

**MINUTES OF THE MEETING  
OF THE COMMON COUNCIL  
VALPARAISO, INDIANA  
August 22, 2022**

The Common Council of the City of Valparaiso, Indiana, met on Monday August 22, 2022 at 6:00 p.m. in City Hall. Mayor Murphy called the meeting to order. The Pledge of Allegiance was said. Present were Councilmembers Reed, Cotton (Late), Schmidt, Pupillo, Anderson, Costas, and Peterson.

**Mayor's Youth Council**

Mayor Murphy introduced and swore into office the 16 members of the Mayor's Youth Council. This is a 10-month program. He thanked VHS for partnering with the City.

**MINUTES**

Councilmember Schmidt moved to adopt minutes of the August 8, 2022 meeting. Councilmember Cotton seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

**ORDINANCE NO. 19, 2022**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA,  
AMENDING SECTION 53 OF THE VALPARAISO MUNICIPAL CODE CONCERNING  
REFUSE AND RECYCLING**

Councilmember Schmidt moved that Ordinance No. 19, 2022 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 19, 2022.

Steve Poulos addressed the Council. His job is to educate, inform and justify the need for a rate increase. This process has taken one year. A nine member committee was formed. The committee has comments and changes to the existing Ordinance. They have a final recommendation. They have had meetings with the Mayor and one on one with Councilmembers. The Executive Summary has been posted online. The Plan included the following: Executive Leadership. There have been five Public Works Directors over the last 16 years. That makes it tough to have a strategic plan and continuity in operations. The other part of the plan was consolidation of customer service operations under one manager. They have implemented technology as far as work management and telematics under one manager. They track all work throughout the City including work done on all the assets. All the fleets have diagnostics that warn of any maintenance issues prior to them becoming an issue. Trash and recycling trucks have cameras. The committee evaluated the trash and recycling operations and rates that support the operation. The Committee developed a comprehensive road and sidewalk plan that evaluates the needs of the City.

The City has grown on a yearly basis. The cost of doing business increases yearly. Wages play a big part of retaining and recruiting a good team. Fuel has been volatile in the past year to year and one half. There are capital improvement needs as far as the fleet. Maintenance costs continue to increase and landfill costs continue to escalate with a renewal contract in October of this year.

For \$12 per month citizens receive collection of recycling and trash on a weekly basis. They are downtown every day and on weekends because of events. Totes and carts are provided at no charge and are replaced at no charge due to wear and tear. They service 18 miles of alleyways. The trash tonnage has increased over the years. Recycling tonnage has decreased over the last five or six years.

Recycling has declined due to a lack of education. Without education people are confused. There are errors in the Ordinance that was passed in 2012 due to changes in recycling. There is also a lot of ambiguity in the Ordinance. The State of Indiana's recycling average is about 19%. The National average is about 32%.

The monthly water bill received has water, sewer, and storm water and trash fees. The landfill costs have increased over the past eight years. The reduced market value of recyclables has affected the landfill costs. The low cost we once received is now a charge. The whole City uses approximately 195,000 gallons of fuel per year. The City has entered into a locked bulk contract for the next 11 months. There has been an approximate \$47,000 savings so far.

In October the three-year renewal contract for landfill costs will be signed. The City has been advised there will be an increase of 5%-10% due to transportation costs. This is an additional \$30,000 to \$50,000 in operating costs. In 2018 and 2019 the City was paying almost \$19,000 per month to remove recycling from the City.

The Committee included representatives from Valparaiso City Services, City Administration, the City of Valparaiso's Common Council and the Porter County Recycling and Waste Reduction Department.

In 2008 the City had to have a program that stood alone due to the tax caps. These reduced income to the City in the amount of \$2 Million Dollars. The Committee looked over other communities. Valparaiso is one of the lowest in the State.

