

**MINUTES OF THE MEETING
OF THE COMMON COUNCIL
VALPARAISO, INDIANA**

January 23, 2023

The Common Council of the City of Valparaiso, Indiana, met on Monday January 9, 2023 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, Schmidt, Pupillo, Peterson, Anderson, and Costas.

MINUTES

MOTION: Councilmember Schmidt moved to adopt minutes of the January 9, 2023 meeting. Councilmember Reed seconded the motion. Upon voice vote the motion passed with a 7-0 vote.

ORDINANCE NO. 26, 2022

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF VALPARAISO, INDIANA, PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF AND MAKING THE SAME A PART OF THE CITY OF VALPARAISO, INDIANA (THE “IN-49 & VALE PARK RD ANNEXATION”)

Councilmember Schmidt moved that Ordinance No. 261, 2022 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Beth Shrader advised this is the second of three hearings on this Ordinance. This is a voluntary annexation. Tonight is Public hearing only. This is primarily driven by the sports complex. The south portion is not in the City. This Ordinance annexes that portion. There are seven parcels and the right of way. This is an opportunity to clean up the area and make it all contiguous and put the land they need for the park within the City. This was anticipated in the Comprehensive Plan. This will be voted on at the February 27, 2023 meeting.

Public Hearing

Mayor Murphy announced Ordinance No. 26, 2022 requires a Public Hearing and presented Proof of Publication that at tonight’s meeting the Council will hear comments on the IN-4-9 & Vale Park Road Annexation.

Terry Biesen – 446 Meadowbrook. Will 5G towers go on this property? How close will it be to the houses?

Melanie Seabold-Heacock – 2904 Blue Grouse. What is the intent for the property between her and Hwy 49. What happens with the extra traffic at the roundabout?

Thomas Feranec – 443 Meadowbrook. There should be a buffer for the critters. Are wellheads going on this property? If so, how will that affect his well? Is a band shelter going on the property?

Seeing no one else wishing to address the Council, Mayor Murphy declared the Public Hearing closed.

Beth Shrader’s Response to Comments

It is not anticipated to put 5G towers on the property. The park comes up to Meadowbrook subdivision. The south portion of the park is Phase 2. This will not be developed for a while. When it is developed it will be

passive recreation. Nothing is planned for the right of way by Audubon. INDOT owns this property. There will be an increase in traffic at the roundabout. The City will monitor this. Some of the traffic will be alleviated with the extension of Memorial Parkway. The south portion will be the best protection for the wildlife habitat. VCS is exploring spots around the City for additional wells. Nothing has been finalized with that. There are no plans for a band shelter.

Councilmember Cotton – The last time this Ordinance was before the Council, there was a resident who had not been contacted. Has that been done?

Beth Shrader – No. Certified mail notices have been sent but there has been no reply from the citizen.

MOTION: Councilmember Schmidt moved to carry Ordinance No. 26, 2022 to the February 27, 2023 meeting. Councilmember Reed seconded the motion and so approved with a 7-0 roll call vote.

ORDINANCE NO. 1, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE UNSAFE BUILDING FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Schmidt moved that Ordinance No. 1, 2023 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Clerk-Treasurer Taylor – This is an annual Ordinance. The balance of the fund is \$190,000.00. This year she is transferring \$175,000.00. This will cover any need for demolition. Demolitions are always presented to and approved by the Board of Works.

Councilmember Cotton –Is there anything scheduled for demolition?

Vicki Thrasher – Nothing right now. Board of Works approves the contract if one is scheduled. There are several on the horizon. If the money is not spent this year, it reverts back to the Unsafe Building Fund for the next year.

Public Hearing

Mayor Murphy announced Ordinance No. 1, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$175,000 in the Unsafe Building Fund.

Seeing no one wishing to address the Council, Mayor Murphy declared the Public Hearing closed.

MOTION: Councilmember Schmidt moved to adopt Ordinance No. 1, 2023. Councilmember Reed seconded the motion. The motion passed with a 7-0 roll call vote.

ORDINANCE NO. 2, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE GENERAL FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Schmidt moved that Ordinance No. 2, 2023 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Clerk-Treasurer Taylor addressed the Council. These are lines in the General Fund. After doing the budget last year it was decided to give a minimum of \$1,000 increase. These lines do not have overtime built into them so money has to be put in to cover them.

