



OFFICE OF THE CITY CLERK

BIANCA L. TIRADO, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: BIANCA L. TIRADO, CITY CLERK
DATE: THURSDAY, JULY 23, 2026
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, July 27, 2026:**

Council Chambers
3rd Floor City Hall
215 S. Dr. Martin Luther King Jr. Blvd.
South Bend, IN 46601

The Council Chambers will be Open to the Public. Members of the Public may Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/072726CC>

2:45 P.M. **HEALTH & PUBLIC SAFETY** **CHAIRPERSON, TOMAS MORGAN**

1. [Bill No. 39-26](#) - Repealing Chapter 5 of the South Bend Municipal Code Entitled Responsible Animal and Pet Ownership Care and Control Regulations, and Replacing it With a New Chapter 5 Entitled Animal Care Regulations and Welfare Enforcement *Committee Discussion Only*

3:15 P.M. **RESIDENTIAL NEIGHBORHOODS** **CHAIRPERSON, WHITE**

1. [Bill No. 40-26](#) - Amending Section 16-53 of the South Bend Municipal Code Regarding Conditions Constituting Public Nuisances
2. [Bill No. 41-26](#) - Amending Chapter 20, Article 3 of the South Bend Municipal Code to Update Definitions, Procedures, and Enforcement Provisions Relating to Abandoned Vehicles
3. [Bill No. 42-26](#) - Amending Section 20-48 of the South Bend Municipal Code Concerning Improper Vehicle Parking
4. [Bill No. 43-26](#) - Amending Chapter 20, Article 11 of the South Bend Municipal Code Regarding the Parking of Large Vehicles

INTEGRITY | SERVICE | ACCESSIBILITY

Jasmine Jackson
CHIEF DEPUTY CITY CLERK / CHIEF OF STAFF

Matthew Neal
DEPUTY CITY CLERK / DIRECTOR OF POLICY

Veronica Pitt-Payne
DIRECTOR OF SPECIAL PROJECTS

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

300 City Hall | 215 S. Martin Luther King, Jr. Blvd. | South Bend, Indiana 46601 | p. 574.235.9221 | f. 574.235.9173 | www.southbend.in.gov



3:50 P.M.

COMMUNITY INVESTMENT

CHAIRPERSON, WHITE

1. [Bill No. 46-26](#) - Amending Section 4-61 of the South Bend Municipal Code Regarding Taxicab Licensing and Operations and Providing for the Extension of Current Licenses
2. [Bill No. 26-20](#) - Resolution Approving a Lease Between the South Bend Redevelopment Authority and the South Bend Redevelopment Commission and Taking Other Actions Related Thereto

4:25 P.M.

ZONING & ANNEXATION

CHAIRPERSON, DR. DAVIS

1. [Bill No. 45-26](#) - Amending the Zoning Ordinance for Various Properties Located on Johnson Street, Orange Street, and Parallel Street
2. [Bill No. 26-21](#) - Resolution Urging a Pause on the Enactment of the Midwest Continental Divide Trail and Committing to Resident Input, Fiscal Responsibility, and Property Rights

5:00 P.M.

**COMMUNITY INVESTMENT AND
ZONING & ANNEXATION**

**CHAIRPERSON, WHITE
CHAIRPERSON, DR. DAVIS**

1. Public Hearing to Review the Unified Development Ordinance (UDO) and Any Zoning Regulations and Land Development Rules, With the Goal of Increasing Housing Development

Council President Canneth Lee has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Joint Community Investment and Zoning & Annexation Committee Meeting.

INFORMAL MEETING OF THE COMMON COUNCIL

PRESIDENT, C. LEE

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

cc: Mayor James Mueller
Committee Meeting List
Media

NOTICE FOR VIRTUAL ATTENDEES

Virtual attendees wishing to speak during the public portion of the meeting must activate their camera, displaying the speaker, to be recognized by the Chair.

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



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, July 27, 2026

7:00 P.M.

The South Bend Common Council meeting will be open to the public at the Council Chambers on the 3rd floor of the South Bend City Hall, 215 South Dr. Martin Luther King Jr. Blvd., South Bend, IN 46601 or available by way of a virtual meeting using the Microsoft Teams Meeting App. Public access to the meeting can be granted by this Microsoft Teams Link:

<https://tinyurl.com/SBCC072726>

1. **INVOCATION**

PASTOR MARK LANTZ | CHRISTIAN CENTER CHURCH

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**

JULY 13, 2026

5. **SPECIAL BUSINESS**

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

[40-26](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 16-53 OF THE SOUTH BEND MUNICIPAL CODE REGARDING CONDITIONS CONSTITUTING PUBLIC NUISANCES

[41-26](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 20, ARTICLE 3 OF THE SOUTH BEND MUNICIPAL CODE TO UPDATE DEFINITIONS, PROCEDURES, AND ENFORCEMENT PROVISIONS RELATING TO ABANDONED VEHICLES

[42-26](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 20-84 OF THE SOUTH BEND MUNICIPAL CODE CONCERNING IMPROPER VEHICLE PARKING

[43-26](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 20, ARTICLE 11 OF THE SOUTH BEND MUNICIPAL CODE REGARDING THE PARKING OF LARGE VEHICLES

[45-26](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 203 JOHNSON STREET, 207 JOHNSON STREET, 213 JOHNSON STREET, 215 JOHNSON STREET, 2013 ORANGE STREET, AND 2014 PARALLEL STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[46-26](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 4-61 OF THE SOUTH BEND MUNICIPAL CODE REGARDING TAXICAB LICENSING AND OPERATIONS AND PROVIDING FOR THE EXTENSION OF CURRENT LICENSES

8. **BILLS ON THIRD READING**
BILL NO.

TIME: _____

[40-26](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 16-53 OF THE SOUTH BEND MUNICIPAL CODE REGARDING CONDITIONS CONSTITUTING PUBLIC NUISANCES

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9. **RESOLUTIONS**
BILL NO.

[26-20](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A LEASE BETWEEN THE SOUTH BEND REDEVELOPMENT AUTHORITY AND THE SOUTH BEND REDEVELOPMENT COMMISSION AND TAKING OTHER ACTIONS RELATED THERETO

[26-21](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, URGING A PAUSE ON THE ENACTMENT OF THE MIDWEST CONTINENTAL DIVIDE TRAIL AND COMMITTING TO RESIDENT INPUT, FISCAL RESPONSIBILITY, AND PROPERTY RIGHTS

10. **BILLS ON FIRST READING**
BILL NO.

[47-26](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1737 OBRIEN STREET COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[48-26](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND ESTABLISHING HISTORIC LANDMARK STATUS FOR THE STRUCTURE AND REAL PROPERTY KNOWN AS THE OLIVET AME/ZION HILL MISSIONARY BAPTIST CHURCH LOCATED AT 310 WEST MONROE STREET IN THE CITY OF SOUTH BEND, INDIANA

[49-26](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING SECTION 9-16 OF THE SOUTH BEND MUNICIPAL CODE TO ESTABLISH RATES FOR MOBILE INTEGRATED HEALTH CARE VISITS

11. **UNFINISHED BUSINESS**
12. **NEW BUSINESS**
13. **PRIVILEGE OF THE FLOOR**
14. **ADJOURNMENT**

TIME: _____

NOTICE FOR VIRTUAL ATTENDEES

Virtual attendees wishing to speak during the public portion of the meeting must activate their camera, displaying the speaker, to be recognized by the Chair.