Eric Walsh of Baker Tilly addressed the Council. The operating costs for 2020 were \$1,186,010. The operating costs for 2022 were \$1,836,928. A five-year forecast is \$570,000 per year capital need. The impact of trucks over the roads was also determined. This is about \$94,000 per year. \$2,502,500 are the current revenue requirements. The current monthly rate paid by citizens of \$12.00 generates just under \$1.4 Million of annual revenue. This is an 81% shortfall.

Steve Poulos stated privatization can be an option. An 81% deficit would result in a charge of \$21.70 per month per resident. Giving up control can be a blessing or a curse. It can affect your customer service. Most communities around us have privatized. Once you privatize the cost is out of the City's control. If operations are insufficient and the City cannot sustain the operation, maybe privatization should be on the table.

Steve Poulos went on to discuss if he is going to recommend an increase, he needs to see if there is an opportunity to save operational costs within the department. He hired Strategic 1 – Tim Giardina. After reviewing the entire operation, Tim recommends going to every other week for recycling. If the market changes, this can be adjusted. Currently customers are getting multiple totes at no cost. Businesses are getting recycling totes. There are establishments that have totes that do not pay a fee. This still costs the City operational costs. All these businesses have dumpsters. Public education will be emphasized. Alleyway collection will have to be looked at. There are logistic issues to deal with. The routes will be looked at to see if they can be more efficient.

The proposed new rate is \$19.50. The proposed low-income rate is \$9.75. They are looking at putting the application online to make it more efficient. The Public Hearing on Ordinance No. 19, 2022 will be held on September 12, 2022.

The merger of the two departments has resulted in the elimination of one department head. An audit of the trash totes which resulted in an additional \$7,000 per year income. Salt was bought in bulk which saved \$102,00 in operating costs. There is enough salt to still take care of this upcoming season. The bulk lock on fuel saved \$47,000. The solar panels installed in the City will save about \$130,000 in operating costs not including the future credits.

Councilmember Reed asked how miscellaneous fees are determined. Steve Poulos replied when people move items are left on the curb. These people should rent a dumpster. The proposed changes will allow the City to charge them if they do not get items removed.

Councilmember Costas discussed education on recycling. On large items a commercial provider will pick up and charge. He asked about apartment units and totes versus dumpster. Steve Poulos explained apartment units can have totes if they are four or less units. Some multiple buildings share a parking lot with other buildings of four or less and own several of the buildings all in a row. They all think they qualify for the free totes. It is an issue that needs to be worked out. Commercial providers will pick up if called. There will be a charge. Recycling will be utilized for four units or less.

Councilmember Pupillo asked if any conversations have taken place with Pratt regarding collecting cardboard. Steve Poulos replied he will be in touch with Pratt. Councilmember Pupillo asked about bulk water distribution. Steve replied all rates are different. He believes he answered this email which was received from a citizen. Councilmember Pupillo asked about improper recycling. Kerri from Porter County Recycling explained plastic bags cannot be recycled. Do not put them in the totes. They can be collected at grocery stores and the County collection site. She talked about the recycling process. Councilmember Pupillo asked if recycling is spot checked for contamination. Steve Poulos replied it is not.

Mayor Murphy asked about glass in recycling. Steve replied glass is recycled. Kerri added it is one of the first things sorted. It will be broken as it goes up the conveyor. Put the lid on it because that is tin which can be recycled. Steve Poulos stated education is important and a priority.

Councilmember Schmidt thanked Steve and his team for the detail and effort put into this study. It makes the job easier for the Councilmembers.

Kerri – stated Porter County is the leader in the State for recycling.

Councilmember Schmidt asked about reviewing the rate on a scheduled basis. Steve replied it should be done every year. Some of the neighboring communities have escalators built into their ordinances. He feels this body should be looking at the numbers yearly.

