



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, September 11, 2017
7:00 P.M.

1. **INVOCATION- PASTOR THOMAS M. THEWS, ST. PAUL'S MEMORIAL UNITED METHODIST CHURCH**
2. **PLEDGE TO THE FLAG/ MOMENT OF REFLECTION FOR THE VICTIMS, SERVICE PEOPLE & FAMILIES OF 9/11**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**
6. **REPORTS FROM CITY OFFICES**
7. **COMMITTEE OF THE WHOLE** **TIME: _____**

BILL NO.

48-17 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING A SECTION OF CHAPTER 2, ARTICLE 6 OF THE SOUTH BEND MUNICIPAL CODE PERTAINING TO TAX ABATEMENTS

53-17 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 16, ARTICLE 2, SECTIONS 16-6 THROUGH 16-9, AND 16-12; ARTICLE 3, AT SECTION 16-24; ARTICLE 6, AT SECTION 16-48(m); ARTICLE 8, AT SECTIONS 16-55-56 AND 16-59 (b), TO ADDRESS PROCEDURES AND SPECIAL FEES RELATED TO TRASH, REFUSE, AND OTHER SOLID WASTE COLLECTION AND DISPOSAL

8. **BILLS ON THIRD READING** **TIME: _____**

BILL NO.

48-17 THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING A SECTION OF CHAPTER 2, ARTICLE 6 OF THE SOUTH BEND MUNICIPAL CODE PERTAINING TO TAX ABATEMENTS

[53-17](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 16, ARTICLE 2, SECTIONS 16-6 THROUGH 16-9, AND 16-12; ARTICLE 3, AT SECTION 16-24; ARTICLE 6, AT SECTION 16-48(m); ARTICLE 8, AT SECTIONS 16-55-56 AND 16-59 (b), TO ADDRESS PROCEDURES AND SPECIAL FEES RELATED TO TRASH, REFUSE, AND OTHER SOLID WASTE COLLECTION AND DISPOSAL

9. **RESOLUTIONS**

BILL NO.

[17-48](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1206 DUNHAM ST.

[17-49](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 4321 S. MICHIGAN STREET

[17-50](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 315 NORTH MAIN STREET

[17-51](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 602 COLFAX

[17-56](#) A RESOLUTION BY THE SOUTH BEND COMMON COUNCIL ADDRESSING THE CITY OF SOUTH BEND REDEVELOPMENT COMMISSION UTILIZING THE RIVER WEST TIF DISTRICT OF SOUTH BEND FOR THE \$25 MILLION DOLLARS TO HELP FINANCE THE DOUBLE TRACKING OF THE SOUTH-SHORE LINE WITH RESPECT TO THE PEOPLE WHO LIVE IN THE ARDMORE NEIGHBORHOOD

10. **BILLS ON FIRST READING**

BILL NO.

[54-17](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3333 N. KENMORE ST, COUNCILMANIC DISTRICT NO.1 IN THE CITY OF SOUTH BEND, INDIANA

[55-17](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 212 EAST SOUTH STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[56-17](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ESTABLISHING A PART-TIME POLICE OFFICER PROGRAM FOR THE CITY OF SOUTH BEND AND THE POLICE DEPARTMENT

[57-17](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND THROUGH THE SOUTH BEND HUMAN RIGHTS COMMISSION AND THE COUNTY OF ST. JOSEPH TO ENFORCE THE COUNTY'S HUMAN RIGHTS ORDINANCE

11. **UNFINISHED BUSINESS**

[2017 HPC V. BOYD](#) (CONTINUED UNTIL OCT. 9TH SBCC MEETING)

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

TIME: _____

Notice for Hearing and Sight Impaired Persons
Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.
Please Give Reasonable Advance Request When Possible.

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the official text is the English version. Any discrepancies which may be created in the translation, are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: SEPTEMBER 7, 2017
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, SEPTEMBER 11, 2017**

Council Informal Meeting Room
4th Floor County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

3:30 P.M. **PUBLIC WORKS & PROPERTY VACATION** **JOHN VOORDE, CHAIRPERSON**

1. *Substitute* [Bill No. 53-17](#)- Addressing Special Fees and Procedures related to Solid Waste Collection

3:45 P.M. **ZONING & ANNEXATION** **OLIVER DAVIS, CHAIRPERSON**

1. [Bill No. 17-48](#)- Special Exception for property at 1206 Dunham
2. [Bill No. 17-49](#)- Special Exception for property at 4321 S. Michigan St. (*Continued*)
3. [Bill No. 17-50](#)- Special Exception for property at 315 N. Main Street (*Continued*)
4. [Bill No. 17-51](#)- Special Exception for property at 602 Colfax
5. *FOLLOW UP:* Transfer of ABZA & Zoning Administration from the Building Department to the Area Plan Commission- Larry Magliozzi, Executive Director of the (APC)

4:20 P.M. **COMMUNITY INVESTMENT** **GAVIN FERLIC, CHAIRPERSON**

1. [Bill No. 17-56](#)- Addressing the Double Tracking of the South Shore with Regard to Residents of Ardmore Neighborhood
2. [Bill No. 48-17](#)- Tax Abatement Amendment (*Continued*)

5:05 P.M. **INFORMATION & TECHNOLOGY** **TIM SCOTT, CHAIRPERSON**

1. South Bend Code School Presentation- Office of Innovation/Alex Liggins & Alex Sejdinaj

Council President Tim Scott has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Information & Technology Committee.

INFORMAL MEETING OF THE COMMON COUNCIL

OLIVER DAVIS, VICE PRESIDENT

1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

cc: Mayor Pete Buttigieg
Committee Meeting List
News Media

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY
DIRECTOR OF OPERATIONS

ALKEYNA M. ALDRIDGE
DEPUTY CLERK
DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATIONS
BUREAU CLERK

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS

**Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible**



2017 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-4-17)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real & personal tax abatement requests.

Gavin Ferlic, Chairperson

Regina Williams-Preston, Vice-Chairperson

Oliver Davis, Member

Randy Kelly, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Office of Community Affairs and is charged with facilitating partnerships & ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson

Randy Kelly, Vice-Chairperson

Gavin Ferlic, Member

Karen White, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Tim Scott, Member

Jo Broden, Member

Dr. David Varner, Member

Karen White, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

Jo Broden, Chairperson

John Voorde, Vice-Chairperson

Oliver Davis, Member

Karen L. White, Member

INFORMATION AND TECHNOLOGY COMMITTEE

Oversees the various activities of the City's Division of Information Technologies in the Department of Administration & Finance so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability & access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson

Gavin Ferlic, Vice-Chairperson

Dave Varner, Member

Randy Kelly, Member

PARC COMMITTEE (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Coveleski Regional Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, and the many recreational and leisure activities offered by the Department of Parks and Recreation.

Randy Kelly, Chairperson

Dr. Dave Varner, Vice-Chairperson

Oliver Davis, Member

John Voorde, Member



2017 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-4-17)

PERSONNEL AND FINANCE COMMITTEE

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations & other fiscal matters, as well as personnel policies, health benefits & related matters.

Karen L. White, Chairperson
Gavin Ferlic, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works & related public works & property vacation issues.

John Voorde, Chairperson
Randy Kelly, Vice-Chairperson

Jo M. Broden, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Oversees the various activities & issues related to neighborhood development & enhancement.

Karen White, Chairperson
Jo Broden, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

UTILITIES COMMITTEE

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers and all related matters.

Dr. David Varner, Chairperson
Oliver Davis, Vice-Chairperson

Randy Kelly, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Oliver Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo Broden, Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council

Tim Scott
Dr. David Varner



2016 COMMON COUNCIL STANDING COMMITTEES (Rev.01-4-17)

TIM SCOTT, 1ST District Council Member

PRESIDENT

Information and Technology, Chairperson

Council Rules Committee, Member
Sub-Committee on Minutes, Member

REGINA WILLIAMS-PRESTON 2nd District Council Member

Community Relations Committee, Chairperson
Community Investment Committee, Vice-Chairperson

Residential Neighborhood Committee, Member
Personnel & Finance Committee, Member
Utilities Committee, Member

RANDY KELLY, 3rd District Council Member

PARC Committee, Chairperson
Community Relations Committee, Vice Chairperson
Public Works & Property Vacation, Vice Chair

Community Investment Committee, Member
Information & Technology Committee, Member
Utilities Committee, Member

JO BRODEN, 4TH District Council Member

Health and Public Safety Committee, Chairperson
Residential Neighborhood Committee, Vice-Chairperson

Council Rules Committee, Member
Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member

DR. DAVID VARNER, 5TH District Council Member

Utilities Committee, Chairperson
PARC Committee, Vice-Chairperson

Information & Technology Committee, Member
Council Rules Committee, Member
Sub-Committee on Minutes, Member

OLIVER DAVIS, 6TH District Council Member

Zoning & Annexation Committee, Chairperson
Utilities Committee, Vice-Chairperson

Community Investment Committee, Member
Health & Public Safety Committee, Member
PARC Committee, Member

GAVIN FERLIC, AT LARGE Council Member

Chairperson, Committee of the Whole

Community Investment Committee, Chairperson
Information & Technology Committee, Vice-Chairperson
Personnel & Finance Committee, Vice-Chairperson

Community Relations Committee, Member
Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson
Personnel & Finance Committee, Chairperson

Community Relations Committee, Member
Council Rules Committee, Member
Health & Public Safety Committee, Member

JOHN VOORDE, AT LARGE Council Member

Public Works & Property Vacation, Chairperson
Health and Public Safety, Vice-Chairperson
Zoning & Annexation Committee, Vice-Chairperson

Residential Neighborhood Committee, Member
PARC Committee, Member
Personnel & Finance Committee, Member



City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601-1830

(574) 235-9321
Fax (574) 235-9173
TDD: (574) 235-5567
<http://www.southbend.in.gov>

Tim Scott
President

August 9, 2017

Oliver Davis
Vice-President

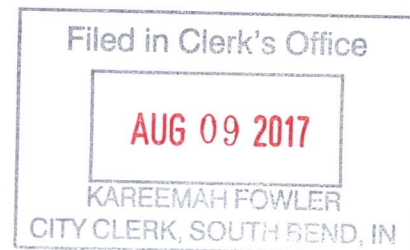
South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Gavin Ferlic
Chairperson, Committee
of the Whole

Re: *Proposed Tax Abatement Amendment*

Tim Scott
First District

Dear Council Members:



Regina Williams Preston
Second District

I am filing the attached proposed ordinance amendment for section 2, Article 6, section 2-76.3 of the municipal code with the Office of the City Clerk. The proposed amendment adds the requirement that applicants for a base abatement be required to pay all company employees (full-time, part-time, seasonal and temporary) a minimum wage at least as high as the minimum wage paid to all employees of the City of South Bend.

Randy Kelly
Third District

Jo M. Broden
Fourth District

The proposed ordinance will have first reading by the Common Council on August 14, 2017.

David Varner
Fifth District

Thank you for your consideration.

Oliver Davis
Sixth District

Sincerely Yours,

Gavin Ferlic
At Large

John Voorde
At Large

Regina Williams-Preston
South Bend Common Council Member

Karen White
At Large

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING A SECTION OF CHAPTER 2, ARTICLE 6 OF THE SOUTH BEND MUNICIPAL CODE PERTAINING TO TAX ABATEMENTS

STATEMENT OF PURPOSE AND INTENT

The Mayor of South Bend has stated that “Raising the minimum wage of our city employees can increase morale and productivity, while cutting turnover. It’s also good economics, since city workers are consumers at local businesses. . . Most importantly, it's the right thing to do for hardworking public servants.” The Mayor noted that this wage applies to all City employees, part-time, temporary, and seasonal, as well as full-time employees. Since a tax abatement is a subsidy to employers from the City and is intended to improve the economic environment of the City of South Bend, it is incumbent upon companies receiving tax abatements from the City to pay their employees at least as well as the City pays its employees.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. Chapter 2, Article 6, Section 2-76.3 is hereby amended by adding paragraph (6), to read as follows:

Sec. 2-76.3. Base abatement.

A base abatement ("base abatement") is an abatement for three (3) years in the case of real property other than single-family residential, five (5) years in the case of real property that is single-family residential, and five (5) years in the case of personal property. The Council may grant a base abatement to an applicant who fulfills the following requirements:

.....

(6) The applicant must pay all company employees (full-time, part-time, seasonal, and temporary) a minimum wage at least as high as the minimum wage paid to all employees of the City of South Bend.

SECTION II. This Ordinance shall take effect upon passage by this Common Council, approval by the Mayor, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana
this _____ day of _____, 2017.

Member, Common Council of the
City of South Bend

ATTEST:

Kareemah Fowler, Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City for
his approval on the _____ day of _____, 2017, at _____ o'clock _____.m.

Kareemah Fowler, Clerk

Having examined the foregoing Ordinance, I do now, as the Mayor of the City of South Bend,
approve said Ordinance and return the same to the Clerk of the City of South Bend this _____
day of _____, 2017.

Pete Buttigieg, Mayor



1200 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9241
FAX 574/235-7670
TTY 574/235-5567

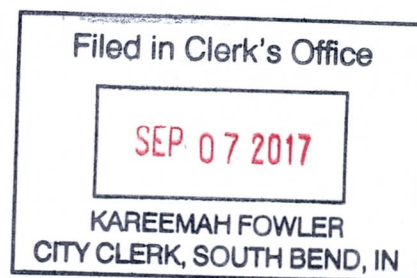
CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF LAW

STEPHANIE STEELE
CORPORATION COUNSEL

ALADEAN M. DEROSE
CITY ATTORNEY

September 7, 2017



Mr. Tim Scott
President, South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Re: Bill No. 53-17 Amending Municipal Code Regarding Solid Waste--Substitute

Dear Council President Scott:

On the Council's agenda for Monday, September 11, 2017 will be the captioned Bill No. 53-17 addressing procedures and fees related to trash, refuse and other solid waste collection and disposal.

Since the time this Bill was filed on August 23, 2017, a few minor matters were identified that should be and have been changed within the Substitute version of Bill No. 53-17, attached.

The Statement of Purpose and Intent has been slightly revised. The other changes have been highlighted in yellow for your convenience, and they include two clarifications, one regarding the discount for persons age 65 and over, and one regarding the duration of a disability. The word "pick up" has been changed throughout to include a hyphen, i.e., "pick-up." Two other changes were made to correct what was and was not part of the original text. For simplification, the old rate chart has been stricken, and replaced with a new chart although no change has been made to the dollar figures in the originally filed ordinance.

Other than these few items, Bill No. 53-17 is substantially the same as originally filed.

Thank you for your consideration.

