

**COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA**

**ORDINANCE NO. 2025-OR-12**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA, ESTABLISHING A NON-REVERTING, NON-INTEREST-BEARING FUND FOR THE DEPOSIT AND MANAGEMENT OF SEIZED CASH AND PROVIDING FOR THE CONTROL, DISBURSEMENT, AND ACCOUNTABILITY THEREOF**

**WHEREAS**, the Austin Police Department periodically seizes cash in connection with criminal investigations and legal proceedings; and

**WHEREAS**, such seized monies must be maintained in a secure, segregated, and auditable manner pending final disposition by a court of competent jurisdiction; and

**WHEREAS**, the Common Council of the City of Austin deems it necessary and appropriate to establish a non-reverting, non-interest-bearing fund under the custody of the Clerk-Treasurer to ensure proper accountability and compliance with applicable law;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA, AS FOLLOWS:**

**SECTION 1. ESTABLISHMENT OF FUND.** There is hereby created a special, non-reverting, non-interest-bearing fund to be known as the “Police Department Seized Cash Fund.” Said fund shall be maintained by the Clerk-Treasurer of the City of Austin in accordance with the laws of the State of Indiana and the policies and directives of the State Board of Accounts.

**SECTION 2. PURPOSE OF FUND.** The purpose of the Police Department Seized Cash Fund is to serve as a depository for monies seized by the Austin Police Department in the course of lawful enforcement activities, including but not limited to criminal investigations, forfeiture proceedings, or other judicial processes, pending lawful disposition.

**SECTION 3. SOURCE OF FUNDS.** All cash or currency seized by the Austin Police Department, when required to be held pending adjudication or disposition by a court of

competent jurisdiction, shall be deposited into the Police Department Seized Cash Fund. No other monies shall be deposited into this fund unless expressly authorized by law or ordinance.

**SECTION 4. CUSTODY AND ACCOUNTING.** The Clerk-Treasurer shall maintain all deposits in the Police Department Seized Cash Fund in a separate, non-interest-bearing account. No interest, earnings, or investment income shall accrue to the benefit of this fund or to the City of Austin. The Clerk-Treasurer shall keep accurate records of all deposits, withdrawals, and balances, and shall provide reports as required by the Common Council or the State Board of Accounts.

**SECTION 5. DISBURSEMENT OF FUNDS.** Funds held in the Police Department Seized Cash Fund shall not be released, transferred, or otherwise disbursed except upon written order of a court of competent jurisdiction directing such disposition. Upon receipt of such court order, the Clerk-Treasurer shall promptly release the funds in accordance with the terms of the order.


**SECTION 6. NON-REVERSION.** All monies deposited into the Police Department Seized Cash Fund shall remain therein until lawfully disbursed or otherwise ordered by the court. Unused, forfeited, or unclaimed monies shall not revert to the General Fund or any other municipal account.

**SECTION 7. SEVERABILITY.** If any section, paragraph, sentence, or clause of this ordinance is declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect.

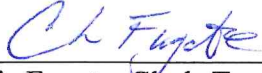
**Section 8. Effective Date.** This ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication as required by law.

**PASSED AND ADOPTED** by the Common Council of the City of Austin, Indiana, this 12<sup>th</sup> day of November, 2025 by a vote of 3 ayes, 0 nays, and \_\_\_\_ abstentions.

Common Council City of Austin, Indiana

  
Roger Hawkins, Presiding Officer

Attest:

  
Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, on November 12, 2025 at 5:06 p.m.

  
Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), on November 12, 25 at \_\_\_\_ : \_\_\_\_ p.m.

  
Roger Hawkins, Mayor

Attest:

  
Chris Fugate, Clerk-Treasurer