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

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 officiate 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.



2026 COMMON COUNCIL STANDING COMMITTEES (Rev. 06-02-2026)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real and personal tax abatement requests and works closely with the Business Development Team.

Karen L. White, Chairperson
Ophelia Gooden-Rodgers, Vice-Chairperson
Thomas Gryp, *Citizen Member*

Sheila Niezgodski, Member
Sherry Bolden-Simpson, Member
Kevin Upton, *Citizen Member*

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Engagement and Economic Empowerment, Neighborhood Development, and Community Resources Teams within the City's Department of CI and is charged with facilitating partnerships and ongoing communications with other public and private entities operating within the City.

Ophelia Gooden-Rodgers, Chairperson
Karen L. White, Vice-Chairperson
Sherry Bolden-Simpson, Member

Dr. Heidi Beidinger, Member
Sheila Niezgodski, Member
Alice Pickens, *Citizen 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*.

Canneth Lee, Member
Sheila Niezgodski, Member

Ophelia Gooden-Rodgers, 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.

Rachel Tomas Morgan, Chairperson
Sharon McBride, Vice-Chairperson
Sheila Niezgodski, Member
Savino Rivera Jr., *Citizen Member*

Dr. Heidi Beidinger, Member
Dr. Oliver Davis, Member
Brittney Erp, *Citizen Member*

INFORMATION AND TECHNOLOGY COMMITTEE - Innovation

Oversees the various activities of the City's Department of Innovation, which includes the Divisions of Information Technology and 311 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 and access to GIS data and related technologies are just some of its many activities.

Rachel Tomas Morgan, Chairperson
Sherry Bolden-Simpson, Vice-Chairperson
Sharon McBride, Member
Joshua Walters, *Citizen Member*

Dr. Heidi Beidinger, Member
Dr. Oliver Davis, Member
Maria Gibbs, *Citizen Member*

PARC COMMITTEE- Venues, Parks, and Arts (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Four Winds Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, My SB Trails, DTSB relations, and the many recreational and leisure activities offered by



the Department of Venues Parks and Arts.

Sharon L. McBride, Chairperson
Karen L. White, Vice-Chairperson
Frances Schmuhl, *Citizen Member*

Ophelia Gooden-Rogers, Member
Sherry Bolden-Simpson, Member
Aaron Nichols, *Citizen Member*

PERSONNEL AND FINANCE COMMITTEE

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

Sheila Niezgodski, Chairperson
Karen L. White, Vice-Chairperson
Caz Margenau, *Citizen Member*

Ophelia Gooden-Rodgers, Member
Rachel Tomas Morgan, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

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

Ophelia Gooden-Rodgers, Chairperson
Sheila Niezgodski, Vice-Chairperson
Abel Gonzalez, *Citizen Member*

Dr. Heidi Beidinger, Member
Dr. Oliver Davis, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen L. White, Chairperson
Sheila Niezgodski, Vice-Chairperson
Sherry Bolden-Simpson, Member
Jessie Whitaker, *Citizen Member*

Ophelia Gooden-Rodgers, Member
Sharon McBride, Member
Angela Smith, *Citizen 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.

Sherry Bolden-Simpson, Chairperson
Rachel Tomas Morgan, Vice-Chairperson
Dr. Oliver Davis, Member
Joseph Mayer, *Citizen Member*

Sheila Niezgodski, Member
Ophelia Gooden-Rodgers, Member
Sharon McBride, Member
Doris McEwen, *Citizen 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.

Dr. Oliver Davis, Chairperson
Rachel Tomas Morgan, Vice-Chairperson
Kesha Farlow, *Citizen Member*

Dr. Heidi Beidinger, Member
Karen L. White, Member
Stacey Odom, *Citizen 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.

Rachel Tomas Morgan, Member

Sherry Bolden-Simpson, Member



2026 COMMON COUNCIL STANDING COMMITTEES (Rev.06-02-2026)

CANNETH LEE, 1st District Council Member

President

Council Rules Committee, Member

OPHELIA GOODEN-RODGERS, 2nd District Council Member

Committee of the Whole, Chairperson

Community Relations Committee, Chairperson

Public Works & Property Vacation Committee, Chairperson

Community Investment Committee, Vice-Chairperson

PARC Committee, Member

Residential Neighborhoods Committee, Member

Council Rules Committee, Member

Personnel & Finance Committee, Member

Utilities Committee, Member

SHARON L. MCBRIDE, 3rd District Council Member

PARC Committee, Chairperson

Health & Public Safety Committee, Vice-Chairperson

Residential Neighborhoods Committee, Member

Information & Technology Committee, Member

Utilities Committee, Member

HEIDI BEIDINGER, 4th District Council Member

Community Relations Committee, Member

Information & Technology Committee, Member

Zoning & Annexation Committee, Member

Health & Public Safety Committee, Member

Public Works & Property Vacation Committee, Member

SHERRY BOLDEN-SIMPSON, 5th District Council Member

Utilities Committee, Chairperson

Information & Technology Committee, Vice-Chairperson

PARC Committee, Member

Sub-Committee on Minutes, Member

Community Relations Committee, Member

Community Investment Committee, Member

Residential Neighborhoods Committee, Member

SHEILA NIEZGODSKI, 6th District Council Member

Vice-President

Personnel & Finance Committee, Chairperson

Community Investment Committee, Member

Health & Public Safety Committee, Member

Utilities Committee, Member

Community Relations Committee, Member

Council Rules Committee, Member

Public Works & Property Vacation, Vice-Chairperson

Residential Neighborhoods Committee, Vice-Chairperson

DR. OLIVER DAVIS, AT LARGE Council Member

Zoning & Annexation Committee, Chairperson

Information & Technology Committee, Member

Public Works & Property Vacation Committee, Member

Health & Public Safety Committee, Member

Utilities Committee, Member

RACHEL TOMAS MORGAN, AT LARGE Council Member

Health & Public Safety Committee, Chairperson

Information & Technology Committee, Chairperson

Zoning & Annexation Committee, Vice-Chairperson

Personnel & Finance Committee, Member

Utilities, Vice-Chairperson

Sub-Committee on Minutes, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhoods Committee, Chairperson

Community Investment Committee, Chairperson

Personnel & Finance Committee, Vice-Chairperson

Community Relations Committee, Vice-Chairperson

PARC Committee, Vice-Chairperson

Zoning & Annexation Committee, Member

39-26



CITY OF SOUTH BEND
DEPARTMENT OF COMMUNITY INVESTMENT

July 7, 2026

Filed in Clerk's Office

President Canneth Lee
South Bend Common Council
3rd Floor – South Bend City Hall
South Bend, IN 46601

Jul 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

Re: Chapter 5 - Responsible Animal and Pet Ownership Care and Control Regulations

Dear President Lee:

Attached for consideration by the South Bend Common Council ("Council") is an ordinance to repeal and replace the existing Chapter 5 of the South Bend Municipal Code - Responsible Animal and Pet Ownership Care and Control Regulations.