Sincerely,


Aladean M. DeRose, City Attorney

Substitute Bill No. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 16, ARTICLE 2, SECTIONS 16-6 THROUGH 16-9, AND 16-12; ARTICLE 3, AT SECTION 16-24; ARTICLE 6, AT SECTION 16-48(m); ARTICLE 8, AT SECTIONS 16-55-56 AND 16-59 (b), TO ADDRESS PROCEDURES AND SPECIAL FEES RELATED TO TRASH, REFUSE, AND OTHER SOLID WASTE COLLECTION AND DISPOSAL

STATEMENT OF PURPOSE AND INTENT

In recent years, the City enacted changes to its trash, refuse and solid waste ordinance, contained within Chapter 16 of the South Bend Municipal Code, most recently, in 2015 (Ord. No. 10400-15 and 10401-15) to require use of yard waste containers. Since these recent ordinance amendments, the City has identified inefficiencies and abuses with the collection and disposal process. This ordinance clarifies and reorganizes the fee structure, reduces the fee for yard waste collection, and introduces a return trip and contamination fee to address some of the problems that have arisen.

This ordinance also clarifies and improves the language of pertinent sections of the South Bend Municipal Code.

It is in the best interest of the City that this ordinance be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. Chapter 16, Article 2, Sections 16-6 through 16-9 and Section 16-12 of the South Bend Municipal Code shall be amended to read in their entirety as follows:

CHAPTER 16 - REFUSE

ARTICLE 2. - COLLECTION AND DISPOSAL

Sec. 16-6. - Collection of residential refuse; exceptions; fees.

- (a) The City shall have exclusive jurisdiction over and the exclusive right to control the collection and disposal of residential refuse within the boundaries of the City of South Bend. The City may exercise its exclusive jurisdiction and right to control residential refuse by providing collection and disposal services itself, or the City may, through its Board of Public Works, contract with or formally permit others to provide collection and disposal services on its behalf. No residential refuse, as defined in this Chapter, shall be collected or disposed of except by the City or by a person or company under contract with or permitted by the City to provide such services.
- (b) Exceptions and exemptions:
 - (1) Nothing in this Chapter shall prevent any person who generates or produces residential refuse on property owned or leased by such person from separating recyclable materials from such residential refuse and either; (1) maintaining title to such recyclable materials for his their own use; or (2) disposing of such recyclable materials by participating in a recycling program; or by sale or gift; provided, however, that such separation and disposition neither creates a public nuisance, nor is otherwise injurious to the public health, welfare and safety.
 - ~~(2) Nothing in this Chapter shall prevent a person from purchasing or receiving by gift recyclable materials for processing or other use; provided, however, that it shall be a violation of this section for any person to scavenge or remove recyclables from or near bins placed for removal of recyclables by the City or its contractor.~~
 - ~~(2)~~(3) Nothing in this Chapter shall prevent the removal from residential premises of discarded building materials, trees, brush and other vegetation resulting from the activities of building contractors, commercial tree trimmers or commercial lawn services; provided, however, that such residential refuse so removed that falls within the definition of yard waste shall either be disposed of at the City's Organic Resource Facility as provided in article 4, below, collected by the City or shall be otherwise recycled in a manner approved by the Director of the Department of Public Works.
 - ~~(3)~~(4) Nothing in this Chapter shall prevent a person from contracting with a private contractor for the removal of appliances, furniture, tree limbs, demolition debris or other waste that would require special equipment or special scheduling for removal by the Bureau Division of Solid Waste.
- (c) The City shall charge the owner or occupant of each occupied residence within the City for the collection and disposal of residential refuse according to the following schedule:
 - (1) Rates and Charges

MONTHLY RATES		
	2016	2017*
Within City of South Bend Limits:		
Family Dwellings:		

— One-family dwelling	\$11.52 (1)	\$12.48
— Two-family dwelling**	18.06 (1)	19.57
— Three-Family dwelling**	24.61 (1)	26.66
— Four Family Dwelling**	31.16 (1)	33.76
— Senior rate***	6.91 (1)	7.49
— Commercial	13.82	16.22
Outside City of South Bend Limits:		
— Residential	13.82	16.22
— Residential Senior***	8.64	9.36
— Additional Trash Container (per container)	6.55	7.09
— Yard Waste Bin****	16.00	16.00

<u>MONTHLY RATES</u>	
<u>One-family dwelling</u>	<u>\$12.48</u>
<u>One-family dwelling Outside City of South Bend Limits</u>	<u>\$16.22</u>
<u>Two-family dwelling**</u>	<u>\$19.57</u>
<u>Three-Family dwelling**</u>	<u>\$26.66</u>
<u>Four Family Dwelling**</u>	<u>\$33.76</u>
<u>Senior rate***</u>	<u>\$7.49</u>
<u>Senior rate*** Outside City of South Bend Limits</u>	<u>\$9.36</u>
<u>Commercial</u>	<u>\$16.22</u>
<u>Yard Waste Weekly Service****</u>	<u>\$2.00</u>

<u>Additional Trash Container (per container)</u>	<u>\$7.09</u>
<u>Additional Yard Waste Container (per container) ****</u>	<u>\$2.00</u>
<u>Fees Per Incident</u>	
<u>Tote Replacement Fee</u>	<u>\$50.00</u>
<u>Special Trash Collection per cubic yard</u>	<u>\$20.00</u>
<u>Special Yard Waste Collection per cubic yard</u>	<u>\$10.00</u>
<u>Return Trip Fee</u>	<u>\$10.00</u>
<u>Contamination Fee</u>	<u>\$10.00</u>
<u>Administrative Fee</u>	<u>\$10.00</u>

* Until further amended.

** With one water meter.

*** Where one resident/occupant of the account the head of the household has submitted to the Board of Public Works proof of address and proof of being age sixty-five (65) or older. No owner age 65 or older of multiple properties may claim more than one senior discount.

**** Annual eCharge for the yard waste season which is billed monthly for weekly service during the months of April through November eight (8) months of the year.

- (2) The City shall provide, contract with others, or, by permit, allow others to provide specialized collection services, which allow for collection of residential refuse from areas other than curbside or alley side. If the City provides specialized collection services, itself, or by contract with others, the monthly charge for such service shall be set by the South Bend Common Council. If specialized collection services are provided by a permittee of the City, the monthly charge shall be subject to negotiation between the customer and the permittee; and such fee shall be collected by the permittee. The services provided by the permittee shall be governed by rules and regulations adopted by the Board of Public Works.
- (3) The City may provide or contract with others to provide curbside collection of recyclables. If such collection is performed by the City, the fee for such service may be set by the Board of Public Works after a public hearing to a fee reflective of the actual cost to the City of providing such service. If the service is performed by a contractor selected pursuant to a public bid process, the monthly fee for such service to the public

may be determined by the bid or may be set by the Board of Public Works ~~as set out above.~~

- (4) Special Collection, such as the pick-up of appliances, furniture and other miscellaneous items: Appliances, furniture and other miscellaneous items which, in the opinion of the Director manager of the Division of Solid Waste Bureau of Solid Waste, require special equipment or special scheduling, shall be picked up by the City from residential customers subject to the following charges:

- (1) Each month, the first large item or cubic yard (for example, appliance, sofa, etc.) shall be free. Each additional item or cubic yard shall follow the rate structure set forth in Sec. 16-6(c)(1).No Charge
- ~~(2) Second large item or 1/2 cubic yard of construction and demolition debris\$ 10.00~~
- ~~(3) Per cubic yard20.00~~
- ~~(4) Per truck load (18 cubic yards)420.00~~

The Director of the Division of Solid Waste ~~Manager of the Bureau of Solid Waste~~ shall, upon request, provide the customer with an estimated removal cost. In such a case, the items will be removed by the Division ~~Bureau~~ only after acceptance by the customer of the estimated removal costs.

- ~~(d) If the City elects to charge a fee for the collection of recyclables, the City may do so in a manner set forth in Sec. 16(e)(1). The City shall charge the owner or occupant of each occupied single-family residence and individual unit within a multifamily residence of up to four (4) units the sum of one dollar and ninety-seven cents (\$1.97) per month for the collection of recyclables.~~
- ~~(e) Charges for City collection of residential refuse and recyclables shall be added to the residential unit's water meter charges and collected as are bills for water services.~~
- ~~(d) (f) It is the responsibility of the owners, occupants or tenants of abutting property to keep all alleys used by any sanitation vehicles clean, orderly and passable at all times.~~

Sec. 16-7. - Collection of refuse; commercial and industrial.

- (a) The collection of refuse and a proper system for disposal of the same may be undertaken by any person, organization or corporation for all commercial, retail, industrial, professional, apartment, institutional or governmental units subject to the provisions of this Chapter and under the supervision of the Department of Public Works. The term "apartment units" as used in this section refers to multi-building apartment complexes and to individual apartment buildings with more than four (4) separate apartments or living units per building.
- (b) It is the responsibility of every owner, tenant or lessee to provide a proper system for collection and disposal of refuse for all commercial, retail, industrial, professional, apartment, institutional, or governmental units at least once a week subject to the provisions of this Chapter.
- (c) The collection of commercial or industrial waste, refuse, trash and garbage of any kind, type or nature shall not be the responsibility of the City, but if the City elects to may engage in such collection activities, the fee shall be set by the Board of Public Works.

Sec. 16-8. - Use of any City-furnished refuse containers required; disabled customer exception; nonrecurring charge for new users; separation of yard waste; and required use of City-furnished yard waste containers; paper or other biodegradable bags.

- (a) ~~Each single-family, two-family, three-family and four-family dwelling shall be provided by the City with one (1) solid waste container for each family unit.~~ It shall be the duty of the dwelling occupant to keep the cover of ~~the this~~ container tightly fitted when refuse is contained in the container, and to remove the container from the collection site promptly after collection by the City and no later than twenty-four (24) hours thereafter. No container other than the one provided by the City shall be used for solid waste removal, and all refuse must be placed in the container and moved to the place of pickup by 6:00 a.m. on the designated collection date. If the customer does not receive the regularly scheduled weekly service through no fault of the City, customer shall be charged a "Return Trip" fee as set forth in Sec. 16-6(c)(1). Should the solid waste refuse of a dwelling habitually exceed the limits of the furnished solid waste container, the City may require the dwelling occupant to use a second City-furnished container ~~or the dwelling unit occupant may choose to use a second City-furnished container at the rate set forth in Sec. 16-6(c)(1) additional charge of six dollars and fifty-five cents (\$6.55) per month (in 2016), and seven dollars and nine cents (\$7.09) per month (in 2017 and thereafter) on a mandatory year to year basis as provided in Subsection (d) of this section.~~
- (b) No person shall deposit refuse in any solid waste container in a manner which prevents complete closure of the container's cover or deposit refuse on top of such container in a manner that interferes with opening of the container, nor shall any person pile or stack refuse against such a container. No person shall deposit refuse in any solid waste container that will contaminate the waste stream. Should it be determined by the City's Solid Waste Division that the customer deposited contaminate in the solid waste container, the customer shall receive a warning from the City's Solid Waste Division. If the customer continues to deposit such contaminate, customer shall be charged a contamination fee as set forth in Sec. 16-6(c)(1).
- (c) It is the duty of a dwelling occupant to maintain the container in clean condition after each removal of container contents and to remove any litter from the area surrounding the container.
- (d) The initial container furnished to owners, agents or occupants of dwellings as provided in this section shall be free of charge. New or subsequent dwelling owners, agents or occupants, shall pay an initial nonrecurring service ~~fee of ten dollars (\$10.00) set forth in Sec. 16-6(c)(1),~~ to cover the City's administrative cost of delivery and furnishing the refuse container. Should a container become substantially damaged or otherwise incapable of effective use through no fault of the City, a new container may be provided at the actual tote replacement fee set forth in Sec. 16-6(c)(1), east. Any dwelling unit using more than one (1) refuse container or habitually having refuse exceeding capacity of the furnished container shall be required to use lease a second container at the rate set forth in Sec. 16-6(c)(1). In the event that a tote is stolen, and the resident is able to provide evidence of a police report related to such theft, the City shall supply one (1) free replacement tote per calendar year. The tote is expected to remain at the dwelling. Should the customer move, the customer is expected to either contact the City's Solid Waste Division and arrange for a pick- up of the tote or leave the tote at the

~~dwelling, for a year to year term at the lease rate of six dollars and fifty five cents (\$6.55) per month (in 2016), and seven dollars and nine cents (\$7.09) per month (in 2017 and thereafter).~~

- (e) Disabled persons or persons needing assisted service who satisfy the following conditions are exempt from the requirement that refuse containers be taken to the curb for emptying on the designated collection dates, and for such persons, the containers may be placed at the front of the dwelling. To be exempt a disabled person or a person needing assisted collection must provide the following to the Director of Solid Waste within one (1) year of seeking assisted service:
- (1) Submit physician's written statement attesting to customer's inability to physically move container to the curb for collection and return it after collection and the probable duration of that disability; and
 - (2) Submit customer's written, signed statement that there is no person in the household who is able to physically move the container to the curb for collection and return it after collection.
- (f) Yard waste as defined herein, shall be collected by the City on a weekly basis for disposal and recycling at the City's Organic Resource Facility provided it is placed in containers furnished by leased from the City. Each owner, occupant or lessee of any single or multifamily dwelling shall separate and keep separate any yard waste from the remainder of the residential refuse for collection. ~~As of April 1, 2016~~ Yard waste shall not be placed in plastic bags for collection. Such yard waste shall be placed in containers furnished by leased from the City, or may be placed for special pick-up only, in paper or other biodegradable bags. Additionally, special pick-up may be scheduled for any tree limbs and brush of a diameter of less than four (4) inches which shall be bundled together in lengths of forty-eight (48) inches or less, ~~or for tree limbs and brush in excess of these dimensions~~, or for large quantities of yard waste, excluding tree limbs in excess of six inches in diameter and stumps. Nothing in this section shall prohibit any person from recycling yard wastes on their own property for their own use or from giving such yard waste to another for recycling or use; provided, however, that such recycling neither creates a public nuisance nor is otherwise injurious to the public health, welfare or safety. Nothing in this section shall be construed to prohibit the deposit of leaves in a neat and careful manner in the tree lawn or any street in the autumn during the period designated by the Department of Public Works for collection.
- (g) ~~Commencing January 1, 2016 the owner, O~~ccupant or lessee of any single or multifamily dwelling who desires City service of weekly yard waste pick-up and removal must participate in the City's yard waste program and use a City issued yard waste container. ~~lease from the City a yard waste container with capacity for either forty five (45) or ninety six (96) gallons of yard waste. The fee lease rate no matter which size container shall be two dollars (\$2.00) per month for the months of April through November, or sixteen dollars (\$16.00) per year. Should such container become substantially damaged or otherwise incapable of effective use through no fault of the City, the resident lessee may be responsible for the replacement of the container at actual cost.~~ Yard waste not placed in a City issued containers ~~leased from the City~~ will not be eligible for weekly pick-up and will be eligible only for special pick-up scheduled by the owner, occupant or lessee of any single or multifamily dwelling.

