

**TOWN OF GREENVILLE
ORDINANCE NO. 2009-R-076**

RESOLUTION CONCERNING REPEAL OF VOTE ON SNOW REMOVAL
CONTRACTOR 12-08-2008 AND ESTABLISHING A BIDDERS LIST FOR
SNOW REMOVAL FOR THE TOWN OF GREENVILLE, INDIANA

WHEREAS, the Town Council for the Town of Greenville, Indiana, in the interest of the Health, Safety and Welfare of the Traveling Public within the Town of Greenville, Indiana deems it necessary to repeal vote of acceptance in the Monthly Minutes of Silling Company as Snow Removal Contractor dated December 8th, 2008 for the Town of Greenville, Indiana;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

1. Upon passing of this Resolution the vote recorded in the Greenville Monthly Minutes Dated December 8th, 2008 accepting Silling Company as the Snow Removal Contractor for the Town of Greenville shall be repealed.
2. A minimum of three bids shall be sought for review no late than the November Town of Greenville Monthly Meeting for the removal of Snow and Ice from Streets, Roadways and Paved Alleys within the Corporate Limits of the Town of Greenville.
3. Bids are to contain hourly cost for use of Snow and Ice Removal Equipment and number of units available for Snow Removal Contractor.
4. The Town of Greenville will provide all salt, if required, however it will be the Snow and Ice Removal Contractor to pick up and spread salt. All trip tickets for salt shall be given to the Town of Greenville.
5. All Bidders shall provide to the Town of Greenville a copy of their Liability and Workman Compensation Insurance Policies if their bid is accepted before performing any Snow or Ice Removal. Exception shall be made for an individual bidding; individual shall have Liability Insurance Policy but will not be required to have Workman Compensation Policy in accordance with I.C. 22-3-2-14.5 and I.C. 22-3-2-9 attached. Copy of Certificate of Exemption shall be on file with the Town of Greenville prior to performing any Snow or Ice Removal.
6. A Bidders List shall be generated listing all bids that have been accepted by a vote of the Greenville Town Council.

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7. This list shall consist of Priority Contacts for Snow Removal with the least expensive first and so on and so forth.
8. This list shall be provided to the Emergency Services Chairperson with all contact information for the Snow and Ice Removal Contractors.
9. If it is determined by the Emergency Services Chairperson or his Designee {Greenville Marshal} that Snow and Ice Removal is necessary the contacting person shall contact Snow and Ice Contactor number one on list. If number one Snow and Ice Contractor is unable to respond in a timely fashion as determined by the contacting person then that person shall contact Snow and Ice Removal Contractor number two and so on and so forth.
10. Specifications shall be generated by the Greenville Town Council for the RULES of Snow and Ice Removal. A map shall be generated by the Town of Greenville showing all Streets, Roadways, Alleys and Greenville Corporate Boundaries.
11. A copy of these Specifications and Map shall be given to any Snow and Ice Removal Contractor on Bidders list. Contractor shall sign a receipt for this information that shall be kept as a record in the Greenville Town Clerk's Office.
12. After passing of this Resolution, Resolution 2009-R-072 passed on October 12th, 2009 will become null and void and moved to the voided Ordinance file.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 9th DAY OF NOVEMBER, 2009.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,



JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY:
RANDAL JOHNES

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IC 22-3-2-14.5

Independent contractor electing exemption from compensation provisions; filing statement; certificate of exemption

Sec. 14.5. (a) As used in this section, "independent contractor" refers to a person described in IC 22-3-6-1(b)(7).

(b) As used in this section, "person" means an individual, a proprietorship, a partnership, a joint venture, a firm, an association, a corporation, or other legal entity.

(c) An independent contractor who does not make an election under IC 22-3-6-1(b)(4) or IC 22-3-6-1(b)(5) is not subject to the compensation provisions of IC 22-3-2 through IC 22-3-6 and must file a statement with the department of state revenue in accordance with IC 6-3-7-5 and obtain a certificate of exemption.

(d) Together with the statement required in subsection (c), an independent contractor shall file annually with the department documentation in support of independent contractor status before being granted a certificate of exemption. The independent contractor must obtain clearance from the department of state revenue before issuance of the certificate.

(e) An independent contractor shall pay a filing fee in the amount of fifteen dollars (\$15) with the certificate filed under subsection (g). The fees collected under this subsection shall be deposited in the worker's compensation supplemental administrative fund and shall be used for all expenses the board incurs.

(f) The worker's compensation board shall maintain a data base consisting of certificates received under this section and on request may verify that a certificate was filed.

(g) A certificate of exemption must be filed with the worker's compensation board. The board shall indicate that the certificate has been filed by stamping the certificate with the date of receipt and returning a stamped copy to the person filing the certificate. A certificate becomes effective as of midnight seven (7) business days after the date file stamped by the worker's compensation board. The board shall maintain a data base containing the information required in subsections (d) and (f).

(h) A person who contracts for services of another person not covered by IC 22-3-2 through IC 22-3-6 to perform work must secure a copy of a stamped certificate of exemption filed under this section from the person hired. A person may not require a person who has provided a stamped certificate to have worker's compensation coverage. The worker's compensation insurance carrier of a person who contracts with an independent contractor shall accept a stamped certificate in the same manner as a certificate of insurance.

(i) A stamped certificate filed under this section is binding on and holds harmless from all claims:

(1) a person who contracts with an independent contractor after receiving a copy of the stamped certificate; and

(2) the worker's compensation insurance carrier of the person who contracts with the independent contractor.

The independent contractor may not collect compensation under

IC 22-3-2 through IC 22-3-6 for an injury from a person or the person's worker's compensation carrier to whom the independent contractor has furnished a stamped certificate.

As added by P.L. 75-1993, SEC.2. Amended by P.L.202-2001, SEC.3.

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IC 22-3-2-9

Exempt employees; waiver of exemption; notice of acceptance

Sec. 9. (a) IC 22-3-2 through IC 22-3-6 shall not apply to:

- (1) casual laborers (as defined in IC 22-3-6-1);
- (2) farm or agricultural employees;
- (3) household employees; or

(4) a person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis. IC 22-3-2 through IC 22-3-6 do not apply to the employers or contractors of the persons listed in this subsection.

(b) An employer who is exempt under this section from the operation of the compensation provisions of this chapter may at any time waive such exemption and thereby accept the provisions of this chapter by giving notice as provided in subsection (c).

(c) The notice of acceptance referred to in subsection (b) shall be given thirty (30) days prior to any accident resulting in injury or death, provided that if any such injury occurred less than thirty (30) days after the date of employment, notice of acceptance given at the time of employment shall be sufficient notice thereof. The notice shall be in writing or print in a substantial form prescribed by the worker's compensation board and shall be given by the employer by posting the same in a conspicuous place in the plant, shop, office, room, or place where the employee is employed, or by serving it personally upon the employee; and shall be given by the employee by sending the same in registered letter addressed to the employer at the employer's last known residence or place of business, or by giving it personally to the employer, or any of the employer's agents upon whom a summons in civil actions may be served under the laws of the state.

(d) A copy of the notice in prescribed form shall also be filed with the worker's compensation board, within five (5) days after its service in such manner upon the employee or employer.

(Formerly: Acts 1929, c.172, s.9; Acts 1963, c.387, s.2; Acts 1974, P.L.108, SEC.4.) As amended by P.L.28-1988, SEC.23; P.L.258-1997(ss), SEC.1; P.L.201-2005, SEC.2.