The proposed ordinance updates South Bend's animal care and welfare regulations to improve clarity, align the ordinance with current best practices and South Bend Animal Resource Center (SBARC) practices, and strengthen the City's ability to protect public safety and animal welfare.

I request that this proposed amendment be included on the full Council agenda for first reading and assignment to the Health and Public Safety Standing Committee on July 13, 2026.

Thank you for your consideration.

Sincerely,

Liz Maradik
Chief Neighborhoods Officer

Executive Summary: Proposed Revisions to the SBARC Ordinance

The proposed ordinance introduces key updates to South Bend's animal care and welfare regulations to improve clarity, align the ordinance with current Animal Resource Center (SBARC) practices, and strengthen the City's ability to protect public safety and animal welfare. The revisions address structural reorganization, enhanced regulatory tools, and expanded permitting and enforcement mechanisms to address gaps in clarity, consistency, and effectiveness.

Key Changes:

1. **Comprehensive Reorganization of Chapter 5** – The ordinance fully restructures Chapter 5 and organizing it into clear articles addressing general provisions, animal care standards, species-specific regulations, permitting, enforcement, and administration. This reorganization improves usability for staff and residents and ensures that related requirements are grouped logically, reducing confusion and increasing enforceability.
2. **Expanded Animal Care Standards** - Minimum care requirements are significantly expanded and clarified, including standards for shelter, space, veterinary care, and protection from extreme weather conditions. These provisions provide clearer benchmarks for determining neglect or mistreatment and improve the City's ability to take timely and appropriate enforcement action where necessary. These standards are defined for common domestic animals, as well as for less common animals subject to permits such as horses, honey bees, chickens, and pigeons.
3. **Expanded Permitting and Licensing Framework** - The revisions broaden and standardize permitting requirements for a range of activities, including breeders, pet shops, kennels, grooming facilities, animal events, and specialty animal activities. The updated framework incorporates inspection authority, health and recordkeeping requirements, and clearer criteria for compliance, strengthening oversight of both commercial and non-commercial animal-related activities. It also ensures consistency among permitted and licensed uses, with similar enforcement frameworks applied throughout the ordinance.
4. **Formal Animal Designation System** – The ordinance establishes a clear, tiered classification system for animals, including Public Nuisance, Dangerous, and Vicious designations. Each classification includes defined criteria, procedural requirements, and corresponding restrictions or outcomes. This framework promotes consistency in enforcement decisions and provides clear expectations for residents.
5. **Regulated Animal Possession Permit (New Enforcement Tool)** – A new regulatory mechanism authorizes the City to require individuals with repeated or high-risk violations to obtain a Regulated Animal Possession Permit in order to continue owning animals. This permit may include individualized conditions, such as limits on the number of animals, required training, or inspections. The approach provides a graduated enforcement option that focuses on improving compliance while reducing the need for more severe enforcement measures. It is intended to replace the existing Habitual Animal Offender designation to focus more on the need to ensure safe and responsible possession

Filed in Clerk's Office

Jul 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

of animals based on demonstrated past noncompliance, rather than on designating a person as an “offender.”

6. **Strengthened Enforcement Authority and Due Process** – The ordinance clarifies SBARC’s authority related to investigations, inspections, impoundment, and enforcement actions. It also establishes detailed procedures for hearings before the Animal Welfare Commission, including notice requirements, appeal rights, and evidentiary standards. These updates enhance transparency and reduce legal risk by ensuring consistent due process protections.
7. **Alignment with Current Practices** – The revised Chapter aligns ordinance language with the City’s current operational practices, including standardizing references to SBARC and codifying existing procedures such as impoundment and licensing processes. This alignment reduces inconsistencies between policy and practice and improves clarity for both staff and the public.
8. **Improved Readability and Definitions** – Definitions have been streamlined and reorganized, with outdated or redundant terms removed and key concepts clarified. The ordinance also incorporates more plain-language drafting to ensure residents can better understand their responsibilities and the City’s processes.

Conclusion

These revisions modernize the City’s animal care ordinance by providing clearer standards, stronger enforcement tools, and improved administrative processes. The updated Chapter is designed to enhance public safety, promote humane treatment of animals, and ensure more consistent and effective implementation of City regulations.

Jul 7, 2026

BILL NO. 39-26

Bianca Tirado
City Clerk, South Bend, IN

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, REPEALING CHAPTER 5 OF THE SOUTH BEND MUNICIPAL CODE
ENTITLED RESPONSIBLE ANIMAL AND PET OWNERSHIP CARE AND CONTROL
REGULATIONS, AND REPLACING IT WITH A NEW CHAPTER 5 ENTITLED
ANIMAL CARE REGULATIONS AND WELFARE ENFORCEMENT**

STATEMENT OF PURPOSE AND INTENT

Chapter 5 of the South Bend Municipal Code provides the regulations governing the operations of the South Bend Animal Resource Center (SBARC), as well as animal care and welfare throughout the City.

The proposed ordinance makes several key changes to the existing language of Chapter 5, including improvements to readability and definitions, clarifications to processes and requirements, improvements to cohesion between ordinance language and standard practice, and emphasizes focus on animal welfare and public safety.

Improvements to readability were made throughout the Chapter, ensuring clarity for residents as to City requirements and processes. The definitions contained in Chapter 5 were also streamlined to eliminate definitions no longer used in the Chapter, include definitions in-line where terms were used only once, and improve readability of remaining definitions.

In connection with the improvements to readability mentioned above, this ordinance also includes more detail in some areas to clarify processes and requirements where needed. For example, this ordinance clearly explains the due process provided to residents when they are involved with a matter heard by the Animal Welfare Commission (AWC).

Additionally, this ordinance ensures that ordinance language matches the current practices to avoid confusion for residents. It also standardizes language to refer to the City or to SBARC, rather than to particular divisions, individuals, or positions.

Finally, this ordinance emphasizes SBARC's continued focus on animal welfare and public safety. While ensuring that enforcement remains strong for existing ordinance violations, this ordinance also refines the existing animal and owner designations to more clearly fit the challenges facing each category.

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

SECTION I. Chapter 5, Articles 1 through 9, Sections 5-1 through 5-125 are each and all hereby repealed.

SECTION II. A new Chapter 5, Articles 1 through 11, Sections 5-1 through 5-157 are hereby approved and adopted to read in the entirety as follows:

CHAPTER 5. ANIMAL CARE REGULATIONS AND WELFARE ENFORCEMENT

ARTICLE 1. - GENERAL PROVISIONS

Sec. 5-1. Legislative findings and intent of regulations.