(h) The owner, occupant or lessee of any single or multifamily dwelling who desires special **pick-up** of yard waste shall schedule such **pick-up** with the City's **Solid Waste Division Organic Resource Facility** through the 311 Call Center subject to the **following** charges **set forth in Sec. 16-6(c)(1).** ~~on a per month basis:~~

(1) ~~Each month, the first large item or cubic yard (equates to 10 thirty-gallon paper bags) shall be free of charge. Each additional item or cubic yard shall follow the rate set forth in Sec. 16-6(c)(1)..~~

~~(1) Up to one (1) cubic yard (equivalent of ten (10) thirty (30) gallon garbage bags).....No charge~~

~~(2) Subsequent pick-up(s) of up to one half (1/2) cubic yard\$ 10.00~~

~~(3) Each cubic yard or more than one half (1/2) cubic yard thereafter20.00~~

~~(4) Per truckload (18 cubic yards)420.00~~

Sec. 16-9. – All residential waste collections excluding special trash or yard waste., including garbage ~~Garbage and trash to be collected in containers only.~~

Collections by the City shall be made only of residential refuse that is contained in **City issued** containers or as otherwise set out in section 16-8, above. In no event shall City collectors pick up, rake or sweep up garbage or household trash from the ground, except as provided in section 16-57.

Sec. 16-12. - Placement of garbage, yard waste, recycling and trash containers for collection.

- (a) Containers for residential refuse shall be placed in such places as to be readily accessible for the removal or emptying by the City and placed in such a manner and in such a place that such containers will not constitute a public nuisance in any respect.
- (b) Where alley collections are to be made **as exceptions to curbside collection**, such containers shall be placed within ~~five (5)~~ **two (2)** feet of the alley line at the time and day of collection, but shall not at any time be placed within the limits of the alley itself. ~~In those areas where, in the opinion of the Department of Public Works, collection by alley is not practical or feasible, or in those areas where no alleys exist at all, the containers shall be placed for collection in compliance with the rules and regulations that shall be adopted by the Department of Public Works.~~
- (c) ~~In those areas where alley collection is not available and~~ **curbside collection** refuse containers are allowed to be placed **within two (2) feet of the curb**, on the front yard or tree lawn for collection, such containers shall not be placed on the front yard or tree lawn area before 12:00 noon on the day prior to collection, and must be removed from the front yard or tree lawn area on the day of collection. Placing or leaving refuse containers on such areas at any other times shall constitute a public nuisance under Section 16-53 of this Chapter.
- (d) Residential refuse shall be placed for collection at the residence at which it was generated. It shall be a violation of this section for any person to place refuse for collection by the City or its contractor that was not generated at that residence or by the occupants or guests of that residence.

SECTION II. Chapter 16, Article 6, Sections 16-48(m) of the South Bend Municipal Code shall be amended to read in its entirety as follows:

ARTICLE 6. - DISPOSAL SITES AND SANITARY LANDFILLS

(Sections. 16-40-47 No changes)

Sec. 16-48. - Sanitary landfill operation requirements.

(Subparts (a) through (l), and (n) through (q)—no changes)

(m) Scavenging shall be permitted only if salvaged material is removed from the site daily and does not interfere with the orderly operation of the landfill. This Section in no way precludes the right of a landfill operator to prevent scavenging as a part of **their** his operational standards.

SECTION III. Chapter 16, Article 8, Sections 16- 55, 56, and Section 59 (b) of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 16-55. - Notice prior to abatement by City.

The Board of Public Works or its designee shall give forty-eight (48) hours' notice, in writing, to remove from any real or personal property within the City any object or condition which is deemed to be a public nuisance under Section 16-53 of this article. Such notice shall be given to the owner of record or **their** his agent, and to any tenant or occupant of the property upon which nuisance exists. Notice to the record owner may be mailed to **their** his last known address. Notice to any tenant or occupant may be given by posting same in a prominent place upon the premises where the nuisance is located.

Sec. 16-56. - Failure to comply with notice to abate.

Failure, neglect, or refusal by the record owner or **their** his agent, or the tenant or occupant, to comply with the terms of the notice given pursuant to Section 16-55 shall constitute a violation of this article. Each day's failure, neglect or refusal to abate the nuisance following notice pursuant to Section 16-55 shall constitute a separate offense under this Article.

Sec. 16-59. - Removal of vegetation.

- (a) *Definitions.* As used in this section, "weeds and rank vegetation" means grass and weeds over nine (9) inches high, but not including small trees and bushes.
- (b) *Notice.* The Department of Code Enforcement shall give forty-eight (48) hours' notice, in writing, to remove from any real or personal property within the City weeds and rank vegetation. Such notice shall be given to the owner of record or **their** his agent and to any tenant or occupant of the property upon which the weeds and rank vegetation exists. Notice to the record owner may be mailed to the last known address of the record owner. Notice to any tenant or occupant may be given by posting the same in a prominent place upon the premises where the weeds and rank vegetation exists.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval of the Mayor and any publication required by law.

Member, South Bend Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2____, at _____ o'clock _____.m.

City Clerk

Approved and signed by me on the _____ day of _____, 2____, at _____ o'clock, _____.m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office
SEP 07 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

227 W. JEFFERSON BOULEVARD
SUITE 1316
SOUTH BEND, IN 46601-1830

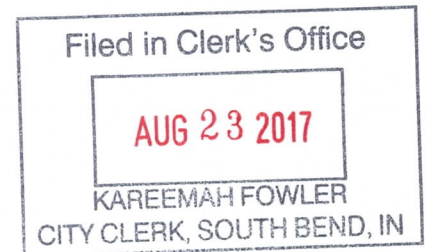


PHONE: 574/235-9251
FAX: 574/235-9171

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF PUBLIC WORKS
ERIC HORVATH, DIRECTOR

August 23, 2017

Tim Scott
Council President
South Bend Common Council
227 West Jefferson Blvd.; Suite 400 S
South Bend, Indiana 46601



Council President Tim Scott,

I am pleased to submit to you amendments to Chapter 16 of the Municipal Code to address procedures and fees related to Trash, Refuse and other Solid Waste collection and disposal. These changes to the Ordinance will allow City staff to be more responsive to the needs of our residents.

The primary purpose of the proposed changes to Section 16 are:

- 1- To make the current fee structure easier to understand,
- 2- To add service fees that help eliminate the abuse of the program; and
- 3- To clarify and improve the language of pertinent sections of the South Bend Municipal Code

I will be presenting this ordinance to the Council at its Committee and regular meetings, accompanied by Michael Bronstetter, Director of Solid Waste, who can answer operational questions.

If you have any questions, please do not hesitate to reach out to me.

Sincerely,

Jitin Kain
Deputy Director, Public Works

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE SOUTH BEND MUNICIPAL CODE AT CHAPTER 16, ARTICLE 2, SECTIONS 16-6 THROUGH 16-9, AND 16-12; ARTICLE 3, AT SECTION 16-24; ARTICLE 6, AT SECTION 16-48(m); ARTICLE 8, AT SECTIONS 16-55-56 AND 16-59 (b), TO ADDRESS PROCEDURES AND SPECIAL FEES RELATED TO TRASH, REFUSE, AND OTHER SOLID WASTE COLLECTION AND DISPOSAL

STATEMENT OF PURPOSE AND INTENT

In recent years, the City enacted changes to its trash, refuse and solid waste ordinance, contained within Chapter 16 of the South Bend Municipal Code, most recently, in 2015 (Ord. No. 10400-15 and 10401-15) to require use of yard waste containers. Since these recent ordinance amendments, the City has identified abuses and imperfections with the collection and disposal process. This ordinance, by introducing fees for special trash collection, special yard waste collection, return trips by the City, among others, is intended to address some of the problems that have arisen.

This ordinance also clarifies and improves the language of pertinent sections of the South Bend Municipal Code.

It is in the best interest of the City that this ordinance be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. Chapter 16, Article 2, Sections 16-6 through 16-9 and Section 16-12 of the South Bend Municipal Code shall be amended to read in their entirety as follows:

CHAPTER 16 - REFUSE

ARTICLE 2. - COLLECTION AND DISPOSAL

Sec. 16-6. - Collection of residential refuse; exceptions; fees.

- (a) The City shall have exclusive jurisdiction over and the exclusive right to control the collection and disposal of residential refuse within the boundaries of the City of South Bend. The City

may exercise its exclusive jurisdiction and right to control residential refuse by providing collection and disposal services itself, or the City may, through its Board of Public Works, contract with or formally permit others to provide collection and disposal services on its behalf. No residential refuse, as defined in this Chapter, shall be collected or disposed of except by the City or by a person or company under contract with or permitted by the City to provide such services.

(b) Exceptions and exemptions:

(1) Nothing in this Chapter shall prevent any person who generates or produces residential refuse on property owned or leased by such person from separating recyclable materials from such residential refuse and either; (1) maintaining title to such recyclable materials for his their own use; or (2) disposing of such recyclable materials by participating in a recycling program; or by sale or gift; provided, however, that such separation and disposition neither creates a public nuisance, nor is otherwise injurious to the public health, welfare and safety.

~~(2) Nothing in this Chapter shall prevent a person from purchasing or receiving by gift recyclable materials for processing or other use; provided, however, that it shall be a violation of this section for any person to scavenge or remove recyclables from or near bins placed for removal of recyclables by the City or its contractor.~~

~~(2)~~(3) Nothing in this Chapter shall prevent the removal from residential premises of discarded building materials, trees, brush and other vegetation resulting from the activities of building contractors, commercial tree trimmers or commercial lawn services; provided, however, that such residential refuse so removed that falls within the definition of yard waste shall either be disposed of at the City's Organic Resource Facility as provided in article 4, below, collected by the City or shall be otherwise recycled in a manner approved by the Director of the Department of Public Works.

~~(3)~~(4) Nothing in this Chapter shall prevent a person from contracting with a private contractor for the removal of appliances, furniture, tree limbs, demolition debris or other waste that would require special equipment or special scheduling for removal by the Bureau Division of Solid Waste.

(c) The City shall charge the owner or occupant of each occupied residence within the City for the collection and disposal of residential refuse according to the following schedule:

(1) Rates and Charges

MONTHLY RATES		
	2016	2017*
Within City of South Bend Limits:		
Family Dwellings:		

One-family dwelling	\$11.52 (1)	\$12.48
<u>One-family dwelling Outside City of South Bend Limits</u>		\$16.22
Two-family dwelling**	18.06 (1)	\$19.57
Three-Family dwelling**	24.61 (1)	\$26.66
Four Family Dwelling**	31.16 (1)	\$33.76
Senior rate***	6.91 (1)	\$7.49
<u>Senior rate*** Outside City of South Bend Limits</u>		<u>\$9.36</u>
Commercial	13.82	\$16.22
<u>Yard Waste weekly collection****</u>		<u>\$2.00</u>
— <u>Outside City of South Bend Limits:</u>		
<u>— Residential — Outside City of South Bend Limits:</u>	13.82	<u>\$16.22</u>
<u>— Residential Senior***</u>	8.64	<u>\$9.36</u>
Additional Trash Container (per container)	6.55	\$7.09
<u>Additional Yard Waste Bin Container (per container) ****</u>	16.00	<u>\$2.00</u>
<u>Tote Replacement Fee</u>		<u>\$50.00</u>
<u>Special Trash Collection per cubic yard</u>		<u>\$20.00</u>
<u>Special Yard Waste Collection per cubic yard</u>		<u>\$10.00</u>
<u>Return Trip fee</u>		<u>\$10.00</u>
<u>Contamination Fee</u>		<u>\$10.00</u>

<u>Administrative Fee</u>	<u>\$10.00</u>
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* Until further amended.

** With one water meter.

*** Where one resident/occupant of the account the head of the household has submitted to the Board of Public Works proof of address and proof of being age sixty-five (65) or older.

**** Annual eCharge for the yard waste season which is billed monthly for weekly service during the months of April through November eight (8) months of the year.

- (2) The City shall provide, contract with others, or, by permit, allow others to provide specialized collection services, which allow for collection of residential refuse from areas other than curbside or alley side. If the City provides specialized collection services, itself, or by contract with others, the monthly charge for such service shall be set by the South Bend Common Council. If specialized collection services are provided by a permittee of the City, the monthly charge shall be subject to negotiation between the customer and the permittee; and such fee shall be collected by the permittee. The services provided by the permittee shall be governed by rules and regulations adopted by the Board of Public Works.
- (3) The City may provide or contract with others to provide curbside collection of recyclables. If such collection is performed by the City, the fee for such service may be set by the Board of Public Works after a public hearing to a fee reflective of the actual cost to the City of providing such service. If the service is performed by a contractor selected pursuant to a public bid process, the monthly fee for such service to the public may be determined by the bid or may be set by the Board of Public Works ~~as set out above.~~
- (4) Special Collection, such as the pick-up of appliances, furniture and other miscellaneous items: Appliances, furniture and other miscellaneous items which, in the opinion of the Director manager of the Division of Solid Waste Bureau of Solid Waste, require special equipment or special scheduling, shall be picked up by the City from residential customers subject to the following charges:
 - (1) Each month, the first large item or cubic yard (for example, appliance, sofa, etc.) shall be free. Each additional item or cubic yard shall follow the rate structure set forth in Sec. 16-6(c)(1).No Charge
 - ~~(2) Second large item or 1/2 cubic yard of construction and demolition debris\$ 10.00~~
 - ~~(3) Per cubic yard20.00~~
 - ~~(4) Per truck load (18 cubic yards)420.00~~

The Director of the Division of Solid Waste ~~Manager of the Bureau of Solid Waste~~ shall, upon request, provide the customer with an estimated removal cost. In such a case,

the items will be removed by the Division ~~Bureau~~ only after acceptance by the customer of the estimated removal costs.

- ~~(d) If the City elects to charge a fee for the collection of recyclables, the City may do so in a manner set forth in Sec. 16(c)(1). The City shall charge the owner or occupant of each occupied single-family residence and individual unit within a multifamily residence of up to four (4) units the sum of one dollar and ninety-seven cents (\$1.97) per month for the collection of recyclables.~~
- ~~(e) Charges for City collection of residential refuse and recyclables shall be added to the residential unit's water meter charges and collected as are bills for water services.~~
- ~~(d) (f) It is the responsibility of the owners, occupants or tenants of abutting property to keep all alleys used by any sanitation vehicles clean, orderly and passable at all times.~~

Sec. 16-7. - Collection of refuse; commercial and industrial.