Public Hearing

Mayor Murphy announced Ordinance No. 2, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$3,000 in the General Fund.

Seeing no one wishing to address the Council, Mayor Murphy declared the Public Hearing closed.

MOTION: Councilmember Schmidt moved to adopt Ordinance No. 2, 2023. Councilmember Reed seconded the motion. The motion passed with a 7-0 roll call vote.

ORDINANCE NO. 3, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE FIREFIGHTING FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Schmidt moved that Ordinance No. 3, 2023 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Clerk-Treasurer Taylor – This is an Ordinance transferring funds to pay for inspectors and supplies. The money is generated by inspections.

Public Hearing

Mayor Murphy announced Ordinance No. 3, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$125,000 in the Firefighting Fund.

Seeing no one wishing to address the Council, Mayor Murphy declared the Public Hearing closed.

MOTION: Councilmember Schmidt moved to adopt Ordinance No. 3, 2023. Councilmember Reed seconded the motion. The motion passed with a 7-0 roll call vote.

ORDINANCE NO. 4, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE CAPITAL EQUIPMENT FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Schmidt moved that Ordinance No. 4, 2023 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Clerk-Treasurer Taylor – These funds come from the RDC. It is an annual appropriation which is limited to the purchase of squad cars for the Police Department.

Councilmember Cotton – This seems to be an annual expenditure. Are these funds depleted each year?

Clerk-Treasurer Taylor – Yes.

Councilmember Cotton – He would like to see future ordinances be more precise and say where the money is coming from and what it will be spent on.

Public Hearing

Mayor Murphy announced Ordinance No. 4, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$450,000 in the Capital Equipment Fund.

Mary Abraitus – 605 Yellowstone. She sees police vehicles in personal driveways in other cities. Are they allowed to use these vehicles for personal use?

Clerk-Treasurer Taylor – They are not for personal use, but they do take them home.

Mary Abraitus – What differentiates personal use when you are going to Cedar Lake and St. John?

Chief McIntyre – The vehicles are allowed to be taken home and are allowed off duty use of the vehicle. This is allowed for public safety. They can respond faster.

Seeing no one else wishing to address the Council, Mayor Murphy declared the Public Hearing closed.

MOTION: Councilmember Schmidt moved to adopt Ordinance No. 4, 2023. Councilmember Reed seconded the motion. The motion passed with a 7-0 roll call vote.

ORDINANCE NO. 5, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE AMERICAN RESCUE PLAN ACT (ARPA) FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Schmidt moved that Ordinance No. 5, 2023 be read a second time by title and a third time in full and be considered for adoption and the opportunity be given for the offering of amendments.

Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read the Ordinance.

Clerk-Treasurer Taylor – ARPA funds do not carry from year to year. This Ordinance appropriates ARPA funds for 2023. There are balances due on some of the non-profit projects.

Councilmember Cotton – There should be money left including money for the demolition/acquisition of Whispering Pines. He has talked with Whispering Pines and they have told him nothing is being done with the City's acquisition of this building but they are open to ideas. In the study that was done 35% to 40% of citizens said they would like the ARPA money to go towards water and sewer expanded infrastructure. He would like to see the money set aside for this go towards the extra cost being placed on residents for the two bonds and raising rates. It is premature to put this money in a place where it is harder to get it out if needed and should a place not be found for seniors.

Attorney Patrick Lyp – There is no acquisition of property identified in the ARPA Plan. He has been involved in conversations with the CEO of the Pines regarding demolition and the placement of the ACE building. There has not been a finalization of the plans. There is a bid proposal for the demolition. It is the City's position that until there is a finalization on demolition as well as where the ACE will go, what is the land lease or the cost for the placement of that structure; nothing is to be finalized. His conversations have been with the President and CEO of the Pines.

Councilmember Cotton – The CEO has made it clear to him that nothing is proposed.

Attorney Lyp – He said there is nothing proposed, or nothing finalized?

Councilmember Cotton – They do not have a proposal to consider and get back to the City on. The money should be spent helping citizens with all of the expenses the City has added on them recently. That is a qualified use of the money.

Public Hearing

Mayor Murphy announced Ordinance No. 5, 2023 requires a Public Hearing and presented Proof of Publication that at tonight's meeting the Council will hear comments on the appropriation of \$1,839,256.90 in the American Rescue Plan Act.