- (a) The following regulations are enacted in the interest of setting forth comprehensive public safety regulations which, when effectively implemented, administered and enforced, promote responsible animal and pet ownership. The regulations are aimed at ensuring due process protections for owners by promoting responsible animal and pet ownership, which is essential to the protection of animals residing in the City limits.
- (b) The following regulations set forth the best practices for the humane and ethical treatment of animals by requiring animal and pet owners to comply with reasonable regulations in order to be responsible owners.
- (c) The provisions of this Chapter supplement all state laws covering the same subject matter.
- (d) The provisions of this Chapter shall take effect thirty days following adoption.

Sec. 5-2. Definitions.

For the purpose of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (a) *Abandon(ed), as to an animal*, means to desert or to leave an animal, without making provisions for minimum care of the animal.
- (b) *Abandon(ed), as to a property*, means that a reasonable and prudent person in the SBARC employee's position would believe a property to be vacant and/or deserted.
- (c) *Altered animal* means an animal that has been operated on to prevent it from procreating.
- (d) *Animal* means any living vertebrate, domestic or wild, except a human being.
- (e) *Animal bite classification* means the numeric designation indicating the levels of severity with one (1) the least severe and five (5) the most severe, pursuant to Section IV of the Animal Bite Classification System within the Official Indiana Bites Report form from Indiana State Department of Health, as amended. These classifications are currently set forth as follows: Level 1 = minor scratch(s); Level 2 = minor, punctures 4 or less; Level 3 = moderate, punctures; Level 4 = severe, punctures (4 or more) deep may include crushing or tears from shaking; and Level 5 = death.
- (f) *Animal event or exhibit* means display, activity or show of wild or domestic animals in a shopping center, retail establishment, adjacent lot, or elsewhere.
- (g) *Animal rescue organization* means a group or person maintaining a non-profit or business entity established pursuant to state law with the primary purpose of promoting animal adoption.
- (h) *Animal Welfare Alert (AWA)* means notice and communication given as a warning to animal owners concerning witnessed or reported animal ordinance violations.

- (i) *Animal welfare organization* means any entity organized and existing for the express actions of ensuring the health, safety, and welfare of animals.
- (j) *Breeder* means any person who intentionally or accidentally causes the breeding of an animal or makes any animal available for breeding purposes, or any person who offers for sale, sells, trades, receives other compensation or gives away any offspring of any animals.
- (k) *Cattery* means any person or group of persons, partnership or corporation or facility operated commercially engaged in keeping more than one cat for the purposes of boarding.
- (l) *Coop* means an enclosed structure used for housing chickens that provides shelter from the elements.
- (m) *Community cat* means an unowned, outdoor cat that has been evaluated and sterilized by a licensed veterinarian, ear tipped and released back into the area from which it was captured.
- (n) *Cruelty* means the mistreatment or neglect of an animal that causes unintentional or intentional pain and suffering.
- (o) *Dangerous wild* or *dangerous exotic animal* means a wild or exotic animal that would create a potential risk to public safety.
- (p) *Dog park* means a designated area for dogs to exercise and play off leash in a controlled environment under the direct supervision of their owner.
- (q) *Domestic animal* means an animal that is not wild. The term is limited to:
 - (1) cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus, or other birds;
 - (2) an animal of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae, or bison species; or
 - (3) an aquatic animal that may be the subject of aquaculture (as defined in IC 15-11-7-1).
- (r) *Euthanasia* means to humanely end the life of an animal.
- (s) *Exotic animal* means any animal whose native habitat is not indigenous to the continental United States. This does not include fish, fur-bearing animals commercially bred for the furrier trade and birds defined under federal regulations, and nonpoisonous snakes and reptiles.
- (t) *Food* means nourishment that is appropriate for the species in adequate amounts to maintain good health.
- (u) *Foster animal* means any animal placed by an animal welfare organization or animal rescue organization in temporary care at a foster home until it is adopted.
- (v) *Foster home* means the physical location, away from an animal welfare organization, animal rescue organization, or SBARC, providing temporary care to a foster animal.
- (w) *Free-roaming cat* means any unowned, unaltered outdoor cat.
- (x) *Impoundment* means to seize and place into the custody of SBARC, any animals found in violation of this Chapter and/or Indiana law, to temporarily house animals in protective custody as defined in this Chapter, or for the health and safety of the animal.
- (y) *Kennel* means any person, group of persons, partnership or corporation or facility operated commercially for the purpose of boarding, housing, breeding or training dogs or cats, or both.

- (z) *Neglect* means to fail to comply with the Animal Care Regulations set out in Article 2 of this Chapter in a manner that endangers the animal's life, safety, and/or health.
- (aa) *Owner* means one of the following:
- (1) A person who owns an animal,
 - (2) A person who has ownership or custody rights for an animal on behalf of an owner, or
 - (3) A person that permits any animal to remain and/or to be fed within any premises on which such person resides or controls for at least (3) consecutive days.
- (bb) *Person* means any individual, firm, corporation, limited liability company, partnership, organization, or commercial establishment.
- (cc) *Provoked* means that an animal's behavior occurred because the animal:
- (1) Was being teased, taunted, abused, assaulted or physically threatened;
 - (2) Was acting in defense of itself, its offspring, its owner, another person, or another animal;
 - (3) Was reacting to pain, injury, fear, or the protection of food, shelter, or young;
 - (4) Was responding to a person committing or attempting to commit a criminal act, trespass, or other tort against the owner or the property where the animal was located; or
 - (5) Was bit accidentally during ordinary play with another animal.
- To be considered provoked, the animal's behavior must occur contemporaneously with or immediately following the provoking conduct and be proportionate to the provoking conduct.
- (dd) *SBARC (South Bend Animal Resource Center)* means the Animal Resource Center and the Division of Animal Welfare.
- (ee) *Stray* means any animal that is not under restraint and upon reasonable inquiry by SBARC, does not appear to have an owner.
- (ff) *Tether* means attaching an animal to a stationary object or pulley run system so as to restrict the range of movement. Tether does not include the use of a leash to walk a domestic animal.
- (gg) *Unaltered* means an animal that has not been operated on to prevent it from procreating.
- (hh) *Unprovoked* means an animal's behavior that is not provoked and includes behavior that occurs during ordinary, non-threatening interactions such as walking past an animal, standing near an animal, initiating casual interaction, or performing routine care, where no provoking conduct is present.
- (ii) *Wild animal* means an animal whose species usually lives in the wild or is not domesticated.

Secs. 5-3 - 5-7. Reserved.