- (a) The collection of refuse and a proper system for disposal of the same may be undertaken by any person, organization or corporation for all commercial, retail, industrial, professional, apartment, institutional or governmental units subject to the provisions of this Chapter and under the supervision of the Department of Public Works. The term "apartment units" as used in this section refers to multi-building apartment complexes and to individual apartment buildings with more than four (4) separate apartments or living units per building.
- (b) It is the responsibility of every owner, tenant or lessee to provide a proper system for collection and disposal of refuse for all commercial, retail, industrial, professional, apartment, institutional, or governmental units at least once a week subject to the provisions of this Chapter.
- (c) The collection of commercial or industrial waste, refuse, trash and garbage of any kind, type or nature shall not be the responsibility of the City, but if the City elects to may engage in such collection activities, the fee shall be set by the Board of Public Works.

Sec. 16-8. - Use of any City-furnished refuse containers required; disabled customer exception; nonrecurring charge for new users; separation of yard waste; and required use of City-furnished yard waste containers; paper or other biodegradable bags.

- (a) ~~Each single-family, two-family, three-family and four-family dwelling shall be provided by the City with one (1) solid waste container for each family unit.~~ It shall be the duty of the dwelling occupant to keep the cover of the this container tightly fitted when refuse is contained in the container, and to remove the container from the collection site promptly after collection by the City and no later than twenty-four (24) hours thereafter. No container other than the one provided by the City shall be used for solid waste removal, and all refuse must be placed in the container and moved to the place of pickup by 6:00 a.m. on the designated collection date. If the customer does not receive the regularly scheduled weekly service through no fault of the City, customer shall be charged a "Return Trip" fee as set forth in Sec. 16-6(c)(1). Should the solid waste refuse of a dwelling habitually exceed the limits of the furnished solid waste container, the City may require the dwelling occupant to use a second City-furnished container ~~or the dwelling unit occupant may choose to use a second City-furnished container~~

~~at the rate set forth in Sec. 16-6(c)(1) additional charge of six dollars and fifty-five cents (\$6.55) per month (in 2016), and seven dollars and nine cents (\$7.09) per month (in 2017 and thereafter) on a mandatory year to year basis as provided in Subsection (d) of this section.~~

- (b) No person shall deposit refuse in any solid waste container in a manner which prevents complete closure of the container's cover or deposit refuse on top of such container in a manner that interferes with opening of the container, nor shall any person pile or stack refuse against such a container. No person shall deposit refuse in any solid waste container that will contaminate the waste stream. Should it be determined by the City's Solid Waste Division that the customer deposited contaminate in the solid waste container, the customer shall receive a warning from the City's Solid Waste Division. If the customer continues to deposit such contaminate, customer shall be charged a contamination fee as set forth in Sec. 16-6(c)(1).
- (c) It is the duty of a dwelling occupant to maintain the container in clean condition after each removal of container contents and to remove any litter from the area surrounding the container.
- (d) The initial container furnished to owners, agents or occupants of dwellings as provided in this section shall be free of charge. New or subsequent dwelling owners, agents or occupants, shall pay an initial nonrecurring service ~~fee of ten dollars (\$10.00) set forth in Sec. 16-6(c)(1),~~ to cover the City's administrative cost of delivery and furnishing the refuse container. Should a container become substantially damaged or otherwise incapable of effective use through no fault of the City, a new container may be provided at the actual tote replacement fee set forth in Sec. 16-6(c)(1), cost. Any dwelling unit using more than one (1) refuse container or habitually having refuse exceeding capacity of the furnished container shall be required to use lease a second container at the rate set forth in Sec. 16-6(c)(1). In the event that a tote is stolen, and the resident is able to provide evidence of a police report related to such theft, the City shall supply one (1) free replacement tote per calendar year. The tote is expected to remain at the dwelling. Should the customer move, the customer is expected to either contact the City's Solid Waste Division and arrange for a pick- up of the tote or leave the tote at the dwelling. for a year to year term at the lease rate of six dollars and fifty-five cents (\$6.55) per month (in 2016), and seven dollars and nine cents (\$7.09) per month (in 2017 and thereafter).
- (e) Disabled persons or persons needing assisted service who satisfy the following conditions are exempt from the requirement that refuse containers be taken to the curb for emptying on the designated collection dates, and for such persons, the containers may be placed at the front of the dwelling. To be exempt a disabled person or a person needing assisted collection must provide the following to the Director of Solid Waste within one (1) year of seeking assisted service:
- (1) Submit physician's written statement attesting to customer's inability to physically move container to the curb for collection and return it after collection; and
 - (2) Submit customer's written, signed statement that there is no person in the household who is able to physically move the container to the curb for collection and return it after collection.
- (f) Yard waste as defined herein, shall be collected by the City on a weekly basis for disposal and recycling at the City's Organic Resource Facility provided it is placed in containers furnished by leased from the City. Each owner, occupant or lessee of any single or multifamily dwelling

shall separate and keep separate any yard waste from the remainder of the residential refuse for collection. ~~As of April 1, 2016~~ Yard waste shall not be placed in plastic bags for collection. Such yard waste shall be placed in containers ~~furnished by leased from~~ the City, or may be placed for special pick up only, in paper or other biodegradable bags. Additionally, special pick up may be scheduled for any tree limbs and brush of a diameter of less than four (4) inches which shall be bundled together in lengths of forty-eight (48) inches or less, ~~or for tree limbs and brush in excess of these dimensions~~, or for large quantities of yard waste, excluding tree limbs in excess of six inches in diameter and stumps. Nothing in this section shall prohibit any person from recycling yard wastes on their own property for their own use or from giving such yard waste to another for recycling or use; provided, however, that such recycling neither creates a public nuisance nor is otherwise injurious to the public health, welfare or safety. Nothing in this section shall be construed to prohibit the deposit of leaves in a neat and careful manner in the tree lawn or any street in the autumn during the period designated by the Department of Public Works for collection.

- (g) ~~Commencing January 1, 2016 the owner, Occupant~~ or lessee of any single or multifamily dwelling who desires City service of weekly yard waste pick up and removal must participate in the City's yard waste program and use a City issued yard waste container. ~~lease from the City a yard waste container with capacity for either forty five (45) or ninety six (96) gallons of yard waste. The fee lease rate no matter which size container shall be two dollars (\$2.00) per month for the months of April through November, or sixteen dollars (\$16.00) per year. Should such container become substantially damaged or otherwise incapable of effective use through no fault of the City, the resident lessee may be responsible for the replacement of the container at actual cost.~~ Yard waste not placed in a City issued containers leased from the City will not be eligible for weekly pick up and will be eligible only for special pick up scheduled by the owner, occupant or lessee of any single or multifamily dwelling.
- (h) The owner, occupant or lessee of any single or multifamily dwelling who desires special pick up of yard waste shall schedule such pick up with the City's Solid Waste Division Organic Resource Facility through the 311 Call Center subject to the following charges set forth in Sec. 16-6(c)(1). ~~on a per month basis:~~
- (1) Each month, the first large item or cubic yard (equates to 10 thirty-gallon paper bags) shall be free of charge. Each additional item or cubic yard shall follow the rate set forth in Sec. 16-6(c)(1)..
 - ~~(1) Up to one (1) cubic yard (equivalent of ten (10) thirty (30) gallon garbage bags).....No charge~~
 - ~~(2) Subsequent pick up(s) of up to one half (1/2) cubic yard\$ 10.00~~
 - ~~(3) Each cubic yard or more than one half (1/2) cubic yard thereafter20.00~~
 - ~~(4) Per truckload (18 cubic yards)420.00~~

Sec. 16-9. – All residential waste collections excluding special trash or yard waste, ~~including garbage Garbage and trash to be collected in containers only.~~

Collections by the City shall be made only of residential refuse that is contained in City issued containers or as otherwise set out in section 16-8, above. In no event shall City collectors pick up,

rake or sweep up garbage or household trash from the ground, except as provided in section 16-57.

Sec. 16-12. - Placement of garbage, yard waste, recycling and trash containers for collection.

- (a) Containers for residential refuse shall be placed in such places as to be readily accessible for the removal or emptying by the City and placed in such a manner and in such a place that such containers will not constitute a public nuisance in any respect.
- (b) Where alley collections are to be made as exceptions to curbside collection, such containers shall be placed within ~~five (5)~~ two (2) feet of the alley line at the time and day of collection, but shall not at any time be placed within the limits of the alley itself. ~~In those areas where, in the opinion of the Department of Public Works, collection by alley is not practical or feasible, or in those areas where no alleys exist at all, the containers shall be placed for collection in compliance with the rules and regulations that shall be adopted by the Department of Public Works.~~
- (c) ~~In those areas where alley collection is not available and~~ curbside collection refuse containers are allowed to be placed within two (2) feet of the curb, on the front yard or tree lawn for collection, such containers shall not be placed on the front yard or tree lawn area before 12:00 noon on the day prior to collection, and must be removed from the front yard or tree lawn area on the day of collection. Placing or leaving refuse containers on such areas at any other times shall constitute a public nuisance under Section 16-53 of this Chapter.
- (d) Residential refuse shall be placed for collection at the residence at which it was generated. It shall be a violation of this section for any person to place refuse for collection by the City or its contractor that was not generated at that residence or by the occupants or guests of that residence.

SECTION II. Chapter 16, Article 6, Sections 16-48(m) of the South Bend Municipal Code shall be amended to read in its entirety as follows:

ARTICLE 6. - DISPOSAL SITES AND SANITARY LANDFILLS

(Sections. 16-40-47 No changes)

Sec. 16-48. - Sanitary landfill operation requirements.

(Subparts (a) through (l), and (n) through (q)—no changes)

- (m) Scavenging shall be permitted only if salvaged material is removed from the site daily and does not interfere with the orderly operation of the landfill. This Section in no way precludes the right of a landfill operator to prevent scavenging as a part of ~~their~~ his operational standards.

SECTION III. Chapter 16, Article 8, Sections 16- 55, 56, and Section 59 (b) of the South Bend Municipal Code shall be amended to read in its entirety as follows:

Sec. 16-55. - Notice prior to abatement by City.

The Board of Public Works or its designee shall give forty-eight (48) hours' notice, in writing, to remove from any real or personal property within the City any object or condition which is deemed to be a public nuisance under Section 16-53 of this article. Such notice shall be given to the owner of record or their his agent, and to any tenant or occupant of the property upon which nuisance exists. Notice to the record owner may be mailed to their his last known address. Notice to any tenant or occupant may be given by posting same in a prominent place upon the premises where the nuisance is located.

Sec. 16-56. - Failure to comply with notice to abate.

Failure, neglect, or refusal by the record owner or their his agent, or the tenant or occupant, to comply with the terms of the notice given pursuant to Section 16-55 shall constitute a violation of this article. Each day's failure, neglect or refusal to abate the nuisance following notice pursuant to Section 16-55 shall constitute a separate offense under this Article.

Sec. 16-59. - Removal of vegetation.

- (a) *Definitions.* As used in this section, "weeds and rank vegetation" means grass and weeds over nine (9) inches high, but not including small trees and bushes.
- (b) *Notice.* The Department of Code Enforcement shall give forty-eight (48) hours' notice, in writing, to remove from any real or personal property within the City weeds and rank vegetation. Such notice shall be given to the owner of record or their his agent and to any tenant or occupant of the property upon which the weeds and rank vegetation exists. Notice to the record owner may be mailed to the last known address of the record owner. Notice to any tenant or occupant may be given by posting the same in a prominent place upon the premises where the weeds and rank vegetation exists.

SECTION IV. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval of the Mayor and any publication required by law.

Member, South Bend Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2____, at _____ o'clock ____ .m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____,
at _____ o'clock, _____.m.

Mayor, City of South Bend, Indiana

Filed in Clerk's Office
AUG 23 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

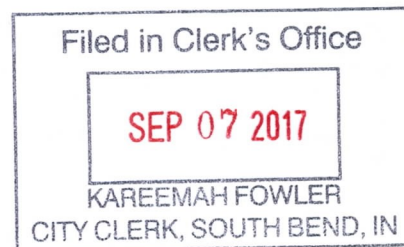
AREA BOARD OF ZONING APPEALS

125 S. Lafayette Blvd.
Suite 100
South Bend, Indiana 46601
(574)235-9554
FAX: (574)235-5541

September 7, 2017

The Honorable Common Council South Bend
Of the City of South Bend
4th Floor, County-City Building
South Bend, Indiana 46601

RE: Petition for Special Exception
Roel Alvarez
09/06/17



Dear Council Members:

The above referenced petition of Roel Alvarez was legally advertised on August 19, 2017. The Area Board of Zoning Appeals gave it a public hearing on September 6, 2017, at which time the following action was taken:

Upon a motion by Ms. Schuth, being seconded by Mr. Urbanski and by a unanimous vote, the petition for Special Exception to allow a duplex in a "SF2" District, located at 1206 Dunham Street, Portage Township, zoned "SF2" is sent to the Common Council with a **Favorable Recommendation**.

The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision as shown in the Minutes of the Public Hearing, and will be forwarded to you at a later date, to be made part of this report.

Sincerely,

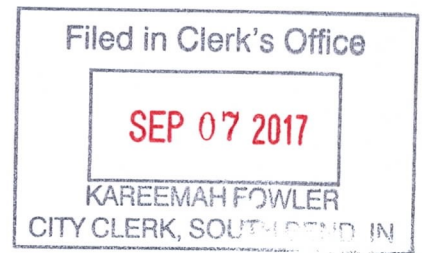
Charles C. Bulot, C.B.O. Building
Commissioner

CCB/cah

PETITION

SPECIAL EXCEPTION PURSUANT 21-09.3(D)
AREA BOARD OF ZONING APPEALS

Alvarez



FINDINGS OF FACT

1. THE PROPOSED *USE* WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, COMFORT, COMMUNITY MORAL STANDARDS, CONVENIENCE OR GENERAL WELFARE BECAUSE:
Allowing a duplex on the site will not impact the general welfare of the neighborhood. The proposed reduction in parking spaces will be sufficient to serve the site and should not affect the public health and safety of adjacent property owners and the traveling public.
2. THE PROPOSED *USE* WILL NOT INJURE OR ADVERSELY AFFECT THE *USE* OF THE ADJACENT AREA OR PROPERTY VALUES THEREIN BECAUSE:
The duplex will continue to be maintained as a residential structure. The adjacent property values should not be affected.
3. THE PROPOSED *USE* WILL BE CONSISTENT WITH THE CHARACTER OF THE *DISTRICT* IN WHICH IT IS LOCATED AND THE LAND USES AUTHORIZED THEREIN BECAUSE:
Allowing this Special Exception Use will not be out of character for the area. The proposed use will have a minimal impact on the neighborhood.
4. THE PROPOSED *USE* IS COMPATIBLE WITH THE RECOMMENDATIONS OF THE CITY OF SOUTH BEND *COMPREHENSIVE PLAN* BECAUSE:
The Special Exception use is consistent with the comprehensive plan (City Plan, 2004). Goal J: Encourage sustainable growth that preserves and enhances the character of South Bend and ensures compatibility of land uses in the community.