Councilmember Cotton asked when the Committee met and as the liaison to the Utilities why was he not included. Steve Poulos replied Councilmember Cotton is the liaison to the Utilities. George Douglas was the Councilmember liaison to Public Works when this committee met. Councilmember Cotton asked what has been learned from the communities that are in the \$15 range and sustaining services. He asked if the margins have been looked at to make sure a raise will not be needed every year. Councilmember Cotton said this is a good time to look at what he has been talking about and that is a clean fleet. He used to recycle everything. Too much education will cause paralysis. He has read a report by Elizabeth Gingrich which talked about companies that take stuff for free and use it. It seems there are some stones left unturned that could lead to potential savings.

Steve Poulos replied costs in bigger communities are spread over a bigger customer base. As alternative fuels, he has learned that green opportunities have an environmental case and a business case. He has been involved in energy efficiency for 15-20 years. You never try to risk rate payer money for proof of concept. You want proof of concept first. Then make the investment. Portage is going to a compressed natural gas fleet. The benefit

they have is down the road at Republic they already have a compressed natural gas filling station. Valparaiso has had discussions about having a strategic compressed natural gas station located in an area the City could use as well as other entities. Those discussions are ongoing. The 2018 report from Clean Cities said electric vehicles would be off the table. It wasn't efficient. The infrastructure for charging stations, retrofitting the fleet maintenance facility, and retraining technicians is all costly.

**Motion:** Councilmember Schmidt moved to carry Ordinance No. 19, 2022 to the September 12, 2022 meeting. Councilmember Reed seconded the motion and so approved with a 7-0 vote.

## **ORDINANCE NO 20, 2022**

### **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA AMENDING SECTION 93.15 AND SECTION 154.02 (302.4) OF THE VALPARAISO MUNICIPAL CODE**

Councilmember Schmidt moved that Ordinance No. 20, 2022 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 20, 2022.

Attorney Patrick Lyp discussed the Property Maintenance Ordinance. When mowing is not being done, the City can do the mowing and charge the property owner. In 2020 it was set up so that the Center Township Trustee would invoice the property owner and if it went unpaid the Trustee could attach it to the tax bill. Starting in 2023 there is new legislation that the City can attach the unpaid bill to property tax bills themselves. They are also allowed to charge an extra \$20 administration charge.

**Motion:** Councilmember Schmidt moved to carry Ordinance No. 20, 2022 to the September 12, 2022 meeting. Councilmember Reed seconded the motion and so approved with a 7-0 vote.

## **Community Update**

Attorney Patrick Lyp gave an update on several projects going on within the City.

Aberdeen – The Legislature has passed a bill that allows residents to seek annexation into a City. A Property Owners Association Board must submit a request to the City to be annexed. A non-voluntary annexation is not allowed. To date, no such request has been received from Aberdeen.

Human Relations Council – The Mayor's Human Relations Council met on August 9th. Cultural grants will be renewed in 2023. The HRC will be looking to bring public awareness to disability challenges in our community. Mitch Peters is the Chairman of this Council and will be working with Maggie Clifton.

Redistricting – The City will begin analyzing a possible redistricting process for the City Council elections. Under current law, any redistricting must be approved by the City Council. There will be a Public Hearing. It must be approved by December 31, 2022. No discussions or meetings have been taken place with the consultant to date. The Council will be kept updated as the process moves forward.

City Parking Garage – Demolition of 307 and 309 Lincolnway have commenced. Additional demolition work will happen after Popcorn Festival. Discussions are ongoing regarding the parking challenges that will be created once construction begins. This likely will be in October or November.

Journeyman – Permits were pulled last week. They anticipate a Fall 2023 opening.

Brooks – The developer has been working on correcting the violations. To the City's knowledge, no new violations have been issued.

Councilmember Schmidt – He will be coordinating the re-districting effort. He asked that Councilmember Reed assist him with this.

### **Council Liaison**

Councilmember Reed reported the School Board meets Thursday at 6:00 pm

### **Public Comment**

Councilmember Cotton stated in 2020 the census was completed. He asked about the engagement as a body, not the executive branch, pulling one or two of the members into a session with them. It was said we have plenty of time. Mayor Murphy called this discussion out of order and moved on to Public Comment.