ARTICLE 2. - ANIMAL CARE REGULATIONS

Sec. 5-8. Minimum care requirements

Every owner or handler of an animal kept in the city shall:

- (1) See that such animal is kept in a clean, sanitary and healthy manner and not confine it so as to be forced to stand, sit or lie in its own excrement or urine; and shall, regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact clean;
- (2) Provide such animal with food that is appropriate for the species, with consideration for its age and condition, in adequate amounts to maintain good health; fresh potable, unfrozen drinking water at all times; and adequate housing and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;
- (3) Protect such animal against abuse, cruelty, neglect, torment, overload, or any other mistreatment;
- (4) Provide the animal with the reasonably necessary medical care according to commonly accepted veterinary standards. In addition to the required rabies vaccination, such care may include recommended vaccinations by accepted veterinary standards. If the animal is diseased, injured, or exhibiting symptoms of disease, assure that the animal receives proper care and is segregated from other animals so as to prevent transmittal of the disease;
- (5) Maintain the animal in compliance with all applicable federal, state, and local laws and all regulations respecting animal welfare enforcement as are adopted by the City; and
- (6) Provide that such animal when confined outside:
 - (i) Has access to a shelter constructed of weather resistant material, consisting of a structure with solid walls on all sides, a dry floor raised above the ground, just large enough for the animal to stand up and turn around, and a solid roof sloped away from the entrance to protect the animal from weather and extreme cold.
 - (ii) During any day when the temperature is at or below 40°F, the shelter entrance must be covered by a flexible wind-proofing material or self-closing door, and the shelter must contain clean, dry bedding, which must consist of an insulating material that does not retain moisture, such as straw, of sufficient depth for the animal to burrow.
 - (iii) On any day when the temperature is at or above 70°F, the shelter must be shaded by trees, a tarp, or a tarp-like device.
 - (iv) When the temperature is at or below 32°F, or at or above 85°F, or when a heat advisory, wind chill warning/advisory, or tornado watch/warning has been issued by local, state, or national authority:
 1. The animal must be brought into a temperature-controlled structure that maintains adequate temperature for the animal.
 2. The animal may not be outside for more than 20 minutes within the period of an hour and must remain in visual range of a competent adult.

- (v) Has adequate space for exercise when confined in an enclosure or pen, which shall consist of no less than one hundred (100) square feet. An animal over eighty (80) pounds must be provided with an additional fifty (50) square feet. For each additional animal inside the enclosure, fifty square feet of space for exercise must be added per animal.
- (vi) Is treated so that there are no open lesions on the animal's skin due to insect bites or other parasitic infections.

Sec. 5-9. Medical and grooming care requirements.

- (a) Every owner of an animal shall see that any animal in their control and custody receives proper veterinary care as necessary to treat illness, disease or injury to prevent the transmittal of disease, and to be vaccinated as required by law in order to promote humane animal health.
- (b) Any animal deemed by SBARC to require medical evaluation must be evaluated by a licensed veterinarian to maintain humane care. Any treatment necessary shall be at the discretion of the veterinarian. Proof of compliance must be provided within the time frame given on the AWA.
- (c) Any owner keeping an animal requiring grooming, as deemed necessary by SBARC to maintain humane standards of care, must show proof such grooming has been completed within the time frame given on the AWA.

Sec. 5-10. Training methods.

No animal may be trained in a manner that will cause or is likely to cause a physical injury or suffering.

Sec. 5-11. Restraint of animals required; limited exception for off-leash dog run-park.

- (a) All animals that are off the property of an owner, or with a handler, shall have proper restraint as set forth in this section.
- (b) No animal shall be restrained by any leash, rope, chain, cable or cord that is directly attached to the animal's neck.
- (c) A properly fitted collar or harness made of leather or nylon is to be worn by the animal.
- (d) Any owner, or handler, who takes their dog(s) to a City of South Bend off-leash dog run-park must comply with the rules and regulations set forth by the City.

Sec. 5-12. Tethering; fastening animals with rope or chain, cable; choker collar

- (a) It shall be unlawful:

- (1) To tether an animal at an unattended structure or premises for any purpose when it is not monitored by an owner who is present at the property for the duration of such tethering.
- (2) To tether any animal between the hours of 10:00 p.m. and 6:00 a.m. However, if tethering is necessary for a person to complete a task during those hours, such tethering shall be strictly limited to the time needed for the task and not more than one (1) hour.
- (3) To tether any animal that has the ability to gain access to any type of raised platform or porch that may endanger the animal to hang itself.
- (4) To tether any animal in a manner that provides the opportunity for it to jump or scale a fence and endanger the animal to hang itself.
- (5) To tether any unsterilized animal for any period of time.

- (6) To tether an animal that is under six (6) months of age or is sick or injured.
 - (7) To tether multiple animals simultaneously at the same property, unless there is adequate and appropriate space to ensure the health and safety of the animals tethered.
 - (8) To tether an animal without access to adequate housing and water at all times.
 - (9) To tether an animal longer than 10 minutes when the temperature is over 85 degrees or under 32 degrees, or when a heat advisory, wind chill warning/advisory, thunderstorm warning/advisory, or tornado watch/warning has been issued by local, state, or national authority, except when the animal is in visual range of a competent adult who is outside with the animal.
 - (10) To tether an animal to a motorized vehicle, such as an automobile, truck, trailer, or motorcycle.
 - (11) To tether an animal so that it allows the animal to trespass on public or private property or in such a manner as to cause harm or danger to persons or other animals.
- (b) If the animal is attached to a pulley run system, the running line must be at least twelve (12) feet in length and the tether length must be greater than the height of the running line.
- (c) No animal shall be tethered by any rope, chain, cable or cord that is directly attached to the animal's neck. If any animal must be tied, hitched or fastened:
- (1) The length of the rope, chain, cable or cord must be no less than twelve feet in length for the animal to move freely without risk of injury or entanglement;
 - (2) The weight of the rope, chain, cable or cord is no more than one eighth (1/8th) of the animal's total body weight;
 - (3) The collar and rope, chain, cable or cord cannot cause the animal to choke;
 - (4) A properly fitted collar or harness made of leather or nylon, not of the choker type, is to be worn by the animal. This provision should not be construed to prohibit the proper use of choker collars in the training of animals;
 - (5) The tying device shall be attached to the animal's leather or nylon collar or harness and must have a swivel device on both the anchor and collar end to prevent tangling;
 - (6) The location of the anchor and the length of the rope, chain, cable or cord, cannot cause the animal to become tangled, choke, or become injured; and
 - (7) The animal must have access to shelter and water at all times.
- (d) No person shall tether their animal using an agitation, pinch, prong, or choke collar. Animals under sixty (60) pounds shall not be tethered using a collar exceeding 1½ inches in width. Animals over sixty (60) pounds shall not be tethered using a collar exceeding two (2) inches in width.

Sec. 5-13. Muzzling.

- (a) No animal shall be muzzled in a way that would cause any type of irritation, sore(s), lesion(s) or laceration(s) to the animal.
- (b) No animal should be muzzled that has any existing irritations, sores, lesions or lacerations that the muzzle would come in direct contact with. The only exception is if the animal is being transported to a veterinarian, other emergency service, or any authorized animal welfare organization.

- (c) All muzzles must be of proper size and style for the animal.
- (d) All muzzles must allow panting and the drinking of water.
- (e) Mesh, cloth, grooming muzzles or muzzles designed to hold the animals mouth shut, shall not be used except for extremely short time periods of no longer than 30 minutes and for emergencies. The animal shall never be left unattended, as muzzles prevent panting and may cause the animal to overheat in a stressful situation.
- (f) Muzzle taping shall only be done by a licensed veterinarian.

Sec. 5-14. Duty to keep animal contained while on property.