Seeing no one wishing to address the Council, Mayor Murphy declared the Public Hearing closed.

MOTION: Councilmember Schmidt moved to adopt Ordinance No. 5, 2023. Councilmember Reed seconded the motion. The motion passed with a 6-1 roll call vote. Councilmember Cotton voted No.

ORDINANCE NO. 6, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE FORFEITURE & SEIZED ASSETS FUND AND PROVIDING FOR PUBLICATION OF NOTICE

Councilmember Schmidt moved that Ordinance No. 6, 2023 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 6, 2023.

Clerk-Treasurer Taylor – Money for this fund comes from the State and Federal funds. There is a need for an extra \$30,000 from the Federal money to pay for equipment. The current balance is \$112,000.00

MOTION: Councilmember Schmidt moved to carry Ordinance No. 6, 2023 to the February 13, 2023 meeting. Councilmember Reed seconded the motion. The motion passed with a 7-0 voice vote.

ORDINANCE NO. 7, 2023

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF VALPARAISO

Councilmember Schmidt moved that Ordinance No. 7, 2023 be read a first time and considered on first reading. Councilmember Reed seconded the motion. Clerk-Treasurer Taylor read Ordinance No. 7, 2023.

Beth Shrader – This comes to the Council with a unanimous favorable recommendation from the Plan Commission. Tonight is the first reading on this Ordinance with the Council. Second reading will be at the next meeting. There is no Public Hearing required. This was done at the Plan Commission. The two zones being considered here are Public space and Campus. PS zoning is the most restrictive. It only allows public schools and public parks. Campus zone is required to have a Master Plan that has more detail. It also has underlying uses that are permitted and development standards.

Councilmember Cotton – In a previous project he got a demonstration of the difference between campus and residential.

Beth Shrader - There are two areas notched out on the map. These are not included in the request and will remain GR. Both have homes on them.

Councilmember Cotton - Will these stay the same? There is no buffer shown.

Beth Shrader – At site design buffers will be handled. They will make every attempt to protect property values.

MOTION: Councilmember Schmidt moved to carry Ordinance No. 7, 2023 to the February 13, 2023 meeting. Councilmember Reed seconded the motion. The motion passed with a 7-0 voice vote.

COMMUNITY UPDATE

City Engineer Mike Jabo – Yellowstone is classified as a collector street. Alternate routes for Yellowstone would be Campbell or Froberg. Use of Campbell would take traffic downtown. Use of Froberg would add at least 1/2 mile to trips. Traffic counts showed that most traffic on Yellowstone is delivery trucks such as FedEx or Prime. This was a 48 hour count done in 2021 and 2023. Research does not show when the “No Through Truck Traffic” signs were posted. Conversations with employees showed they remember always using Yellowstone. Yellowstone has a lower count than six or seven other similar areas. The width is OK for a collector street. They took core samples of Yellowstone and it meets the standards. The determination has been made that the problem with Yellowstone is deferral of maintenance.

The City has three plans for Yellowstone:

1. Weight limit restrictions will be posted. Exceptions to the weight limit will be school buses, emergency vehicles, Public Works, and Utility Maintenance vehicles.
2. City vehicles will be directed towards 130 and Froberg Road now that there is a traffic signal at that intersection.
3. Maintenance. They will do a structural resurfacing.

Comments/Questions from Council

Councilmember Reed – New surface will bring speeders. She would like the City to watch for that and do what is possible to keep the speed down.

Councilmember Pupillo - He would like the City to take measures to keep the speed down. Also, Froberg road just north of 130 needs repair.

Councilmember Schmidt – Thanks for being so thorough. This will make a difference.

Councilmember Cotton – He appreciates the time and diligence on this issue. He is concerned with the validity of the traffic count. There have been 16 accidents in 6 years. All the accidents were with cars and not trucks. Harrison is marked No Trucks. Has it been core tested?

Mike Jabo – He will look this. Most of the accidents were at Lincolnway and none involved trucks.

Councilmember Anderson – A traffic study was done because of an issue now. There is a reasonable conclusion.

Councilmember Cotton – This issue started in 2019. The City didn't have to wait until January when there is less traffic to do the traffic study.

Councilmember Costas – This will benefit the neighbors and longevity of the road.

Councilmember Reed – When will the repairs be done?