Walt Breitinger – 255 Park Avenue. He pointed out how many in the room had plastic bottles tonight. Citizens should start using refillable bottles for water.

Mary Jo Nuland – 3005 Virginia Park Drive. She would like to receive a schedule of the bus that goes from here to Indianapolis.

Bob McCasland – 26<sup>th</sup> Precinct. The problem with property maintenance is the City is not doing a good job. He pointed out several areas where attention and repairs are needed.

Kevin Cornett – 452 Northview. He would like to see a lowered rate for trash and recycling for seniors. They do not generate the same amount of trash nor use the amount of water that families use and should not have to pay as much. The wheel tax should have the same consideration. They should not have to pay a wheel tax for vehicles that are just sitting and not being used.

Barbara Dolmer – 614 Yellowstone. She is a member of the League of Women Voters. She is on the League's committee for re-districting. The deadline to redistrict is the end of this calendar year. She is not aware of any announcements from the City regarding the redrawing of City maps. If there is an effort underway it has been difficult to locate the details. A \$40,000 contract has been awarded to a company to draw the maps. There has been no transparency in this process. The draft maps will be shared but will they allow public input? If Aberdeen is annexed, which District will they go in? How will this fiscally impact the City. The residents of Valparaiso demand immediate transparency.

Elizabeth Gingerich – 702 Indiana. Her concern is the recent decision on abortion. She wants to make sure that no municipal funds are used for any action against abortion.

Tom Davis – 56 Chicago. On August 11<sup>th</sup> the RDC did a land swap with Turner Brothers. 301 Lincolnway is a greater value than 302, 304 and 306 Lincolnway. The City will pay \$31,807 to make up the difference in land value. The city swapped two parking lots for 309 Lincolnway. The RDC should have tried to get some cash for the swap. The southeast corner is anticipated to be retail and offices. Where will the people park?

Kenard Taylor – 306 Napoleon. Life is not fair. For over 30 years he has been paying school tax and has not had any children in school. This proposed increase is reasonable. Aberdeen will not even be considered until after next year's election. There are census tracts and precinct blocks. These cannot be broken for redistricting.

Dawn Miller – Valpo resident. Not everyone makes the same money. The raise should be adjusted to income. This is coming at the same time NIPSCO is raising their rates.

Jessica Jepsen – 1259 Sherwood. Micromanaging adds costs with the trash. If concerned about redistricting, then go to perspective parties and get involved.

The meeting adjourned at 7:53 p.m.  
/s/ Holly Taylor, Clerk-Treasurer

ORDINANCE NO.: 19, 2022

An Ordinance of the Common Council of the City of Valparaiso, Indiana  
Amending Section 53 of the Valparaiso Municipal Code Concerning Refuse and  
Recycling

Whereas, the Valparaiso City Council (“Council”) previously adopted Section 53 of the Valparaiso Municipal Code concerning the regulation of Refuse and Recycling within the City of Valparaiso, Indiana (“City”);

Whereas, the Council has made certain amendments to Section 53 of the Valparaiso Municipal Code including Ordinance 21-2005, Ordinance 22-2005, Ordinance 26-2005 and Ordinance 21-2012.

Whereas, the Council desires to make certain additional changes to Section 53 of the Valparaiso Municipal Code;

Now, Therefore, Be it and it is Hereby Ordained by the Common Council of the City of Valparaiso, Indiana, as follows:

Section 1. That Section 53 of the Valparaiso Municipal Code of the City of Valparaiso, Indiana, shall be amended as follows: **See Exhibit A**

Section 2 Conflicting Ordinances. Any ordinance or provision of any ordinance of the City of Valparaiso, Indiana, in conflict with the provisions of this Ordinance is hereby repealed.