- (a) It shall be the duty of every owner of any animal to ensure that the animal is contained by way of a fence, restraint, tether, or other enclosure including an activated invisible fence or in some other physical manner so that it cannot wander off the real property limits of the owner.

Secs. 5-15 – 5-20. Reserved.

**ARTICLE 3 - SPECIFIC REQUIREMENTS GOVERNING
DOGS, CATS AND FERRETS**

Sec. 5-21. Identification of dogs, cats, and ferrets required.

- (a) A person who owns a dog, cat, or ferret shall ensure that each dog, cat, or ferret owned by that person always bears a form of identification when outside their home, such that the animal's owner can be ascertained accurately, quickly, and easily.
- (b) The form of identification pursuant to this Section shall be in addition to any tags required to be worn by dogs, cats, or ferrets by state law or other provision of the South Bend Municipal Code for purposes other than identification.
- (c) The form of identification can include a microchip implanted in the dog, cat, or ferret that bears a registered identification number, and that can be read by a standard microchip scanner.
- (d) It shall be unlawful for a person to own a dog, cat, or ferret three (3) months of age or older that is kept in the City, and that does not bear a form of identification as provided in this section.

Sec. 5-22. Dog and cat curbing requirements.

- (a) All animal owners are required to immediately and properly dispose of their animal's waste deposited on any property, public or private, not owned or possessed by the person. On any property owned or possessed by that person, all animal owners are required to dispose of their animal's waste at a frequency of at least weekly or more frequently if necessary, to prevent a public health risk.
- (b) As an exception to the provisions of subsection (a) of this section, an owner with a physical impairment as defined by the Americans with Disabilities Act may permit their dog to relieve itself on the ground situated outside of pedestrian or vehicular traffic ways and is not required to remove any feces to the extent such requirement is impractical for a person of such impairment. However, owner must maintain or cause property to be maintained in a way that prevents public health risk.

- (c) No person shall knowingly disperse waste material upon any public street, or byway or right-of-way, or any municipally owned or public land or building, or upon private property without the prior permission of the owner of such property.

Sec. 5-23. Rabies vaccinations required for certain animals.

(a) It shall be unlawful to keep a dog, cat, or ferret or to provide food, water, or shelter to a cat over the age of three (3) months in the City unless each dog, cat, or ferret is immunized against rabies by a vaccination performed by a veterinarian in accordance with 345 IAC 1-5-2.

(b) Rabies vaccinations as required in this Section are not required if a licensed veterinarian determines in writing that such rabies vaccination could adversely affect the animal.

(c) Community cat caretakers are not required to renew the immunization of community cats.

(d) One-year and three-year rabies vaccine may be used as per Indiana Administrative Code.

(e) A veterinarian who administers a rabies vaccination in the City shall, at the time a dog, cat (including free-roaming), or ferret is vaccinated, issue to the animal's owner a rabies vaccination certificate upon which includes the name, address and telephone number of the veterinarian's facility, the date in which the vaccination was administered, its expiration date and the unique identification number of the vaccination.

(f) Any owner of any animal(s) is required to submit proof of rabies vaccinations to SBARC as part of licensing requirements in Section 5-60 and 5-61.

Sec. 5-24. Transfer of ownership of puppies and kittens.

(a) A puppy or kitten must be at least ten (10) weeks old and weaned before it may be purchased or offered for sale, traded, or given away for other compensation or for a giveaway. Said provisions notwithstanding, the advertisement of puppies or kittens available for reservation, to be sold upon reaching the age set forth in this subsection, shall not be construed as "offering for sale," so long as neither ownership nor possession of the animal is transferred until it reaches ten (10) weeks of age.

(b) Animals of any age may be surrendered to SBARC. However, if under ten (10) weeks old the mother must also be surrendered if present.

(c) Nothing in this section shall be construed to conflict with the provisions of I.C. 15-21-6-2.

Sec. 5-25. Containment of female dogs or cats in heat.

The owner of any female animal in heat kept in the City shall contain the animal within a secure enclosure or building and in such a manner as to prevent conception except during instances of planned breeding.

Sec. 5-26. Community cat program.

(a) A community cat program is established in order to encourage the stabilization of the free-roaming cat population in the City by utilizing a trap-neuter-return (TNR) methodology.

- (b) Trapping of free-roaming or community cats is permitted only for the purpose of TNR unless the community cat is injured, and veterinary care is required. A person may trap any free-roaming cat in a humane manner, utilizing a humane live release trap of an appropriate size that does not injure the animal, and in accordance with the requirements of Sec. 5-28, in order to have the free-roaming cat evaluated, surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian and released to the location from where it was trapped or released to a community cat caretaker.
- (c) A community cat, impounded by SBARC, shall be returned to the location from which it was trapped, unless the circumstances present a detriment to the cat or to the public health or welfare, in which case other live placement outcomes will be sought. An ear tipped cat received by SBARC will be scanned for a microchip. If a microchip is detected, efforts will be made to reunite the cat with the owner. If that does not occur, the cat will be evaluated for suitability for adoption. If a microchip is not detected, the cat shall be returned to the location where it was trapped with no hold period, unless veterinary care is required.

Sec. 5-27. Community cat caretaker responsibilities.

- (a) A community cat caretaker or any person providing care for a community cat shall abide by guidelines in accordance with current American Veterinary Medical Association ("AVMA") standards regarding the provision of food, water, shelter and veterinary care for a community cat.
- (b) Community cat caretakers shall take a seriously ill or injured community cat to SBARC or seek licensed veterinarian care for the community cat.
- (c) Community cat caretakers are responsible for communicating with SBARC or other TNR organizations about the location and scope of their community cat colony as well as veterinary care and TNR plans.

Sec. 5-28. Free-roaming cat trap-neuter-return (TNR) regulations.

- (a) SBARC, a community cat caretaker, or a TNR organization, in order to encourage the stabilization of the free-roaming cat population may:
 - (1) Trap any free-roaming cat in a humane manner following guidelines established by regional or national community cat/TNR organizations for nonlethal trapping, to minimize the stress and danger to the animal; and
 - (2) Have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian; and
 - (3) Release the cat to SBARC for adoption or other disposition in accordance with law, or to a colony caretaker who will maintain the cat as part of a managed colony of community cats. Cat must be returned as close as possible to its location of capture unless illness or injury presents imminent danger to the animal.

- (b) It shall be unlawful for a person to fail to inspect and provide care for the trapped free-roaming cat a minimum of every two (2) hours to ensure the safety of the cat(s). A person shall place a lawful humane live release trap of an appropriate size to capture free-roaming cats for the purpose of TNR or other medical care. Humane traps shall be removed to an area where the cat is provided with shelter from the elements once trapped (in accordance with minimum standard care requirements in this ordinance). No cat shall remain in a live release trap without food or water, except for veterinary requirements for pre-surgical fasting periods. All captured animals must receive appropriate care.
- (c) No cat will remain in a live release trap for longer than 24 hours prior to surgical sterilization, or longer than 48 hours after surgical sterilization.
- (d) It shall be unlawful for a person to remove an animal from any trap not on the person's property, unless such person has the express permission of the property's owner to do so, or unless there is imminent danger to the animal's health, or the trap appears to be abandoned.
- (e) Traps discovered by SBARC to have been unlawfully set may be seized.

