thence North 89°46'19" West and parallel with the South line of said Quarter, Quarter section a distance of 300.00 feet; thence North 01°55'17" West and parallel with the East line of said Quarter, Quarter Section a distance of 335.00 feet; thence South 89°46'19" East and parallel with the South line of said Quarter, Quarter Section a distance of 300.00 feet to the East line of said Quarter, Quarter Section; thence South 01°55'17" East on and along said East line a distance of 335.00 feet to the Point of Beginning, containing 100,429.29 square feet (2.306 acres) more or less, and subject to all easements and rights-of-way of record, or visible and now existing.

(F) The following described land be, and the same is, hereby annexed to and declared a part of the Town of Spencer, Indiana effective as of the 18th day of March 2019:

(1) ALSO: Part of the Northeast Quarter of the Northwest Quarter of Section 21, Township 10 North, Range 3 West, 2nd Principal Meridian, Washington Township, Owen

County, Indiana, lying on the East side of State Road #67 and #43, being more particularly described as follows, to-wit: Beginning at a stone located approximately 140 feet East and 400 feet North of the Southwest corner of the Northeast quarter of the Northwest quarter of Section 21, Township 10 North, Range 3 West of the Second Principal Meridian, said stone being witnessed by a State Highway marker that is North 21 1/2 degrees West 39.1 feet therefrom, and from said beginning point thence running South 53 degrees East 242 feet to a dogwood tree 4 inches in diameter; thence North 8 degrees East 100 feet; thence North 53 degrees West 369.7 feet to a point in the center of Indiana State Highway No. 67 as it presently runs; thence South 21 degrees 33 minutes West along the center of said State Highway No. 67, 90.8 feet to a point which is North 53 degrees West 155.3 feet from the place of beginning, thence South 53 degrees East 155.3 feet to the place of beginning, containing 0.77 of an acre, more or less.

ALSO: Beginning at a stone, said stone being approximately 140 feet East and 400 feet North of the southwest corner of the Northeast quarter of the Northwest quarter of Section 21, Township 10 North, Range 3 West of the Second Principal Meridian, said stone being witnessed by a State Highway market that is North 21 1/2 degrees West 39.1 feet therefrom and from said point of beginning thence running North 53 degrees West 155.3 feet to the centerline of the concrete slab on Indiana State Highway No. 67 as it presently runs; thence South 21 degrees 33 minutes West along said centerline 136.1 feet to the Northwest corner of the subject tract at the point of beginning thereof, from said point of beginning thence running South 53 degrees East 274 feet to the fence corner; thence South 8 degrees West 26 feet along said fence; thence North 62 degrees West 261 feet to the center of said Highway No. 67; thence North 21 degrees 33 minutes East 74.5 feet along said centerline to the point of beginning, containing 0.31 of an acre, more or less.

ALSO: Beginning at a stone, which stone is located approximately 140 feet East and 400 feet North of the Southwest corner of the Northeast quarter of the Northwest quarter of Section 21, Township 10 North, Range 3 West of the Second Principal Meridian, said stone being witnessed by a State Highway marker which is North 21 1/2 degrees West 39.1 feet therefrom, and from said place of beginning thence running South 53 degrees East 242 feet to a dogwood tree 4 inches in diameter; thence South 8 degrees West 150 feet; thence North 53 degrees West 436 feet to a point in the centerline of the concrete slab on Indiana State Highway No. 67 as it presently runs;

thence North 21 degrees East 136.1 feet along the center of the said concrete slab to a point which is North 53 degrees West 155.3 feet from the place of beginning, containing 1.07 acres, more or less.

(G) The following described land be, and the same is, hereby annexed to and declared a part of the Town of Spencer, Indiana effective as of the 19th day of April, 2022:

(1) Situate in the State of Indiana, County of Owen and being a part of the Southwest Quarter of the Northeast Quarter of Section 20. Township 10 North, Range 3 West of the Second Principal Meridian, more particularly described to-wit:

Commencing at a mag nail marking the Southwest corner of the Northeast Quarter of Section 20 Township 10 North, Range 3 West, thence North 89 Degrees 00 Minutes East 1159 96 feet with the centerline of Hillside Avenue to the intersection of the centerline of Old State Road 43 to a PK Nail, thence with the centerline of State Road 43, North 01 Degree 51 Minutes East 533 42 feet to a PK Nail, thence North 02 Degrees 39 Minutes West 11 6 feet to a railroad spike and the true point of beginning of the real estate herein described, thence South 87 Degrees 15 Minutes West 202 84 feet with the South line of a 5 455 acre tract to an iron pin, thence North 03 Degrees 03 Minutes West 236 77 feet to a wood post, thence North 84 Degrees 07 Minutes East 106 14 feet to a wood post, thence North 68 Degrees 33 Minutes East 100 40 feet to a railroad spike on the centerline of the aforesaid Old State Road 43, thence South 03 Degrees 22 Minutes 274 76 feet with said Centerline to the point of beginning containing 1.15 acres, more or less

ALSO Situate in the State of Indiana, County of Owen and being a part of the Southwest Quarter of the Northeast Quarter of Section 20 Township 10 North, Range 3 West of the Second Principal Meridian, more particularly described to wit:

Commencing at a nail marking the Southwest corner of the Northeast Quarter of Section 20, Township 10 North, Range 3 West thence North 89 Degrees 00 Minutes East 1159 96 feet with the centerline of Hillside Avenue to the intersection of the centerline of Old State Road 43, thence with the centerline of Old State road 43, North 01 Degree 51 Minutes East 533 42 feet to a PK Nail, thence North 02 Degrees 39 Minutes West 11 6 feet to a railroad spike, thence leaving the centerline of said State Road 43, South 87 Degrees 15 Minutes West 202 84 feet with the South line of a 5 455 acre tract to an Iron pin and the true point of beginning of the real estate herein described, thence South 87 Degrees 15 Minutes West 421 69 feet to a wood post marking the

Southwest corner of said 5 455 acre tract thence North 02 Degrees 23 Minutes West 401 89 feet to an Iron pin marking the Northwest corner of said 5 455 acre tract, thence South 88 Degrees 31 Minutes East 624 28 feet with the North line of said 5 455 acre tract to a railroad spike marking Northeast corner thereof the centerline of the aforesaid State Road 43. thence South 00 Degrees 10 Minutes East 81 08 feet with the centerline to a railroad spike, thence leaving the centerline of said State Road 43, South 68 Degrees 33 Minutes West 100 40 feet to a wood post, thence South 84 Degrees 07 Minutes West 106 14 feet to a wood post, thence South 03 Degrees 03 Minutes East 236 77 feet to an Iron pin and the point of beginning 4.26 acres, more or less.

(H) The following described land be, and the same is, hereby annexed to and declared a part of the Town of Spencer, Indiana effective as of the 19th day of December, 2022:

(1)The West Half Of The Northwest Quarter of Section 20, Township 10 North, Range 3 West, Except 12 Acres Off Of The South End Thereof, Containing 68 Acres, More or Less.

Except:

A Part of The Southeast Quarter of The Northwest Quarter Of Section 20, Township 10 North, Range 3 West, of The Second Principal Meridian In Owen County, Indiana, Being More Particularly Described As Follows: Commencing At The Southeast Corner Of The Southwest Quarter Of The Northwest Quarter Of Said Section 20, Township 10 North, Range 3 West; Thence North 01 Degree, 55 Minutes 17 Seconds West On And Along The East Line Of Said Southwest Quarter Section A Distance Of 396.00 Feet To The True Point Of Beginning; Thence North 89 Degrees 49 Minutes 19 Seconds West And Parallel With The South Line Of Said Quarter Section A Distance Of 300.00 Feet; Thence North 01 Degree 55 Minutes 17 Seconds West And Parallel With The East Line Of Said Quarter Quarter Section A Distance Of 335.00 Feet; Thence South 89 Degrees 46 Minutes 19 Seconds East And Parallel With The South Line Of Said Quarter Quarter Section A Distance Of 300.00 Feet To The East Line Of Said Quarter Quarter Section; Thence South 01 Degree 55 Minutes 17 Seconds East On And Along Said East Line A Distance Of 335.00 Feet To The Point Of Beginning, Containing 100,429.29 Square Feet (2.306 Acre) More Or Less, And Subject To All Easements And Rights-Of-Way Of Record, Or Visible And Now Existing.