CONDITIONS OR REVISIONS:
Click here to enter text.

DECISION

IT IS THEREFORE the decision of the Board that this request for Special Exception shall be passed onto the City of South Bend Common Council with a **FAVORABLE RECOMMENDATION**

ADOPTED this 6th Day of September, 2017

<u>MOTION</u>	<u>SECOND</u>	<u>RECUSED</u>	<u>ABSENT</u>	<u>YES</u>	<u>NO</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MICHAEL URBANSKI
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANDALL MATTHYS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KATHY SCHUTH
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JOHN LESZCZYNSKI
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JACK YOUNG
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROBERT HAWLEY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRENDAN CRUMLISH

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE AREA
BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT**

1206 DUNHAM ST.

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

1206 DUNHAM ST.

in order to permit

A special Exception to allow a duplex in a "SF2" District

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

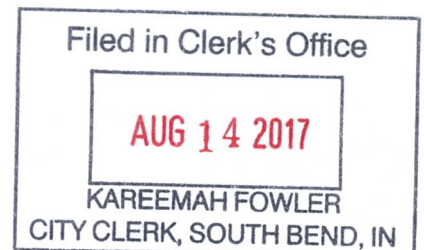
SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED

NOT APPROVED

RECORDED

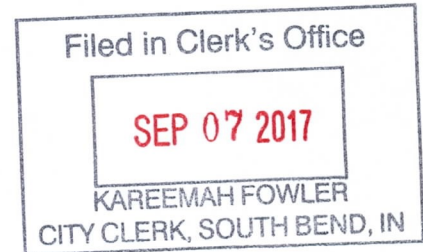


AREA BOARD OF ZONING APPEALS

125 S. Lafayette Blvd.
Suite 100
South Bend, Indiana 46601
(574)235-9554
FAX: (574)235-5541

September 7, 2017

The Honorable Common Council South Bend
Of the City of South Bend
4th Floor, County-City Building
South Bend, Indiana 46601



RE: Petition for Special Exception
New Beginnings Properties, LLC
09/06/17

Dear Council Members:

The above referenced petition of New Beginnings, LLC was legally advertised on August 19, 2017. The Area Board of Zoning Appeals gave it a public hearing on September 6, 2017, at which time the following action was taken:

Upon a motion by Mr. Urbanski, being seconded by Mr. Hawley and by a unanimous vote, the petition for Special Exception to allow a single family residence in a "MU" District, located at 602 W. Colfax Ave., Portage Township, zoned "SF2" is sent to the Common Council with a **Favorable Recommendation.**

The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision as shown in the Minutes of the Public Hearing, and will be forwarded to you at a later date, to be made part of this report.

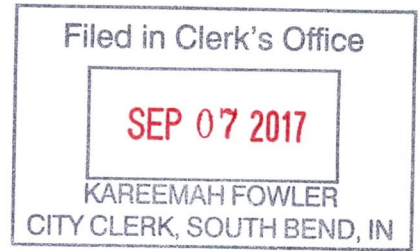
Sincerely,

Charles C. Bulot, C.B.O. Building
Commissioner

CCB/cah

PETITION

SPECIAL EXCEPTION PURSUANT 21-09.3(D)
AREA BOARD OF ZONING APPEALS
New Beginnings Properties, LLC



FINDINGS OF FACT

1. THE PROPOSED *USE* WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, COMFORT, COMMUNITY MORAL STANDARDS, CONVENIENCE OR GENERAL WELFARE BECAUSE:
This special exception would in no way impede or be an inconvenience to, or affect the public health, safety, or general welfare of the neighborhood. The structure is suited for residential purposes, though the proximity of the structure to property lines creates practical difficulties in meeting off-street parking requirements in accordance with the current parking standards.
2. THE PROPOSED *USE* WILL NOT INJURE OR ADVERSELY AFFECT THE *USE* OF THE ADJACENT AREA OR PROPERTY VALUES THEREIN BECAUSE:
The house was originally designed as a single family residential home. Allowing this single family residence in an area of residential and mixed uses is fitting and should not adversely affect the adjacent property values.
3. THE PROPOSED *USE* WILL BE CONSISTENT WITH THE CHARACTER OF THE *DISTRICT* IN WHICH IT IS LOCATED AND THE LAND USES AUTHORIZED THEREIN BECAUSE:
This site is in a neighborhood with a variety of residential and mixed-use development. Allowing this Special Exception Use for will not be out of character for the area.
4. THE PROPOSED *USE* IS COMPATIBLE WITH THE RECOMMENDATIONS OF THE CITY OF SOUTH BEND *COMPREHENSIVE PLAN* BECAUSE:
The proposed use is consistent with City Plan. South Bend Comprehensive Plan (November 2006) Policy H1 .1 Encourage residential developments to contain a mix of housing types, densities, price ranges, and amenities.

DECISION

IT IS THEREFORE the decision of the Board that this request for Special Exception shall be passed onto the City of South Bend Common Council with a **FAVORABLE RECOMMENDATION**

ADOPTED this 6th Day of September, 2017

<u>MOTION</u>	<u>SECOND</u>	<u>RECUSED</u>	<u>ABSENT</u>	<u>YES</u>	<u>NO</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MICHAEL URBANSKI
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RANDALL MATTHYS
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JACK YOUNG
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROBERT HAWLEY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRENDAN CRUMLISH

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE
AREA BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT
602 W. Colfax Ave. South Bend, Indiana 46601**

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for the property located at:

602 W. Colfax Ave. South Bend, Indiana 46601

in order to permit

a special exception to allow a single family residence in a "mixed use district" and a variance from the required 1 off street parking space to none.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

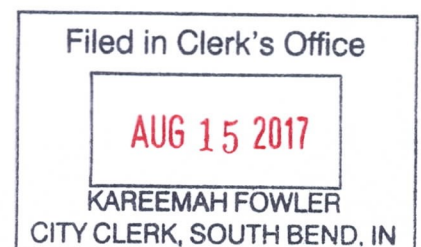
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED
NOT APPROVED
ADOPTED





City of South Bend Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601-1830

(574) 235-9321
Fax (574) 235-9173
TDD: (574) 235-5567
<http://www.southbend.in.gov>

Tim Scott
President

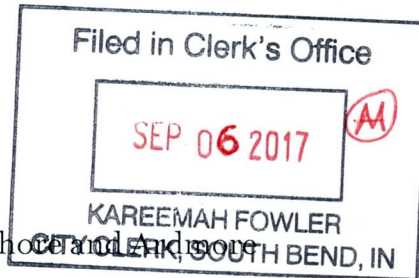
September 6, 2017

Oliver Davis
Vice-President

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Gavin Ferlic
Chairperson, Committee
of the Whole

Re: Proposed Resolution Regarding South Shore
Neighborhood



Tim Scott
First District

Dear Council Members,

Regina Williams Preston
Second District

Greetings. Please kindly consider supporting this resolution which is a request of the South Bend Redevelopment Commission by the South Bend Common Council regarding the upcoming decision that pertains to using \$25 million dollars to help finance the Double Tracking of the South Shore Line with respect to the People who live in the Ardmore Neighborhood.


Randy Kelly
Third District

Jo M. Broden
Fourth District

David Varner
Fifth District

Sincerely,


Oliver Davis
Sixth District


Oliver Davis
Common Council Vice President
Councilmember 6th District


Karen L. White
Councilmember At Large

Gavin Ferlic
At Large

John Voorde
At Large


Regina Preston
Councilmember 2nd District


John Voorde
Councilmember At Large

Karen White
At Large

BILL NO. 17-56
RESOLUTION NO. _____

A RESOLUTION BY THE SOUTH BEND COMMON COUNCIL ADDRESSING THE CITY OF SOUTH BEND REDEVELOPMENT COMMISSION UTILIZING THE RIVER WEST TIF DISTRICT OF SOUTH BEND FOR THE \$25 MILLION DOLLARS TO HELP FINANCE THE DOUBLE TRACKING OF THE SOUTH-SHORE LINE WITH RESPECT TO THE PEOPLE WHO LIVE IN THE ARDMORE NEIGHBORHOOD

Whereas, Ardmore is an unincorporated community in Portage Township, St. Joseph County, on the northwest side of South Bend, Indiana - https://en.wikipedia.org/wiki/Ardmore,_Indiana; and

Whereas, the re-routing of the South Shore line tracks would cause a great burden both financially and emotionally to the current residents of the Ardmore Neighborhood. The proposed plan to move the tracks would cause a relocation of many of the long term residents which would bring both the emotional and financial burdens, with various local reports expressing that an estimated 35 to 40 homes in the Ardmore Neighborhood area would have to be acquired to accommodate a re-routing of the railroad's approach to the terminal at the South Bend International Airport - <http://www.wndu.com/content/news/230-LIVESTREAM-South-Shore-reroute-media-briefing-434523923.html>; <http://www.wndu.com/content/news/South-Shore-project-moves-forward-with-local-funding-429723993.html>; and

Whereas, the residents of the Ardmore Neighborhood have a petition, which has over 300 signatures in hopes that South Shore organizers might take a look at the actual people living in those homes which could be affected by the re-routing of the South Shore line tracks - <http://www.abc57.com/news/ardmore-neighborhood-group-fights-to-save-homes-from-south-shore-rerouting>; and

Whereas, various City, County and Business Leaders say they have a prime opportunity to change the modest population growth in our area, which has grown for each of the past four years, but has trailed the State of Indiana's growth rate, by double-tracking part of the South Shore Line, which would eliminate the need for the passenger line to wait for oncoming freight trains, and realigning the South Shore's approach to South Bend International Airport - http://www.southbendtribune.com/news/local/south-bend-st-joseph-county-will-commit-millions-for-faster/article_22b2d4c1-4737-5855-b9cf-f75830484b11.htm; and

Whereas, South Bend Mayor Pete Buttigieg shared that the City of South Bend would tap its River West TIF district for the \$25 million dollars to help finance the double-tracking part of the South Shore Line, which would eliminate the need for the passenger line to wait for oncoming freight trains, and realigning the South Shore's approach to South Bend International Airport. The City of South Bend would try to later get the money reimbursed from federal sources - http://www.southbendtribune.com/news/politics/st-joseph-county-money-for-south-shore-double-tracking-in/article_74481930-ad94-5c0a-a221-4c6de143d806.html; http://www.southbendtribune.com/news/local/south-bend-st-joseph-county-will-commit-millions-for-faster/article_22b2d4c1-4737-5855-b9cf-f75830484b11.html; and

Whereas, South Bend Mayor Pete Buttigieg, when asked whether reducing the trip by 10 minutes is worth \$25 million, expressed, "The answer is in the economic impact," he said. "We're talking about a game changer for economic growth. It's hard to think of something that would have a bigger potential bang for the buck than something like this," he said. "We recognize it's not a small commitment, especially for the county with some of the pressure it's under fiscally, but we also see the return on investment that could make it one of the best bets we've ever placed." - http://www.southbendtribune.com/news/local/south-bend-st-joseph-county-will-commit-millions-for-faster/article_22b2d4c1-4737-5855-b9cf-f75830484b11.html, and

Whereas, it is believed that there are ways to promote the South Shore Line plans for faster transportation service between the cities of South Bend and Chicago, which is for the betterment of the residents who live in the City of South Bend as it relates to their transportation needs and at the same time promote saving the homes in the Ardmore Neighborhood, which is in keeping with the South Bend Common Council's Mission Statement: To make certain that our City Government is always responsive to the needs of our residents & that the betterment of South Bend is always our highest priority - <http://wsbt.com/news/local/study-underway-to-help-the-south-shore-line-reroute-and-decrease-ride-time>; <https://www.southbendin.gov/government/departments/common-council>.

The following actions are respectfully being requested of the South Bend Common Council to the South Bend Redevelopment Commission for its thoughtful consideration:

Section I. That the \$25 million dollars of tax funds from the River West TIF Fund be solely approved with the understanding of the following specifics:

- That the decision regarding the rerouting of the South Shore Tracks includes the rerouting plan which best promotes the preservation of the houses in the Ardmore Neighborhood area as determined by two or more firms who have expertise in the areas of architectural, engineering and surveying industry and with the public involvement with the Ardmore Neighbors who are affected by the rerouting plans;
- That if any house in the Ardmore Neighborhood is acquired in the rerouting of the South Shore Tracks, that those affected would be made financially whole as it relates to their relocation process needs;
- That the City of South Bend will assure the citizens of the River West TIF district that any of the TIF tax funds which are used to reroute the South Shore Tracks will be reimbursed to the River West TIF district from state and/or federal sources within a time frame not to exceed three years.

Section II. This resolution shall be enacted upon the passage of the South Bend Common Council and signed by the Mayor of South Bend, Indiana

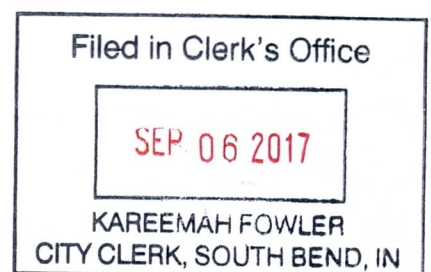
Oliver J. Davis, 6th District
Common Council Vice President

Karen L. White, At Large

Regina Williams Preston, 2nd District

John Voorde, At Large

PRESENTED
~~NOT APPROVED~~
ADOPTED





LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

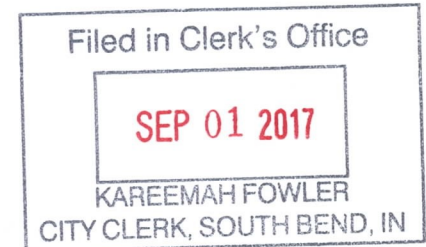
Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

September 1, 2017

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601



RE: Rezoning for 3333 N. Kenmore Street, South Bend, IN
APC# 2840-17

Dear Council Members:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your September 11, 2017 Council meeting, and set it for public hearing at your October 23, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the October 17, 2017 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Stanton'.