Sec. 5-29. Off-Leash Dog Park regulations.

- (a) Owners and handlers shall comply with all rules and regulations of this Chapter when patronizing any off-leash dog park within the City. For purposes of this Section, the term handler shall refer to a person who has temporary physical custody and immediate control of an animal at a given time, including while the animal is present in a dog park or other designated off-leash area, without regard to ownership or long-term responsibility for the animal.
- (b) The owner/operator of the off-leash dog-park is responsible for posting rules and regulations related to the use of its facility and is responsible for their enforcement. The rules and regulations must at a minimum comply with this Section.
- (c) In instances where there is a threat to public health or a public nuisance exists at an off-leash dog park, SBARC has authority to issue citations for non-compliance with Chapter 5.
- (d) Each owner or handler is allowed to bring up to three (3) dogs into the dog park.
- (e) The dog(s) must remain in the same run area with the owner. Owners cannot leave dogs in run areas without owner supervision. Owners must keep leash in hands and remain in voice control of their dogs at all times
- (f) Dogs must be leashed until inside run area.
- (g) Children under the age of 16 must be accompanied by an adult and are not to be left unattended in run areas.
- (h) All dogs must be current with rabies vaccination. Owner must be able to provide proof of vaccination upon request, within a reasonable timeframe.

- (i) Sick, injured, or unhealthy dogs or female dogs in heat are not allowed in the dog park.
- (j) Dogs under four (4) months of age are not permitted in the dog park.
- (k) Dogs that exhibit aggressive behavior must be removed from the dog park immediately.
- (l) Dogs determined to be dangerous, pursuant to Article 10 of this Chapter, are not permitted inside any dog park.
- (m) Dog curbing requirements shall apply as cited in Sec. 5-22.
- (n) Owners shall lose their dog park privileges and/or be subject to citation for violation of the Municipal Code if found in violation of this section.
- (o) Three violations of this Section within a six (6) month timeframe may result in nuisance dog park citations issued to the owner/operator of the off-leash dog park.

Secs. 5-30 – 5-35. Reserved.

ARTICLE 4. SPECIFIC REQUIREMENTS GOVERNING FOWL AND LIVESTOCK

Sec. 5-36. Acreage requirements for certain domestic animals and fowl.

(a) Any person desiring to raise any of the following-named domestic animals or fowl must have a minimum of five (5) acres of land:

- (1) Cattle, ox, bison
- (2) Donkey, ass, burro, mule
- (3) Pig, swine, hog, pot-bellied pig
- (4) Sheep
- (5) Goats
- (6) Roosters, geese, turkeys, ducks or other fowl, not including Urban Chickens or racing, homing, rolling and fancy pigeons
- (7) Llamas and alpacas
- (8) Horses
- (9) Other livestock

- (b) The maximum number of such animals which may be maintained on such property shall be determined based on current applicable animal husbandry and veterinarian standards.
- (c) Standards of care and housing for all horses shall meet the requirements set forth in Section 5-44 of this Chapter.
- (d) Any person desiring to raise rabbits, urban chickens, or pigeons within the City must keep such animals and birds in safe and sanitary conditions so that a public health risk as defined in this chapter is not created.
- (e) In no event shall the shelter and feeding area for any of the animals or fowl listed in this section, with the exception of Urban Chickens or racing, homing, rolling and fancy pigeons, be closer than fifty (50) feet from an adjoining property line.

Sec. 5-37. Urban chicken regulations.

(a) Any person owning or harboring chickens in a residentially zoned district must comply with the following:

- (1) No more than six (6) hens are allowed.
- (2) Only laying chickens are allowed. Roosters are prohibited.
- (3) The person shall have a current Urban Chicken Permit on file with SBARC.
- (4) The person shall register with the Board of Animal Health (BOAH). Forms are available at the website www.in.gov/boah.
- (5) The property shall have a one unit or two-unit dwelling.
- (6) The coop shall be constructed with solid sides, doors and a roof and be kept dry and free of moisture.
- (7) The doors shall shut securely and be secured with a lock.
- (8) The coop shall have vents that are covered with wire.
- (9) The coop shall be impermeable to predators and rodents
- (10) The coop shall provide at least eighteen inches (18") of height and two (2) square feet of space per chicken.
- (11) The pen shall be impermeable to predators and rodents.
- (12) The pen shall provide a minimum of two (2) square feet per chicken and the fence height must not exceed six feet (6').
- (13) The pen shall be covered with wire, aviary net or a solid roof.
- (14) Both the coop and pen location shall be situated behind the residential structure and be a minimum of fifteen feet (15') from any property line and twenty feet (20') from any residential dwelling.

(a) Anyone desiring to raise urban chickens within the City must comply with the animal care regulations set forth in this Chapter, and the requirements in Chapter 21 of the South Bend Municipal Code, including but not limited to those regarding chickens, chicken coops, and chicken pens.

Sec. 5-38. Pigeon regulations.

(a) Any person owning or harboring racing, homing, rolling or fancy pigeons in a residentially zoned district must:

- (1) Have a shelter in which the pigeons are kept, known as a Pigeon loft,
- (2) Have a current Pigeon Permit on file with SBARC, and
- (3) Use a pigeon loft meeting the following qualifications:
 - i. constructed with solid sides, doors and roof,
 - ii. doors that shut securely and be secured with a lock,
 - iii. vents that are covered with wire,
 - iv. impermeable to predators and rodents,
 - v. provide at least eighteen inches (18") of height and two (2) square feet of space per pigeon,
 - vi. access to a pen covered with wire, aviary net or a solid roof,
 - vii. dry and free of moisture, and
 - viii. situated behind the residential structure and be a minimum of ten feet (10') from any property line and fifteen feet (15') from any residential dwelling.

- (b) Anyone desiring to raise racing, homing, rolling or fancy pigeons within the City must comply with the animal care regulations set forth in this Chapter, and requirements in Chapter 21 of the South Bend Municipal Code.

Secs. 5-39 – 5-42. Reserved.

ARTICLE 5. SPECIFIC REQUIREMENTS GOVERNING RENTAL HORSES

Sec. 5-43. Definitions.

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (a) *Rental horse* means any equine which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh, or other device as part of a business enterprise. A rental horse also means any equine rented out for riding purposes. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a rental horse for the purposes of this article.
- (b) *Rental horse business* means a business enterprise which operates a horse drawn vehicle for hire, such as a horse drawn cab, or offers the use of a horse to the public for the purpose of riding or pulling a horse drawn vehicle.
- (c) *Stable* means any place, establishment or facility where one (1) or more rental horses are housed, boarded for a fee, or maintained.
- (d) *Work* means a horse is considered to be at work when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other devices, or when it is saddled or in harness.

Sec. 5-44. Housing/stable requirements.