Section 3. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval by the Mayor of the City of Valparaiso and publication as required by law.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a \_\_\_\_\_ vote of all members present and voting, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Matthew R. Murphy, Mayor

ATTEST:

\_\_\_\_\_  
Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2022 at the hour of \_\_\_\_\_ o'clock P.M.

\_\_\_\_\_  
Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this \_\_\_\_ day of \_\_\_\_\_, 2022 at the hour of \_\_\_\_\_ o'clock P. M.

\_\_\_\_\_  
Matthew R. Murphy, Mayor

**RESOLUTION NO. 13, 2022****A REIMBURSEMENT RESOLUTION OF THE CITY OF VALPARAISO, INDIANA, DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR COSTS RELATED TO THE CONSTRUCTION OF ADDITIONS AND IMPROVEMENTS TO THE WATERWORKS OF THE CITY**

WHEREAS, the City of Valparaiso, Indiana (the “City”) intends to provide for the construction of additions and improvements to the waterworks of the City, together with related improvements in connection therewith (collectively, the “Project”), as more particularly described in Exhibit A attached hereto; and

WHEREAS, the City will use funds on hand of the City from its waterworks improvement account to pay for certain costs of the Project; and

WHEREAS, the City reasonably expects to reimburse certain costs of the Project and replenish the waterworks improvement account with proceeds of long term debt to be issued by the City pursuant to the provisions of Indiana Code 8-1.5, as amended; and

WHEREAS, the City reasonably expects to issue debt not exceeding Ten Million Dollars (\$10,000,000) in aggregate principal amount for purposes of paying and reimbursing certain costs of the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, THAT the City declares its official intent pursuant to Treasury Regulations Section 1.150-2 and Indiana Code 5-1-14-6(c) to (i) undertake and complete the Project; and (ii) reimburse certain costs of the Project with proceeds of its long term debt to be issued by the City in an amount not exceeding \$10,000,000 in aggregate principal amount for purposes of paying and reimbursing the costs of such Project. This Resolution shall be in full force and effect upon its passage by the Common Council of the City and approval by the Mayor of the City as required by law.

Duly passed on this 12<sup>th</sup> day of September, 2022, by the Common Council of the City of Valparaiso, Indiana.

COMMON COUNCIL, CITY OF  
VALPARAISO, INDIANA

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Presiding Officer

Attest:

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Holly Taylor, Clerk-Treasurer



Presented by me to the Mayor of the City of Valparaiso, Indiana, on the \_\_\_\_\_ day of September, 2022, at the hour of \_\_\_\_:\_\_\_\_ m.

\_\_\_\_\_  
Holly Taylor, Clerk-Treasurer

This resolution approved and signed by me, the Mayor of the City of Valparaiso, Indiana, on the \_\_\_\_ day of September, 2022, at the hour of \_\_\_\_:\_\_\_\_m.

\_\_\_\_\_  
Matt Murphy, Mayor

## EXHIBIT A

### *Project Description*

The City of Valparaiso is upgrading the Department of Water Works to update equipment, increase capacity and improve efficiencies.

Major improvements include the following:

- *Construction of up to 8 new wells in various locations to enhance and maintain capacity.*
- *Backwash recycling system at the Flint Lake Water Treatment plant (ground storage tank, decant system with pump station. Associated yard piping and electrical system.*
- *Associated transmission main for associated wells.*
- *Pressure Filters – Replacement of up to 4 pressure filters at the Airport Water Treatment Plant. Structural and electrical modifications. Includes instrumentation and controls.*

**RESOLUTION NO. 14, 2022****A REIMBURSEMENT RESOLUTION OF THE CITY OF VALPARAISO,  
INDIANA, DECLARING ITS OFFICIAL INTENT TO REIMBURSE  
EXPENDITURES FOR COSTS RELATED TO THE CONSTRUCTION OF  
ADDITIONS AND IMPROVEMENTS TO THE SEWAGE WORKS OF THE CITY**