David M Stanton, Jr.
Planner

CC: Bob Palmer

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3333 N. KENMORE ST, COUNCILMANIC DISTRICT NO.1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT
Manufacturing Pharmaceutical and Consumer Products

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

PARCEL 1: A PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, COUNTY OF ST. JOSEPH, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE SOUTH 89°48'05" WEST (THE BEARING OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 28 IS ASSUMED NORTH 90°00'00" WEST), A DISTANCE OF 1,345.00 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 0°00'22" WEST, A DISTANCE OF 50.00 FEET TO THE WESTERN BOUNDARY OF KENMORE STREET AND THE POINT OF BEGINNING; THENCE SOUTH 0°00'23" WEST, A DISTANCE OF 146.47 FEET ALONG THE WESTERN BOUNDARY; THENCE SOUTHERLY ALONG SAID BOUNDARY 297.10 FEET ALONG AN ARC TO THE LEFT HAVING A RADIUS OF 1,949.86 FEET AND SUBTENDED BY A LONG CORD HAVING A BEARING OF SOUTH 04°21'31" EAST AND A LENGTH OF 296.77 FEET; THENCE SOUTH 89°48'05" WEST, A DISTANCE OF 499.31 FEET; THENCE NORTH 00°02'41" EAST, A DISTANCE OF 452.50 FEET TO THE SOUTH BOUNDARY OF CLEVELAND ROAD; THENCE NORTH 89°48'05" EAST, A DISTANCE OF 466.42 FEET ALONG SAID SOUTH BOUNDARY; THENCE SOUTH 45°05'46" EAST, A DISTANCE OF 14.12 FEET TO THE POINT OF BEGINNING,

PARCEL 2: A PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, COUNTY OF ST. JOSEPH, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE SOUTH 89°48'05" WEST (THE BEARING OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 28 IS ASSUMED NORTH 90°00'00" WEST), A DISTANCE OF 1821.42 FEET ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 0°00'23" WEST, A DISTANCE OF 40.00 FEET TO THE NORTH BOUNDARY OF CLEVELAND

ROAD AND THE POINT OF BEGINNING; THENCE SOUTH 0°02'41" WEST A DISTANCE OF 452.50 FEET; THENCE 89°48'05" WEST A DISTANCE OF 391.24 FEET; THENCE NORTH 0°02'41" EAST A DISTANCE OF 452.50 FEET TO THE SOUTH BOUNDARY OF CLEVELAND ROAD; THENCE NORTH 89°48'05" EAST A DISTANCE OF 391.24 FEET ALONG SAID SOUTH BOUNDARY TO THE POINT OF BEGINNING.

be and the same is hereby established as GI GENERAL INDUSTRIAL DISTRICT.

SECTION II.

This ordinance is and shall be subject to commitments as provided by Chapter 21-09.02(d) Commitments, if applicable.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, legal publication, and full execution of any conditions or Commitments placed upon the approval.

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock _____. m.

Mayor, City of South Bend, Indiana

Filed in Clerk's Office
SEP 01 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

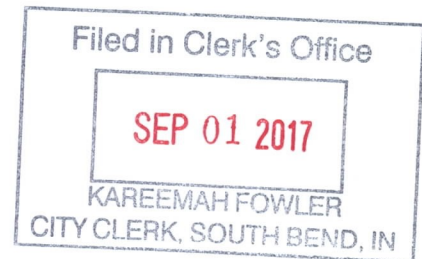
PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:
3333 N. Kenmore St.
South Bend, IN 46628

2) The property Tax Key Number(s) is/are:
2 parcels
Key #: 25-1010-0385.04
State Id #: 71-03-28-201-005.000-009

Key #: 025-1010-0385.05
State Id#: 71-03-28-201-004.000-009



3) Legal Descriptions:

PARCEL I: A part of the Northeast Quarter of Section 28, Township 38 North, Range 2 East, City of South Bend, County of St. Joseph, Indiana, described as follows: Commencing at the Northeast Quarter of said Section 28; thence South 89°48'05" West (the bearing of the South line of the Southeast Quarter of Section 28 is assumed North 90°00'00" West), a distance of 1,345.00 feet along the North line of said Northeast Quarter; thence South 0°00'22" West, a distance of 50.00 feet to the Western boundary of Kenmore Street and the point of beginning; thence South 0°00'23" West, a distance of 146.47 feet along said Western boundary; thence Southerly along said boundary 297.10 feet along an arc to the left having a radius of 1,949.86 feet and subtended by a long chord having a bearing of South 04°21'31" East and a length of 296.77 feet; thence South 89°48'05" West, a distance of 499.31 feet; thence North 00°02'41" East, a distance of 452.50 feet to the South boundary of Cleveland Road; thence North 89°48'05" East, a distance of 466.42 feet along said South boundary; thence South 45°05'46" East, a distance of 14.12 feet to the point of beginning.

PARCEL II: A part of the Northeast Quarter of Section 28, Township 38 North, Range 2 East, City of South Bend, St. Joseph County, Indiana, described as follows: Commencing at the Northeast corner of said Section 28; thence South 89°48'05" West (the bearing of the South line of the Southeast Quarter of Section 28 is assumed North 90°00'00" West) a distance of 1821.42 feet along the North line of said Northeast Quarter; thence South 0°00'23" West a distance of 40.00 feet to the North boundary of Cleveland Road and the point of beginning; thence South 0°02'41" West a distance of 452.50 feet; thence 89°48'05" West a distance of 391.24 feet; thence North 0°02'41" East a distance of 452.50 feet to the South boundary of Cleveland Road; thence North 89°48'05" East a distance of 391.24 feet along said South boundary to the point of beginning.

4) Total Site Area: Total 9.14 acres

5) Name and address of property owner(s) of the petition site:

Geoff Newman
ginewman@comcast.net
(574) 258-4696

Pat Dittrich
pg11101711@gmail.com
(574) 272-4701



Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:

*Vikram Shah
Tri-Pac, Inc.
17336 M-60 East
Vandalia, MI 49095
vikram.shah@tri-pac.us
(269) 476-2303*

Name and address of additional property owners, if applicable:

- 7) It is desired and requested that this property be rezoned:

From: LI Light Industrial District Additional zoning district, if applicable

To: GI General Industrial District

- 8) This rezoning is requested to allow the following use(s): *Manufacturing Pharmaceutical and Consumer products*

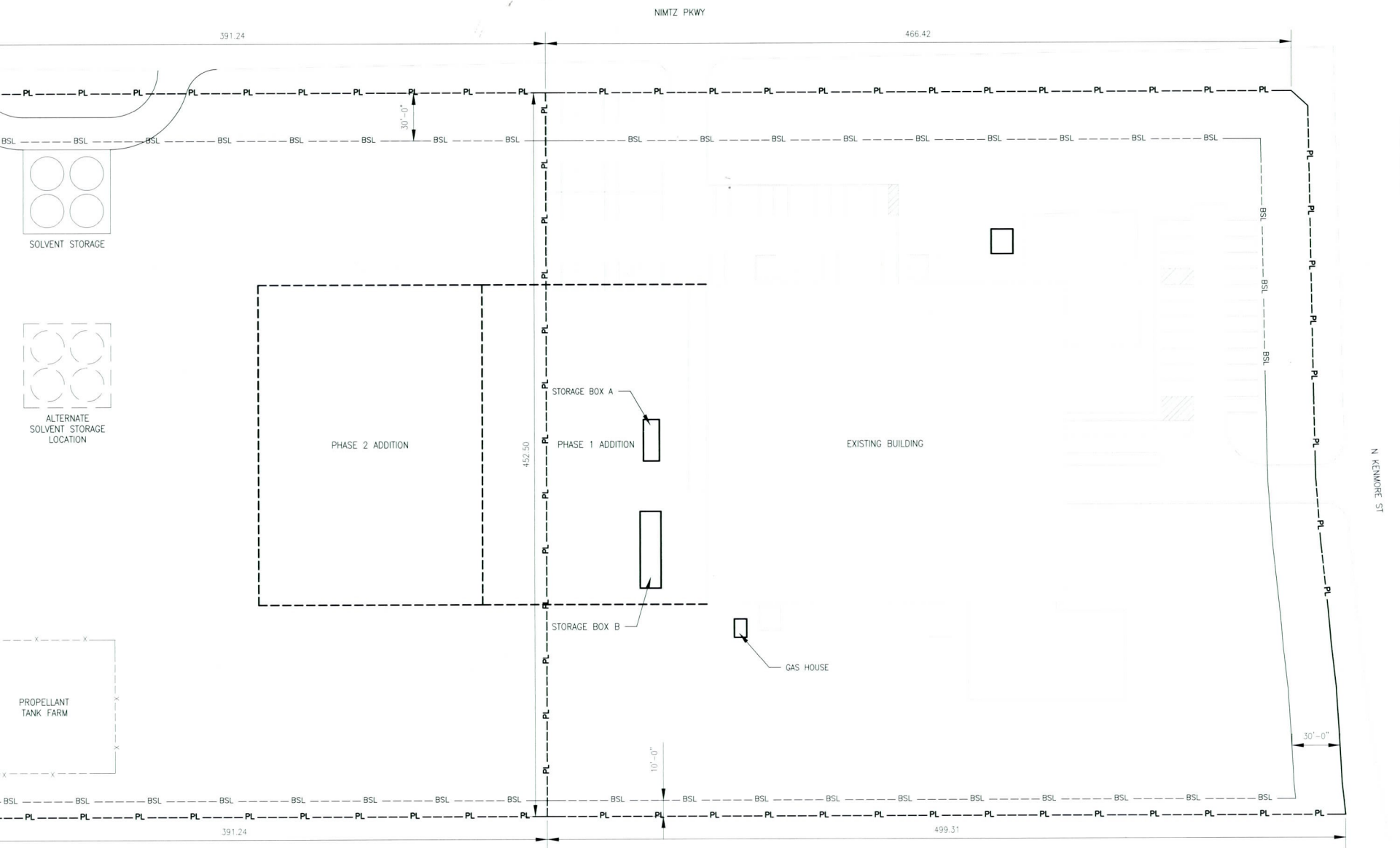
IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

- 1) *List each variance being requested. Contact Commission Staff if you need assistance with wording.*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *Insert text*
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *Insert text*
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Insert text*

IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: *Insert text*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *Insert text*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Insert text*





- GENERAL NOTES:**
1. EXISTING SITE DRAWN USING EXISTING DRAWINGS, MACOG WEBSITE, AND GOOGLE EARTH IMAGERY.
 2. PARCEL ID: 025-1010-038504 IS 5.15 ACRES
 3. PARCEL ID: 025-1010-038505 IS 4.14 ACRES
 4. CURRENT NUMBER OF EMPLOYEES = 40
 5. CURRENT NUMBER OF PARKING SPACES = 76

DRAWING NOTES:

- LEGEND:**
- PROPERTY LINE
 - SETBACK
 - FUTURE
 - FENCE

Filed in Clerk's Office

SEP 01 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

REFERENCE DWGS:	DWG. No.	DESCRIPTION-PROJ No.	DATE	REV
			{06/09/09}	BSI

REVISIONS:	No.	DESCRIPTION-PROJECT No.	DATE	BY
	A	ISSUED FOR PLANNING COMMISSION REVIEW	08/31/17	BSI

APPROVAL STAMP



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

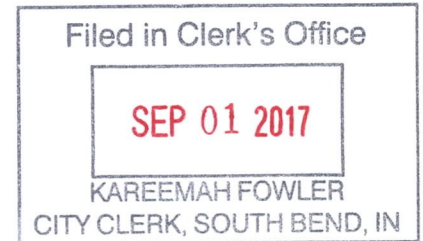
Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

September 1, 2017

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601



RE: Rezoning for 212 East South Street, South Bend, IN
APC# 2839-17

Dear Council Members:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your September 11, 2017 Council meeting, and set it for public hearing at your October 23, 2017 Council meeting. The petition is tentatively scheduled for public hearing at the October 17, 2017 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'David M Stanton, Jr.'.

David M Stanton, Jr.
Planner

CC: Bob Palmer

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 212 EAST SOUTH STREET, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT
For use as a law office or legal services business

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

A LOT OR PARCEL OF LAND 55 FEET IN LENGTH, EAST AND WEST, TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE EAST END OF LOT NUMBERED THIRTY-TWO (32) AS SHOWN ON THE RECORDED PLAT OF TAYLOR'S FIELD ADDITION TO THE CITY OF SOUTH BEND, RECORDED APRIL 11, 1893 IN PLAT BOOK 6, PAGE 49 IN THE OFFICE OF THE RECORDED OF ST. JOSEPH COUNTY, INDIANA.

be and the same is hereby established as MU MIXED USE DISTRICT.

SECTION II.

This ordinance is and shall be subject to commitments as provided by Chapter 21-09.02(d) Commitments, if applicable.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, legal publication, and full execution of any conditions or Commitments placed upon the approval.

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock _____. m.

Mayor, City of South Bend, Indiana

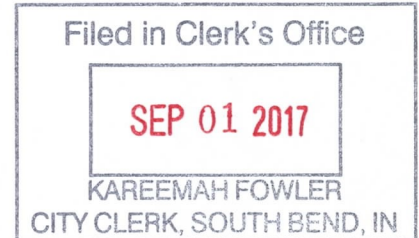
1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office
SEP 01 2017
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

- 1) The property sought to be rezoned is located at:
*212 East South Street
South Bend, St. Joseph County, Indiana 46601*
- 2) The property Tax Key Number(s) is/are: *71-08-12-331-001.000-026*
- 3) Legal Descriptions: *See EXHIBIT "A" attached herto.*
- 4) Total Site Area: *Less than .25 acre*
- 5) Name and address of property owner(s) of the petition site:
*Robert G. Bottorff II
5505 Bull Creek Road
Charlestown, Clark County, Indiana 47111
(812) 406-5489
bob@bettercallbob.org*



Name and address of additional property owners, if applicable: N/A

- 6) Name and address of contingent purchaser(s), if applicable:
N/A



Name and address of additional property owners, if applicable: N/A

- 7) It is desired and requested that this property be rezoned:

From: SF2 Single Family Two Family District Additional zoning district, if applicable

To: MU Mixed Use District

- 8) This rezoning is requested to allow the following use(s): *The property is intended for use as a law office or legal services business.*

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

- 1) *Variances being requested include the following:*

*A. Variance to the Landscape Regulations related to Mixed Use Districts (see Section 21-07.01(b)(1))
Petitioner is requesting a variance to the above listed regulation, that requires a minimum of one (1) deciduous shade tree planted every forty (40) feet of lot line or one (1) ornamental tree planted twenty-five feet of lot line.*

The petitioner is seeking variance of this requirement to read no deciduous or ornamental trees will be required to be planted along the lot lines of the subject property for the reasons stated herein (to be supplemented by evidence at any hearing held upon this petition).