Mike Jabo – They have submitted for a grant. They expect to receive that in April. They are doing the design work now and will pursue sidewalk repairs with other programs.

COUNCIL LIAISON

Councilmember Peterson – The Park Board meets tomorrow. He thanked Councilmember Anderson for the Opioid forum.

Councilmember Schmidt – A lot is going on. Journeyman is progressing as well as the Linc project.

Councilmember Pupillo – The Fire Department is hiring. Let anyone qualified know. Their Annual Report will be out in February. He thanked the Police Department and County officers for their fast response to two false alarms at the High School.

Councilmember Reed – The school board meets Thursday at 6:00 p.m.

PUBLIC COMMENTS

Mary Abraitus – 605 Yellowstone. The City is guilty of Interference of Property. There have been wrong doings by the City on Yellowstone with No Through Trucks signs being removed. There is a difference between repair and restore. She asked when this is going to be taken seriously. And who is the City working for? Problems and solutions have been laid out. There are issues with Mike Jabo's proposal. It is misguided. She will come back to the Council with her rebuttal to Mike's information. She gave Councilmembers a handout.

The meeting adjourned at 7:07 p.m.

/s/ Holly Taylor, Clerk-Treasurer

ORDINANCE #6, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE FORFEITURE & SEIZED ASSETS FUND AND PROVIDING FOR PUBLICATION OF NOTICE

SECTION 1: BE IT ORDAINED, and the Common Council of the City of Valparaiso, Indiana, does hereby make the determination a need exists and that the following amount of money be and the same is hereby appropriated from the Forfeiture & Seized Assets Fund for the purpose and use here in after set forth, all for use during the current year of 2023, to-wit:

FORFEITURE & SEIZED ASSETS FUND

Fed Funds Other Svcs & Charges	\$30,000.00
Total	\$30,000.00

SECTION 2: The City Clerk-Treasurer is ordered to give ten (10) days notice by publication in the Times, a daily newspaper published and printed in the City of Valparaiso, Indiana, which notice shall inform taxpayers that they and each of them shall have the right to be heard thereon.

SECTION 3: Hearing for remonstrance and objections by taxpayers provided for in Section 2 hereof shall be and the same is hereby set for the February 13, 2023 meeting of the Common Council of the City of Valparaiso, Indiana, in the City Hall of said City.

SECTION 4: After such hearing held in accordance with such notices as herein provided, said Council shall by Ordinance confirm or disaffirm its said determination.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage in the manner provided 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 _____, 2023.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2023 at the hour of _____ o'clock P.M.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____, 2023 at the hour of _____ o'clock P. M.

Matthew R. Murphy, Mayor

**ORDINANCE #7, 2023
AN ORDINANCE AMENDING THE ZONING
MAP OF THE CITY OF VALPARAISO**

WHEREAS, a petition to amend the City of Valparaiso Zoning Map was presented by was presented by Tim Brust on behalf of Patko P & K LLC and George Douglas on behalf of the Valparaiso Redevelopment Commission; and

WHEREAS, on January 3, 2023 the Plan Commission held a properly noticed public hearing on the proposed map amendment according to UDO 15.601 and IC 5-3-1; and

WHEREAS, the general public was given opportunity to comment on the proposed amendments; and

WHEREAS, on January 3, 2023, the Plan Commission voted to recommend the approval of the proposed amendments by a vote of 7 - 0;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso:

1. That Zoning Map be amended as described in Exhibit A; and
2. That this ordinance be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a vote of ___ - ___ of all members present and voting on this _____ day of _____, 2023.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2023, at _____ o'clock p.m.