WHEREAS, the City of Valparaiso, Indiana (the “City”) intends to provide for the construction of additions and improvements to the sewage works of the City, together with related improvements in connection therewith (collectively, the “Project”), as more particularly described in Exhibit A attached hereto; and

WHEREAS, the City will use funds on hand of the City from its sewage works improvement fund to pay for certain costs of the Project; and

WHEREAS, the City reasonably expects to reimburse certain costs of the Project and replenish the sewage works improvement fund with proceeds of long term debt to be issued by the City pursuant to the provisions of Indiana Code 36-9-23, as amended; and

WHEREAS, the City reasonably expects to issue debt not exceeding Ten Million Dollars (\$10,000,000) in aggregate principal amount for purposes of paying and reimbursing certain costs of the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, THAT the City declares its official intent pursuant to Treasury Regulations Section 1.150-2 and Indiana Code 5-1-14-6(c) to (i) undertake and complete the Project; and (ii) reimburse certain costs of the Project with proceeds of its long term debt to be issued by the City in an amount not exceeding \$10,000,000 in aggregate principal amount for purposes of paying and reimbursing the costs of such Project. This Resolution shall be in full force and effect upon its passage by the Common Council of the City and approval by the Mayor of the City as required by law.

Duly passed on this 12<sup>th</sup> day of September, 2022, by the Common Council of the City of Valparaiso, Indiana.

COMMON COUNCIL, CITY OF  
VALPARAISO, INDIANA

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Presiding Officer

Attest:

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Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, on the \_\_\_\_\_ day of September, 2022, at the hour of \_\_\_\_:\_\_\_\_ m.

\_\_\_\_\_  
Holly Taylor, Clerk-Treasurer

This resolution approved and signed by me, the Mayor of the City of Valparaiso, Indiana, on the \_\_\_\_ day of September, 2022, at the hour of \_\_\_\_:\_\_\_\_m.

\_\_\_\_\_  
Matt Murphy, Mayor

## EXHIBIT A

### *Project Description*

The City is upgrading the Elden Kuehl Pollution Control Facility (EKPCF) wastewater treatment plant to update equipment, increase capacity and improve efficiencies.

Major process improvements including:

- Installation of a new high strength receiving station to allow for EKPCF to accept waste hauled in from local industries. The high organic strength waste could aid in co-digestion and enhance biogas generation.
  - Improving aeration with new blowers, diffusers, and mechanical mixing for both the north and south aeration tanks. The existing system is over 35 years old and is oversized and not efficient. The new system will reduce energy cost for the utility by reducing the blower electrical use. Updating the system can also provide additional treatment enhancements that will be evaluated in the early stages of design.
  - Tertiary Filters – Replace the existing deep bed sand filters with a cloth media system. The existing filters are failing and have a limited capacity of 8 MGD. The new filters system will provide increased capacity, reduce recycle flow volume, reduce head loss across the process, reduce O&M cost and meet NPDES permit compliance.
  - Upgrades to the waste activated sludge (WAS) thickening system. The existing DAF system is at the end of its useful life and will be replaced by a new system. The specific system will be determined during the 30% design state of the project.
  - Replacement of the anaerobic digesters covers and mixing systems.
  - Upgrade the SCADA System. The existing SCADA System is no longer supported by the vendor and provides minimal remote control. Most of the plant is controlled manually on a local level. The upgraded system would allow operators to perform more monitoring, data gathering, and control.
- Improvements to the electrical system including the main electrical service replacement, MCC upgrades, and automatic transfer switch replacement.
  - Refurbishment/replacement of the pipe gallery roof. This will extend the useful file of the system and address any potential safety hazards.
  - Regional Lift Station – Construction of new regional pump station and associated force main.