B. Variance to the Off-Street Parking Requirements (see generally Section 21-7.04)

Petitioner is seeking variance to the above listed regulations as it relates to required off-street parking. The lot itself is so small that no off-street parking is practicable in any way. As such, all staff members and clientele will be required to park on the street. Such parking does not, however, pose any significant change in the current traffic patterns, or is likely to otherwise cause congestion. There are numerous open spaces along the north facing line of the subject property, down to the next block; the lots directly adjacent to the subject property are not developed lots, but contain a church side-yard (that, if parking is ever needed, it is only needed on the weekends or nights, thus not interfering with the business hours at the subject property, which will largely be Monday through Friday during normal business hours), and to the east is a community park.

2) A statement on how each of the following standards for the granting of variances is met:

- (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *Landscape Regulations.* The property is located directly adjacent to an alley on the east side, with improvements right up to the lot line; on the rear lot line (south lot line) the property is built within two (2) feet of a church building; on the west lot line, the lot is divided by a fence and vegetative growth that is on the adjoiner's property (grapevines), that grow up and over the fence of the subject property and provides vegetative cover along the entire lot line, furthermore, the lot adjacent to the subject property to the west is an open yard space; the front facing lot line (north property line), is bordered by a concrete walking path. The absence of the currently required trees under the code is not injurious to the public health, safety, morals and general welfare of the community, as the current use will not substantially change, and adding further vegetative cover in this neighborhood has historically allowed drug-users and other undesirable behaviors to take place under cover.

Parking Regulations. Because of the nature of the legal practice, and the number of expected employees, parking for more than ten (10) cars at any one time would be a highly unusual circumstance at this location. In fact, it is more likely that the most at any one time would be closer to eight (8) including all support staff and attorneys. As such, this additional parking will not be injurious to the public health, safety, morals and general welfare of the community, especially in light of the number of open on-street parking locations immediately adjacent to the subject property.

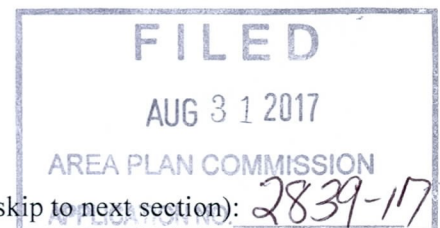
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *Landscape.* For all the same reasons listed above, the value and use of the adjacent properties in the area will not suffer by granting this variance.

Parking. For all the same reason listed above, the value and use of the adjacent properties in the area will not suffer by the granting of this variance request, especially in light of the operational hours of the proposed legal business, and the times that parking is needed along the street (which is typically after business hours or on the weekends).

- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property:

Landscaping. Strict application is practically difficult, due to the small size of the existing lot's yard-space.

Parking. Strict application is practically difficult due to the small size of the existing lot, and a complete lack of area to develop off-street parking.



IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: *N/A*

2) A statement on how each of the following standards for the granting of a Special Exception Use is met:

- (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *N/A*

- (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *N/A*
- (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *N/A*
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *N/A*

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

Robert G. Bottorff II
705 East Court Avenue
Jeffersonville, IN
(812) 914-7100
bob@bettercallbob.org

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

Robert G. Bottorff II

FILED
 AUG 31 2017
 AREA PLAN COMMISSION
 APPLICATION NO. *2839-17*

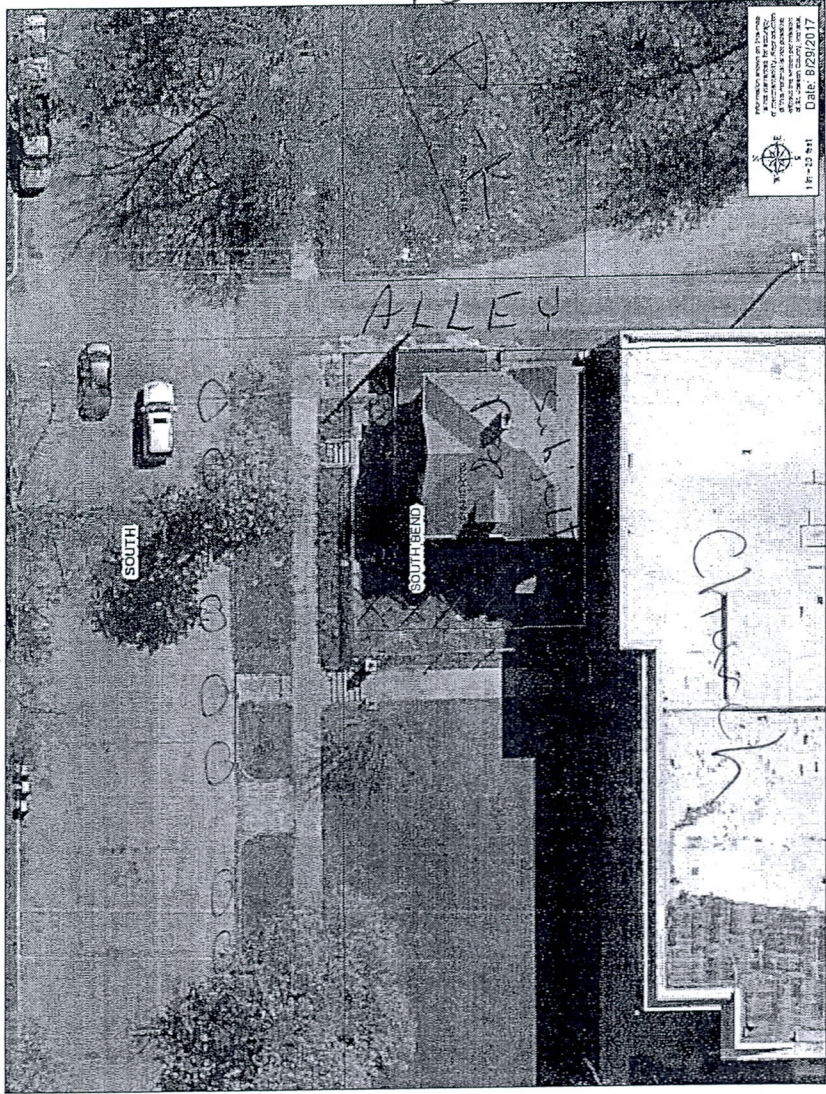
EXHIBIT A

A lot or parcel of land 55 feet in length, East and West, taken off of and from the entire width of the East end of Lot Numbered Thirty-two (32) as shown on the recorded plat of Taylor's Field Addition to the City of South Bend, recorded April 11, 1893 in Plat Book 6, page 49 in the Office of the Recorder of St. Joseph County, Indiana.

55 FT E End Lot 32
Taylor Field Add

FILED
AUG 31 2017
AREA PLAN COMMISSION
APPLICATION NO. 2839-17

Revised Dimensions
55' x 55'



1: 1,200 = 100ft
1: 1,800 = 150ft
1: 2,400 = 200ft
1: 3,600 = 300ft
1: 4,800 = 400ft

X - Seeking to eliminate landscaping requirement for side-yard & front yard

O Seeking variance of off-street parking requirements as adequate space exists on street.

FILED
AUG 31 2017
AREA PLAN COMMISSION
APPLICATION NO. 2839-17

701 W. SAMPLE STREET
SOUTH BEND, INDIANA 46601-2890



PHONE 574/235-9311
FAX 574/288-0268

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
SOUTH BEND POLICE DEPARTMENT
SCOTT A. RUSZKOWSKI, CHIEF OF POLICE

September 6, 2016

Mr. Tim Scott
President, South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Re: Ordinance Regarding Part-Time Police Program

Dear Council President Scott:

The Common Council knows that at times the South Bend Police Department is faced with events and incidents requiring full use of available departmental officers. At other times, despite best efforts, it has been difficult to recruit officers, leaving full time officers stretched to their maximum capacity. These intermittent occurrences are challenging and would be greatly helped by additional officers.

In light of these conditions, I am proposing to the Safety Board the creation of a new program of part-time police officers (the PTO program). An ordinance containing the terms and conditions of this program is being filed with the City Clerk today. The pay of these officers requires Council approval. It is designated as 80% of the current hourly rate of a South Bend Police Patrolman First Class rank.

This is because the job is strictly part-time, it may involve duties from time to time that are more civilian in nature, and because no benefits are payable. The Department hopes to attract retired or former officers from a wide geographic area. No need for additional funding exists at this time due to availability of moneys from unfilled full-time officer positions.

It is anticipated that the Board of Public Safety will approve the PTO program at its meeting this month, and before the Common Council takes final action, expected to be on September 25, 2017. A copy of the proposed Board of Public Safety Resolution is included for your information.

Filed in Clerk's Office

SEP 06 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Service

Bravery

Pride

Dedication

I along with Division Chief Jeff Rynearson will present this ordinance to the Council for committee hearing and for second and third Council reading. An attorney or attorneys from the City Legal Department may also be present.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Ruskowski", with a stylized flourish at the end.

Scott Ruskowski, Chief
South Bend Police Department

Bill No. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, ESTABLISHING A PART-TIME POLICE OFFICER PROGRAM FOR THE
CITY OF SOUTH BEND AND THE POLICE DEPARTMENT**

STATEMENT OF PURPOSE AND INTENT

The City of South Bend is faced with events periodically, but not regularly, that demand use of public security assistance or reinforcement. At those times, the full-time South Bend Police Department membership is stretched to its utmost capacity. Yet, hiring additional regular members of the Police Department would not be appropriate merely to cover such unusual but intermittent events. At other times, the Police Department, despite best efforts, has had difficulty recruiting sufficient full-time officers to meet the fullest range of law enforcement/community demands.

To resolve the challenges of these conditions and to provide the South Bend Police Department with greater flexibility, the Police Chief, by authority as the person with statutory exclusive control of the police department, subject to the rules and order of the safety board, (Ind. Code 36-8-3-3(g)), desires to create a program within the South Bend Police Department to be known as the Part-Time Officer Program (PTO). The PTO is within the City's home rule authority because any doubt as to the existence of a city's power to act is construed in favor of the City, Ind. Code 36-1-3-3, and because it is not inconsistent with Indiana State law.

The PTO is to be comprised of part-time, sworn employees to be hired as needed subject to appointment by the safety board per Ind. Code 36-8-3-3 (c) (1), who would not be full-time officers; would not be members of the City's police collective bargaining Agreement; whose salaries would be set by this Common Council; who would not be entitled to benefits other than as provided herein, who would be of one class without rank and not subject to merit promotion; who would not be guaranteed to work any hours at all, and who would not work full-time as defined by the Federal Fair Labor Standards Act (FLSA), would not exceed 1,000 hours annually, and whose discipline authority would be solely the South Bend chief of police.

These part-time officers would supplement or enhance full-time officers and assist with special events, designated patrols, and other assignments, at the discretion of the Chief of Police.

Only while so employed, during work hours, these part-time officers (PTO) shall have the same scope and range of authority as full-time officers to the full extent provided by Indiana law. PTO's at no time outside of actual work hours will use any: identification, device, badge, insignia, uniform, or depiction of the South Bend Police Department or City of South Bend, for any reason.

Implementation of a PTO program within the City of South Bend Police Department, as proposed and described by the City's Chief of Police is in the best interest of the residents of the City, and provides a flexible response to the multiple public safety needs of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. A Police Department Part-Time Officer Program, as proposed by the Chief of Police for the City of South Bend is hereby established for the City of South Bend, Indiana, to assist or enhance full-time police officers with law enforcement activities as assigned by the Chief of Police or his/her designee, which may include non-police, civilian work from time to time. While so employed, during work hours, these part-time officers shall have the same scope and range of authority as full-time officers to the full extent provided by Indiana law.

SECTION II. Part-time police officers shall be hired as needed at the discretion of and by the chief of police subject to appointment by the public safety board. Part-time police officers shall be governed by the same rules, regulations, policies and directives as full-time members of the Police Department; except that part-time police officers shall be without rank and shall not be subject to any portion of any collective bargaining agreement or merit decisions under Ind. Code 36-8-3.5-13. Part-time officers must fulfill all training requirements set forth by the Indiana Law Enforcement Training Board for such described officers.

SECTION III. Part-time officers shall be under the sole disciplinary jurisdiction of the Chief of Police. Any and all part-time officers serve at the discretion of the Chief of Police, shall have no property rights in said employment, and may be removed by the Chief of Police at any time.

SECTION IV. Part-time police officers shall not be used as permanent replacements for permanent full-time police officers and they shall not be assigned, under any circumstances, to supervise or to direct full-time police officers.

SECTION V. Part-time police officers shall be paid per hour of work at the rate of 80% of the current hourly rate of a South Bend Police Patrolman First Class rank. Each part-time officer is not guaranteed any work at any time and shall not exceed 1000 hours of work in any one calendar year

SECTION VI. PTO's at no time outside of actual work hours will use any: identification, device, badge, insignia, uniform, or depiction of the South Bend Police Department or City of South Bend, for any reason.

SECTION VII. This ordinance shall be in full force and effect upon its passage by this Common Council, signature by the Mayor, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this _____ day of _____, 2017.

Member, Common Council of the
City of South Bend

ATTEST:

Kareemah Fowler, Clerk

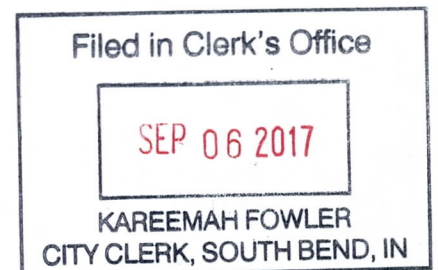
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City for his approval on the _____ day of _____, 2017, at _____ o'clock _____.m.

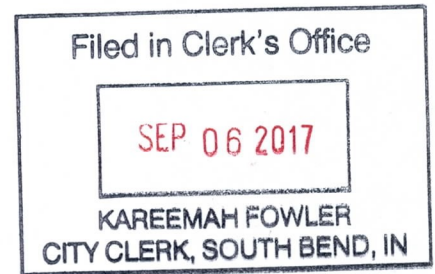
Kareemah Fowler, Clerk

Having examined the foregoing Ordinance, I do now, as the Mayor of the City of South Bend, approve said Ordinance and return the same to the Clerk of the City of South Bend this _____ day of _____, 2017.