Holly Taylor, Clerk-Treasurer

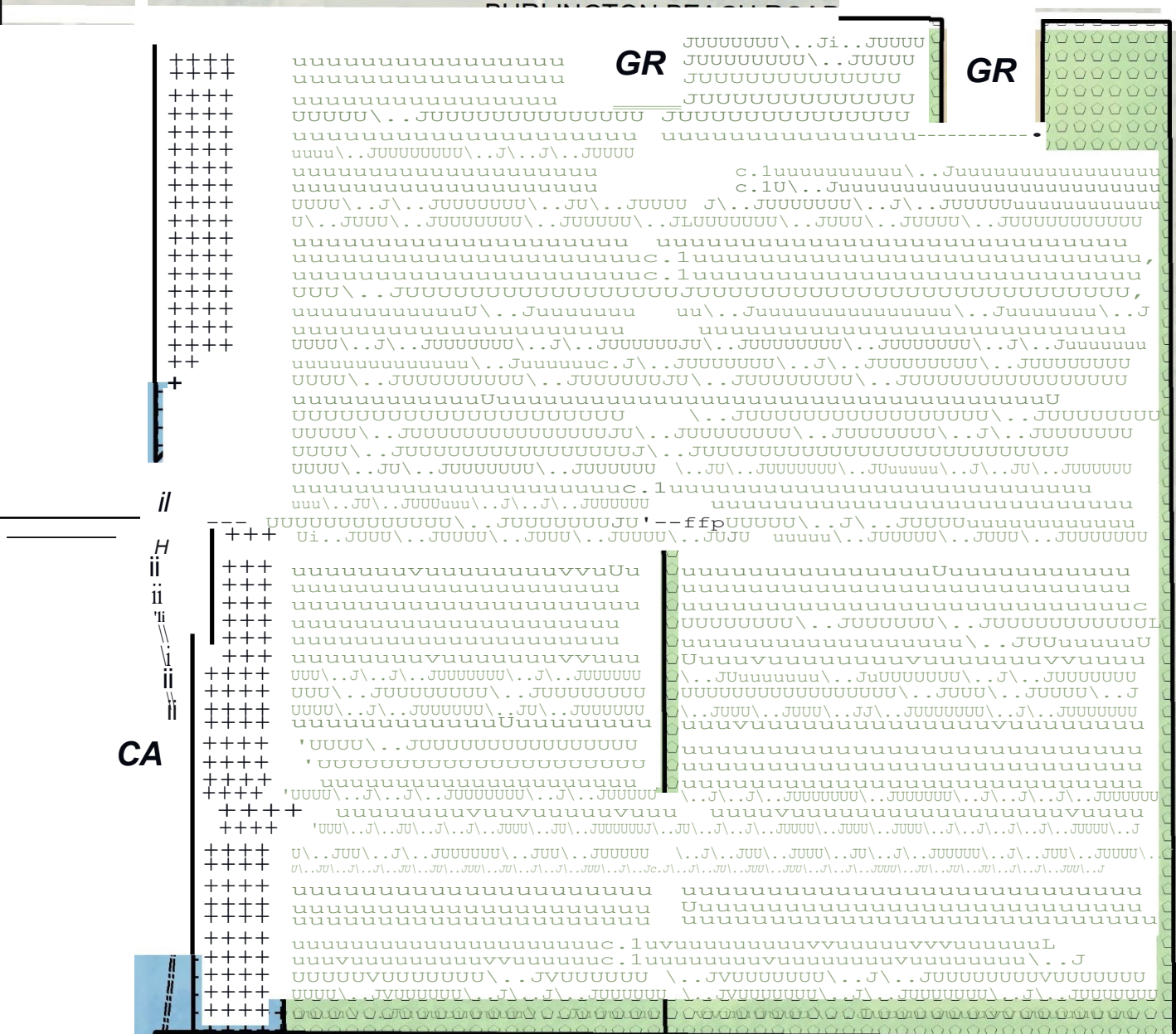
This Ordinance approved and signed by me this _____ day of _____, 2023, at _____ o'clock p.m.

Matthew R. Murphy, Mayor

Exhibit A: Proposed Zoning with proposed annexed parcels

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Legend

- ==== Memorial Parkway Proposed Alignment
- J** New PS Zone
- GJ)** New CA Zone
- 1222)** IN-49 & Vale Park Rd
- Annexation GR- Residential, General
- PS - Public Space
- CA-Campus

Source: Esri, Uigite, USDA, USGS, AeroGRID, IGN, and

ORDINANCE #8, 2023

AN ORDINANCE APPROPRIATING FUNDS IN THE CUMULATIVE SEWER FUND AND PROVIDING FOR PUBLICATION OF NOTICE

SECTION 1: BE IT ORDAINED, and the Common Council of the City of Valparaiso, Indiana, does hereby make the determination a need exists and that the following amount of money be and the same is hereby appropriated from the Cumulative Sewer Fund for the purpose and use here in after set forth, all for use during the current year of 2023, to-wit:

CUMULATIVE SEWER FUND

Other Services & Charges	\$105,000.00
Improvements Other Than Buildings	\$600,000.00
Total	\$705,000.00

SECTION 2: Appropriations over and above those made during the budget process are allowed under Indiana Code 6-1.1-18-5 and as otherwise provided under Indiana law.