**ORDINANCE NO. 20, 2022**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO,  
INDIANA AMENDING SECTION 93.15 and Section 154.02 (302.4) OF THE VALPARAISO  
MUNICIPAL CODE**

**WHEREAS**, the Valparaiso City Council previously adopted Section 93.15 of the Municipal Code concerning the Removal of Vegetation;

**WHEREAS**, subsequent to its adoption, the City Council desires to make certain changes to Section 93.15 and void Section 154.02 (302.4) to be consistent with Indiana Code §36-7-10.1 et seq.

**WHEREAS**, Indiana Code §36-7-10.1 et seq. allows for the legislative body of a municipality to require the owners of real property located within the municipality to cut and remove excessively tall grass, weeds and other rank vegetation growing on the property.

**WHEREAS**, the Valparaiso City Council finds the allowance of excessively tall grass, weeds and other rank vegetation to be a public nuisance.

**WHEREAS**, the purpose of this Ordinance is to regulate and control the growth and require the cutting and/or removal of excessively tall grass, weeds and other rank vegetation on all parcels of real estate within City limits.

**NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED** by the Common Council of the City of Valparaiso, Indiana, as follows:

*Section 1.* That ordinance 93.15 of the Municipal Code of the City of Valparaiso, Indiana, shall be amended to read as follows:

**§93.15 Removal of Excessively Tall Grass, Weeds and Other Rank Vegetation**

- a) All owners of real property within the City are required to cut and/or remove any and all excessively tall grass, weeds, and other rank vegetation growing upon their property when growth exceeds **6 inches**.
  - 1) Excessively Tall Grass, Weeds and Other Rank Vegetation shall mean any plant or other natural growth exceeding **6 inches** in height. The term shall also include “detrimental plants” as defined under Indiana Code §15-16-8-1. Trees, shrubberies, flowers, ornamental grasses, and agricultural crops are not to be considered rank vegetation.
- b) The City’s Building Department shall be responsible for the administration of this ordinance.
- c) A four-day written notice to cut and/or remove all excessively tall grass, weeds, and other rank vegetation shall be issued by the Building department. Such notice shall be posted in a prominent place on the property.
- d) If a property owner fails to remove such excessively tall grass, weeds, and other rank vegetation described within the time prescribed in subsection (c), the Building department may provide for the removal of such and the City’s Building Department shall make a certified bill of the cost(s) incurred by the city in such removal including administrative and other related costs. Such bill shall be mailed to the property owner at the last address of the owner as indicated in the records of the County Auditor. Such property owner shall have ten (10) days to pay such amount to the clerk-treasurer.
- e) A property owner may appeal a notice of violation or a bill issued under this section by filing a written notice of appeal with the Building department within ten days of the receipt of the notice of violation or bill. The appeal shall be heard by the Board of Public Works and Safety within thirty (30) days after the notice of appeal is received.
- f) If a property owner fails to pay or appeal such sum specified in subsection (d) within the time prescribed, a certified copy of the bill of costs shall be filed in the office of the Porter County Auditor and the Auditor’s office shall place the amount so claimed on the tax duplicate for the property affected by such work and the total amount including any accrued interest shall be collected as delinquent taxes are collected, and shall be disbursed to the LIT Fund of the city.

*Section 2.* Conflicting Ordinances. Any ordinance or provision of any ordinance of the City of Valparaiso, Indiana, in conflict with the provisions of this Ordinance is hereby modified to reflect the provisions of this Ordinance.

*Section 3.* Effective Date. This Ordinance shall be in full force and effect after its passage, approval by the Mayor of the City of Valparaiso and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana, by a \_\_\_\_\_ vote of all members present and voting, this \_\_\_\_ day of August, 2022.

\_\_\_\_\_  
Matthew R. Murphy, Mayor

ATTEST:

\_\_\_\_\_  
Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2022 at the hour of \_\_\_\_\_ o'clock P.M.

\_\_\_\_\_  
Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this \_\_\_\_ day of \_\_\_\_\_, 2022 at the hour of \_\_\_\_\_ o'clock P. M.

\_\_\_\_\_  
Matthew R. Murphy, Mayor