Pete Buttigieg, Mayor

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED





RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF PUBLIC SAFETY OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING AND APPROVING THE POLICE CHIEF'S PART-TIME POLICE OFFICER PROGRAM FOR THE CITY OF SOUTH BEND AND ITS POLICE DEPARTMENT

WHEREAS, The City of South Bend is faced with events periodically, but not regularly, that demand use of public security assistance or reinforcement. At those times, the full-time South Bend Police Department membership is stretched to its utmost capacity. Yet, hiring additional regular members of the Police Department would not be appropriate merely to cover such unusual but intermittent events. At other times, the Police Department, despite best efforts, has had difficulty recruiting sufficient full-time officers to meet the fullest range of law enforcement/community demands; and

WHEREAS, To resolve the challenges of these conditions and to provide the South Bend Police Department with greater flexibility, the Police Chief, by authority as the person with statutory exclusive control of the police department, subject to the rules and orders of the safety board, (Ind. Code 36-8-3-3(g)), desires to create a program within the South Bend Police Department to be known as the Part-Time Officer Program (PTO) and because it is not in conflict with Indiana State law; and

WHEREAS, The PTO, as proposed by the City's Chief of Police is within the City's home rule authority because any doubt as to the existence of a city's power to act is construed in favor of that city. Ind. Code 36-1-3-3; and

WHEREAS, The PTO is to be comprised of part-time, sworn employees to be hired as needed subject to appointment by the safety board per Ind. Code 36-8-3-3 (c) (1), who would not be full-time officers; would not be members of the City's police collective bargaining Agreement; whose salaries would be finally approved and fixed by the South Bend Common Council; who would not be entitled to benefits other than as provided herein: who would be of one class without rank and not subject to merit promotion; who would not be guaranteed to work any hours at all, and who would not work full-time as defined by the Federal Fair Labor Standards Act (FLSA), no more than 1,000 hours per year; and whose discipline authority would be solely the South Bend chief of police; and

WHEREAS, These part-time officers would supplement or enhance full-time officers and assist with special events, designated patrols, and other assignments at the discretion of the Chief

of Police. While so employed, these part-time officers (PTO) shall have the same scope and range of authority as full-time officers to the full extent provided by Indiana law.

WHEREAS, Implementation of a PTO program within the City of South Bend Police Department, as proposed and described by the City's Chief of Police, is in the best interest of the residents of the City, and provides a flexible response to the multiple public safety needs of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. A Police Department Part-Time Officer Program, as proposed by the Chief of Police for the City of South Bend is hereby established for the City of South Bend, Indiana, to assist full-time police officers with law enforcement activities as assigned by the Chief of Police or his/her designee, which may include non-police, civilian work from time to time. Only while so employed, during work hours, these part-time officers shall have the same scope and range of authority as full-time officers to the full extent provided by Indiana law.

SECTION II. Part-time police officers shall be hired as needed at the discretion of and by the chief of police subject to appointment by the Board of Public Safety. Part-time police officers shall be governed by the same rules, regulations, policies and directives as full-time members of the Police Department, except that part-time police officers shall be without rank and shall not be subject to any portion of any collective bargaining agreement or merit decisions under Ind. Code 36-8-3.5-13. Part-time officers must fulfill all training requirements set forth by the Indiana Law Enforcement Training Board for such described officers.

SECTION III. Part-time officers shall be under the sole disciplinary jurisdiction of the Chief of Police. Any and all part-time officers serve at the discretion of the Chief of Police, shall have no property rights in said employment, and may be removed by the Chief of Police at any time.

SECTION IV. Part-time police officers shall not be used as permanent replacements for permanent full-time police officers and they shall not be assigned, under any circumstances, to supervise or to direct full-time police officers.

SECTION V. Subject to approval by the South Bend Common Council, part-time police officers shall be paid per hour of work at the rate of 80% of the current hourly rate of a South Bend Police Patrolman First Class rank. Each part-time officer is not guaranteed any work at any time and shall not exceed the Fair Labor Standards definition of part-time laborer, not more than one thousand (1,000) hours of work in any one calendar year.

SECTION VI. PTO's at no time outside of actual work hours will use any: identification, device, badge, insignia, uniform, or depiction of the South Bend Police Department or City of South Bend, for any reason.

BOARD OF PUBLIC SAFETY

John Collins, President

Eddie L. Miller Member

Luther Taylor, Member

Daniel Jones, Member

Brian Pawlowski, Member

ATTEST:

Linda M. Martin, Clerk

1200 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



Bill No. 57-17

PHONE 574/235-9241
FAX 574/235-7670
TTY 574/235-5567

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

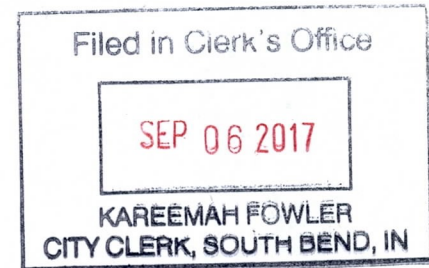
DEPARTMENT OF LAW

STEPHANIE STEELE
CORPORATION COUNSEL

ALADEAN M. DEROSE
CITY ATTORNEY

September 6, 2017

Mr. Tim Scott
President, South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601



Re: Interlocal Agreement between the City of South Bend and County of St. Joseph to Enforce the County's Human Rights Ordinance

Dear Council President Scott:

In February 2017 St. Joseph County adopted a Human Rights Ordinance substantially equivalent to South Bend's, and the County ordinance reserved the right to designate a local, eligible agency to enforce the County's human rights ordinance.

Since the County Council and Commissioners' adoption of its human rights ordinance, discussions have taken place between County and City officials for engagement of the South Bend Human Rights Commission (HRC) as the County's enforcement agency. This is good synergy because it broadens the HRC's mission as public educator and promoter of human rights. It also assures a uniform, consistent approach to discrimination claims throughout St. Joseph County, and it will be more convenient to local claimants and respondents.

For these reasons, I am pleased to file an ordinance approving an interlocal agreement between the County and City through the HRC to enforce the County human rights ordinance. The County Council will act upon a similar Bill at its meeting to be held September 12, 2017.

The ordinance provides for an initial term through April 2018 when there is no charge to the County for these services. During this interim, the HRC can assess and determine the effect of this program upon the resources of the HRC. Thereafter, the agreement can be extended with or without County monetary contribution, or terminated by either party.

ELLIOT A. ANDERSON
BENJAMIN J. DOUGHERTY

DANIELLE K. CAMPBELL

ASHLEY MILLS COLBORN
MICHAEL J. SCHMIDT

Mr. Tim Scott
September 6, 2017
Page 2

HRC Director Lonnie Douglas will present this ordinance to the Council for committee hearing and for second and third Council reading. A member of the Commission may be present along with myself.

Thank you for your consideration.

Sincerely,



Aladean M. DeRose, City Attorney

cc: Lonnie Douglas
Stephanie Steele

Bill No. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF
SOUTH BEND THROUGH THE SOUTH BEND HUMAN RIGHTS COMMISSION AND
THE COUNTY OF ST. JOSEPH TO ENFORCE THE COUNTY'S HUMAN RIGHTS
ORDINANCE**

STATEMENT OF PURPOSE AND INTENT

On February 14, 2017 the St. Joseph County Council approved the St. Joseph County Human Rights Ordinance, Ordinance No. 18-17, which was subsequently approved by the St. Joseph County Board of Commissioners on February 21, 2017. That ordinance is substantially equivalent to the South Bend Human Rights Ordinance codified at Chapter 2, Article 9, Sections 2-127 et seq. of the South Bend Municipal Code.

The St. Joseph County Human Rights Ordinance designated the Indiana Civil Rights Commission as the agency to enforce the St. Joseph County Human Rights Ordinance, but St. Joseph County reserved the right to designate an alternative local agency to enforce the St. Joseph County Human Rights Ordinance at such a time as the alternative local agency would be in existence and eligible to carry out that enforcement.

The South Bend Human Rights Commission is in existence and is eligible to carry out enforcement of the St. Joseph County Human Rights Ordinance. The St. Joseph County Council has recognized and acknowledged the benefit of designating the South Bend Human Rights Commission as the enforcement body for the St. Joseph County Human Rights Ordinance on both an interim and permanent basis. The St. Joseph County Council approved the Human Rights Ordinance Interlocal Agreement attached as Exhibit A hereto at its meeting held on September 12, 2017.

Similarly, it is in the best interest of the City of South Bend that the South Bend Human Rights Commission enforce the County ordinance because it will assure a uniform, consistent approach to claims of discrimination arising in St. Joseph County, Indiana, and will be more convenient for local claimants and respondents.

For the initial term of this Interlocal Agreement, the County will not pay for the services of the South Bend Human Rights Commission. That arrangement will be reviewed and evaluated at the close of the initial term.

NOW, THEREFORE, be it ordained by the Common Council of the City of South Bend, Indiana, that:

SECTION I. The Council hereby approves the Human Rights Ordinance Interlocal Agreement in the form attached hereto as Exhibit "A". No appropriation of funding is necessary.

SECTION II. This Ordinance shall be in full force and effect from and after its passage by this Common Council and signature by the Mayor.

Member, South Bend Common Council

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

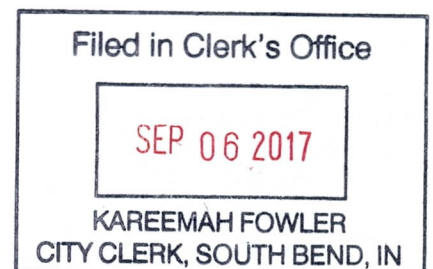
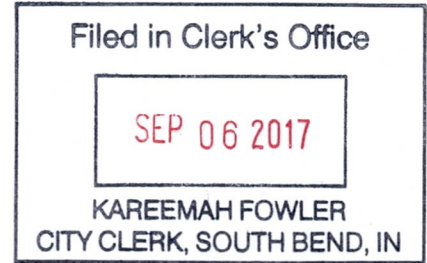


EXHIBIT A

Interlocal Agreement between the City of South Bend Human Rights Commission and the
County of St. Joseph

For Enforcement of the County's Human Rights Ordinance

[This portion left intentionally blank]



INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND HUMAN RIGHTS COMMISSION AND THE COUNTY OF ST. JOSEPH FOR ENFORCEMENT OF THE COUNTY'S HUMAN RIGHTS ORDINANCE

This Agreement is made and entered into this ___ day of _____, 2017, by and between St. Joseph County, Indiana (the "County"), and the City of South Bend (the City) through the South Bend Human Rights Commission (the "Commission").

WITNESSETH

WHEREAS, The South Bend Human Rights Commission (the "Commission") is an agency of the City of South Bend (the City) and both the City and the County of St. Joseph (the County) are political subdivisions organized and existing pursuant to the laws of the State of Indiana. Both the City and the County are empowered pursuant to Ind. Code §36-1-7 to enter into this Interlocal Agreement and to cooperate in furtherance of the joint action described in this Agreement; and

WHEREAS, the County has previously enacted a Human Rights Ordinance (St. Joseph County Code, Title III, Chapter 37) which is effective in those parts of St. Joseph County which are not part of the corporate limits of the City of South Bend; and

WHEREAS, as part of that Human Rights Ordinance, the County designated the Indiana Civil Rights Commission as the enforcing body, but reserved the right to designate an alternative local agency at such a time as the alternative local agency would be in existence and eligible to carry out that enforcement; and

WHEREAS, entering into an interlocal agreement with the South Bend Human Rights Commission would make the Commission "eligible" to carry out enforcement of the Human Rights Ordinance for claims under the Human Rights Ordinance occurring outside the corporate limits of the City of South Bend; and

WHEREAS, the County desires to designate the South Bend Human Rights Commission, as an alternative local agency which is in existence and made eligible by this Interlocal Agreement, as the enforcing body of the St. Joseph County Human Rights Ordinance; and

WHEREAS, the Commission is amenable to being designated as the enforcing body of the St. Joseph County Human Rights Ordinance.

NOW, THEREFORE, the County and the Commission agree as follows:

1. Purpose of Inter-Local Agreement. The purpose of this agreement is to designate the South Bend Human Rights Commission as the enforcing body for claims under the St. Joseph County Human Rights Ordinance arising out of occurrences located outside the

corporate boundaries of the City of South Bend. The City through the Commission will investigate and make recommendations for charges of discrimination within the scope of the County's Human Rights ordinance in the same manner as if the charges had originated within the City's corporate limits or within the jurisdiction of the City's Human Rights ordinance. In so doing, it will use its staff, office and other resources.

2. Compensation. The Commission will be the enforcing body for the St. Joseph County Human Rights Ordinance for no compensation during the initial short term of this Interlocal Agreement, the parties recognizing that until services are actually provided for the County's benefit, the Commission cannot determine what financial impact this Agreement will have upon its resources. Both parties acknowledge that the annual cost of a full time investigator including benefits is about \$52,000.00.

3. Duration. This Agreement is intended to be of an initial short duration in order for the parties to examine and assess the results and impact. Therefore, this Agreement will expire after May 1, 2018. Upon or before expiration, the parties shall mutually determine whether to renew for a similar or different term, or to renegotiate the terms of the Agreement. Each party may also terminate this agreement with thirty (30) days' written notice to the other party.

4. Notice. Any notice required or permitted by this Agreement shall be in writing and shall be deemed given when delivered personally or deposited in the U.S. mail, first class with postage prepaid, and addressed to the parties below, or such other address as a party may request by notifying the other in writing:

To the County: St. Joseph County Board of Commissioners
7th Floor, County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

And

St. Joseph County Council
County-City Building, Room 411
227 W. Jefferson Blvd.
South Bend, IN 46601

To the Commission: South Bend Human Rights Commission
319 N. Niles Ave.
South Bend, IN 46617

5. Entire Agreement. This Agreement constitutes the entire agreement between the parties. No alterations, modifications, or additions to this Agreement shall be binding unless reduced to writing and signed by the parties.

6. Amendments. The terms and conditions of this Agreement may not be modified or amended except by an instrument executed by each of the parties hereto. No oral modifications shall be enforceable.

7. Effective Date. This Interlocal Agreement is effective on the date stated in the first paragraph of this Agreement.

8. Authority. Each party signing hereto states that they have authority to bind the party they are signing on behalf of this Agreement.

(signature page follows)

IN WITNESS WHEREOF, the following agree to the terms of the Agreement:

St. Joseph County
Board of Commissioners

South Bend Human Rights Commission

Andrew Kostielney, President

Executive Director

Deborah Fleming, D.M.D., Vice-President

St. Joseph County Council

Dave Thomas, Member

Rafael Morton, President