SECTION 3: The City Clerk-Treasurer is requested to provide notice, as outlined under Indiana Code 5-3-1, as to the meeting date and the opportunity of the public to participate in a Public Hearing. Such notice shall be published one time at least ten (10) days prior to the meeting in a Qualified Publication – as such term is defined under Indiana Code 5-3-1-0.7.

SECTION 4: The Public Hearing provided for in Section 3 shall be set for the February 27, 2023 meeting of the Common Council of the City of Valparaiso, at City Hall located at 166 West Lincolnway.

SECTION 5: After the Public Hearing is held in accordance with such notice as herein provided, the Council may approve the proposed appropriation.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage in the manner provided 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 _____, 2023.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this ____ day of _____, 2023 at the hour of _____ o'clock P.M.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this ____ day of _____, 2023 at the hour of _____ o'clock P. M.

Matthew R. Murphy, Mayor

ORDINANCE NO. 9, 2023

AN ORDINANCE PROHIBITING THE SALE OF DOGS OR CATS BY RETAIL PET STORES BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALPARAISO, INDIANA:

WHEREAS, A significant number of puppies and kittens sold at pet shops come from large- scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills.

WHEREAS, The documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise.

WHEREAS, The inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers.

WHEREAS, Current Federal, State and County regulations do not properly address the sale of puppy and kitten mill dogs and cats in pet shops.

WHEREAS, Prohibiting the retail sale of puppies and kittens is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations.

WHEREAS, Across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.

WHEREAS, This Ordinance will not affect a consumer’s ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and,

WHEREAS, The City Council believes it is in the best interests of this City to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City,

NOW THEREFORE BE IT HEREBY ORDAINED BY THE VALPARAISO CITY COUNCIL, PORTER COUNTY, INDIANA as follows:

SECTION 1.

(A) No retail pet store shall sell or offer for sale a dog or cat.

(B) Subsection (A) shall not be construed to prohibit a retail pet store from providing space to either an animal control agency or shelter or an animal rescue organization, as defined, for the purpose of showcasing adoptable animals to the public; provided that such retail pet store shall have no ownership interest in any of the animals offered for adoption, nor shall the retail pet store receive any fee for providing such space.

(C) As used in this chapter, the following terms shall have the meanings ascribed to them in this subsection:

Animal rescue organization means a not-for-profit organization having tax-exempt status under 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals into permanent homes. The term animal rescue organization does not include any person that: (1) breeds animals for profit; (2) is located on the same premises as a person that breeds animals for profit; (3) has any personnel in common with a person that breeds animals for profit; (4) obtains, in exchange for payment or compensation, dogs or cats from a person that breeds animals for profit; or (5) facilitates the sale of dogs or cats that were obtained, in exchange for payment or compensation, from a person that breeds animals for profit.

Cat means any member of the species *Felis catus*.

Dog means any member of the species *Canis familiaris*.

Retail pet store means a commercial establishment that sells or offers for sale animals on its premises at retail.

Sell or offer for sale means to sell, display for sale, exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer an animal.

(D) A retail pet store that sells or offers for sale a dog or cat in violation of subsection (A) of this section shall be subject to a fine of \$500 per violation. Each sale or offer for sale of an individual dog or cat in violation of subsection (A) shall constitute a separate violation. A retail pet store that makes provides space in violation in subsection (B) of this section shall be subject to a fine of \$500 per violation. Each provision of space to an individual dog or cat in violation of subsection (B) shall constitute a separate violation.

(E) Any existing retail pet store in operation prior to the adoption of this ordinance shall be exempt; however, should the exempt retail pet store cease operations for 30 consecutive days, it shall no longer be considered exempt. No exempt pet store shall be able to relocate or expand the size of its existing operations and retain its exemption.

SECTION 2. Severability.

If any section of this Ordinance 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.

SECTION 3. Effective date.

This Ordinance shall become effective upon passage.

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 **February**, 2023.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana this _____ day of **February**, 2023.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of **February**, 2023 at _____ o'clock PM.

Matthew R. Murphy, Mayor