Also Except:

A Part Of The Southwest Quarter Of The Northwest Quarter Of Section 20, Township 10 North,

Range 3 West Of The Second Principal Meridian In Owen County, Indiana, Being More Particularly Described As Follows: Commencing At The Southeast Corner Of The Southwest Quarter Of The Northwest Quarter Of Said Section 20; Thence North 89 Degrees 46 Minutes 19 Seconds West And Along The South Line Of Said Southwest Quarter Quarter Section A Distance Of 110.00 Feet; Thence North 01 Degree 55 Minutes 17 Seconds West Parallel With The East Line Of Said Quarter Quarter Section A Distance Of 396.00 Feet; Thence North 89 Degrees 46 Minutes 19 Seconds West Parallel With The South Line Of Said Quarter Quarter Section A Distance Of 190.00 Feet To The Point Of Beginning; Thence North 89 Degrees 46 Minutes 19 Seconds West Parallel With The South Line Of Said Quarter Quarter Section A Distance Of 625.65 Feet; Thence North 54 Degrees 58 Minutes 55 Seconds East A Distance Of 28.57 Feet To The Flow Line Of An Existing Ditch; Thence Continuing North 54 Degrees 58 Minutes 55 Seconds East On And Along Said Flow Line A Distance Of 66.27 Feet; Thence North 45 Degrees 50 Minutes 3e Seconds East On And Along Said Flow Line A Distance Of 30.79 Feet; Thence North 24 Degrees 28 Minutes 35 Seconds East On And Along Said Flow Line A Distance Of 31.45 Feet; Thence North 37 Degrees 25 Minutes 08 Seconds East On And Along Said Flow Line A Distance Of 61.72 Feet; Thence North 02 Degrees 55 Minutes 38 Seconds East On And Along Said Flow Line A Distance Of 26.93 Feet; Thence North 47 Degrees 56 Minutes 38 Seconds East On And Along Said Flow Line A Distance Of 30.87 Feet; Thence North 39degrees 14 Minutes 00 Seconds East On And Along Said Flow Line A Distance Of 50.68 Feet; Thence North 33 Degrees 15 Minutes 10 Seconds East On And Along Said Flow Line A Distance Of 82.79 Feet; Thence North 42 Degrees 22 Minutes 09 Seconds East On And Along Said Flow Line A Distance Of 32.60 Feet; Thence South 89 Degrees 46 Minutes 19 Seconds East Parallel With The South Line Of Said Quarter Quarter Section A Distance Of 340.40 Feet; Thence South 01 Degree 55 Minutes 17 Seconds East Parallel With The East Line Of Said Quarter Section A Distance Of 335.00 Feet To The Point Of Beginning. Containing 3.599 Acres (156,775 Square Feet), More Or Less, And Subject To All Easements And Rights-Of-Way Of Record, Or Visible And Now Existing.

(Ord. passed - -) (Am. Ord. 2009-3, passed 2-2-2009, Am. Ord. 2019-10, passed 3-18-2019; Am. Ord 2022-06, passed 4-18-2022; Am. Ord. 2022-19, passed 12-19-2022)

§ 11.02 DIVISIONS OF THE TOWN.

(A) *Sectional divisions.* The town shall be divided into 4 sections with Main Street dividing the town into east and west sections, and Franklin Street shall divide the town into north and south sections.

(B) *Numbering of premises.* All business houses, residences, and lots shall be numbered and each business, house and residence shall display the number assigned to it.

(C) *Benchmark* The benchmark, or initial point for grading all streets, alleys, and sidewalks of the town shall be 526.04 feet ASL.

(Prior Code, Ch. 1, Art. V)

§ 11.03 TOWN SEAL.

The seal of the town shall be circular in shape with the outer circle inscribed with the words, “Town of Spencer, State of Indiana”. The inner circle shall contain the word, “Seal”.

(Prior Code, Ch. 1, Art. VI)

TITLE III: ADMINISTRATION

Chapter

30. TOWN OFFICIALS

31. TOWN ORGANIZATIONS

32. TOWN DEPARTMENTS

33. PURCHASING PROCEDURES

34. FINANCES

35. MISCELLANEOUS PROVISIONS

36. PERSONNEL POLICY