The following criteria are required for proper housing of rental horses:

- (a) Walls and ceilings. Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of a safe and secure material, with boarding set beginning at ground level and of an adequate size to allow the ability for a horse to maneuver, including laying down, standing, and rolling safely in its stall.
- (b) Floors. Floors shall be level and free of holes or openings and shall provide proper drainage. No horse shall be stabled on a concrete floor without adequate cushioning.
- (c) Storage areas: Feed shall be kept in storage areas constructed in a manner to permit extermination treatment. Feed storage area shall allow no harborage and be kept vermin and insect free. Storage of feed concentrates shall be in an area inaccessible to the horses.
- (d) Ventilation and lighting. Adequate ventilation shall be maintained but should not cause exposure to drafts in stables during cold weather. All stable areas shall be adequately lit by natural or artificial means so as to permit effective and safe activities through day and night.
- (e) General sanitation. All interior areas of stable and all exterior areas surrounding a stable shall be kept clean, properly drained, and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent vermin and insect activity.

- (f) Stalls. Each stall shall house only one (1) equine, except for a stall housing a mare and her foal until the foal can safely be housed separately. Stalls shall be attended to daily ensuring clean, dry and sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them. The ceiling and shortest wall of the stall shall measure three (3) feet greater than the height of the horse at the withers.

Sec. 5-45. Rental horse regulations.

- (a) Rental horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- (b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall always be available. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust, mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.
- (c) Certified weights of all horses and horse drawn vehicles shall be registered with SBARC annually. At the discretion of SBARC, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.
- (d) No rental horse shall be at work for more than eight (8) hours a day. There shall be a rest period of fifteen (15) minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse.
- (e) Rental horses shall not be worked in temperatures below 20°F, with wind chill factor applied. Using the Horse Heat Index as the guide, at no time shall a rental horse be at work when the sum of the relative humidity and ambient temperature is at or above 120°F. An operator of a rental horse already at work at the time the temperatures reach the above-described conditions shall return the passengers to the point of loading and rest the horse in shelter conditions. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.
- (f) Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain, slippery conditions or excessive heat.
- (g) Carriage companies shall always equip all carriages/horses with a manure catching device for use while working.
- (h) No horse-drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to state law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 a.m. through 9:30 a.m. and 3:30 p.m. through 6:00 p.m., Monday through Friday.
- (i) It shall be the responsibility of the owner/operator of a rental horse drawn carriage to ensure there is a slow-moving vehicle emblem displayed on each carriage, whenever the carriage is moved, operated, or driven. The triangular slow-moving vehicle emblem will be mounted as near as is practicable to the center of mass and at an approximate height of not less than three (3) and not more than five (5) feet from level ground or surface. The emblem shall be mounted so as to be entirely visible from the rear, day or night.

- (j) It shall be the responsibility of the owner/operator of a rental horse drawn carriage to ensure there are flashing lamps mounted and in use whenever the carriage is moved, operated, or driven before sunrise or after sunset. A red or an amber flashing lamp will be mounted at a height as low as practicable that is visible from a distance of not less than five hundred (500) feet to the rear. Also, a double-faced flashing lamp may be used, displaying amber light to the front and red or amber light to the rear.
- (k) Every horse whose use requires a license hereunder shall be examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites and properly vaccinated. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hooves, and shoes, and for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or professional recommendation regarding humane correction or disposition of the same. An Indiana health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse. The Indiana health certificate shall be made available to SBARC upon demand.
- (l) The rental horse business or owner shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area or is involved in an accident resulting in an injury to a horse, SBARC shall be notified immediately.
- (m) A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or owner or may be ordered removed from work by SBARC. In the event of a dispute regarding such physical condition or illness, SBARC may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company or owner. A horse which has been removed from work under this section shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse.
 - (1) A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal.
 - (2) Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period and provided to SBARC upon request.
- (n) Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse, kept in good repair, and in good operating condition.

- (o) Horses shall be kept clean while at work and in the stable. Horses' hooves shall be trimmed and shod at regular intervals to ensure the health and proper development of hoof material. The frequency will be determined by a trained farrier.

Secs. 5-46 – 5-50. Reserved.

ARTICLE 6. SPECIFIC REQUIREMENTS GOVERNING HONEY BEE KEEPING

Sec. 5-51. Legislative findings.

- (a) The Common Council finds that honey bees can be maintained within populated areas without causing a nuisance, if honey bees are properly located, managed, and maintained.
- (b) Honey bees are a benefit to society by pollinating flowers, gardens and trees and thereby contributing to the local ecosystem; as well as furnishing honey, wax, and other useful products.
- (c) The regulations set forth in this article are in the best interests of the health, safety and welfare of the City.

Sec. 5-52. Definitions.

- (a) As used in this Article, the following words, terms and phrases shall have the meanings set forth herein:
 - (1) *Apiary* means the assembly of one (1) or more hives or colonies of honey bees at a single location.
 - (2) *Beekeeper* means a person who keeps honey bees in hive(s) which meet state approved requirements.
 - (3) *Beekeeping equipment* means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
 - (4) *Colony* means the entire honey bee family or social unit living together including the queen, workers and drones.
 - (5) *Flyway barrier* means fencing, dense hedging or a combination of the two (2), which provides a shield or protective barrier from the direction in which the honey bees fly when approaching or leaving a hive.
 - (6) *Hive* means a frame or structure used or employed as a domicile for honey bees which meet state approved requirements.
 - (7) *Honey bee* means the common domestic honey bee, limited to the *Apis mellifera* species, specifically excluding the African honey bee, *Apis mellifera scutellata* or Africanized honey bee, or any hybrid thereof.
 - (8) *Lot* means a piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and may consist of:
 - i. A single lot or record; or
 - ii. A combination of complete lots of record.

Sec. 5-53. Honey bee keeping public safety regulations.

- (a) Any person desiring to raise the common domestic honey bee, limited to the *Apis mellifera* species, must comply with the following public safety regulations and have a current Honey Bee Permit on file with SBARC.
- (b) No hive shall exceed seventeen (17) cubic feet in volume.
- (c) Location requirements.
 - (1) Hives must maintain a four (4) foot radial distance from the lot line as measured from the center of the hive and fly away barrier must be present at least six (6) feet in height and no further than four (4) feet in front of the hive entrance.
 - (2) In no event shall a hive be located closer than twenty-five (25) feet from a public sidewalk or occupied structure.
 - (3) Colonies may be kept on flat roofs without setback or flyway barrier restrictions.
 - (4) For a lot without a perimeter fence, a fence which surrounds the entire hive(s) shall be compliant with the zoning regulations set forth in South Bend Municipal Code and apiary practices per the U.S. Department of Agriculture.
 - (5) Colonies must be faced away from high traffic areas or faced south if not in a highly trafficked area.
- (d) A fresh supply of water shall be provided for all hives.
- (e) A sign stating "Bees on Premises" must be displayed to provide reasonable notice to persons entering the area.
- (f) No more than two (2) active hives are allowed per parcel.
- (g) The honey bees and equipment shall be maintained in accordance with the applicable provisions of the Indiana Code and apiary practices addressing honey bees recommended by the Indiana Department of Natural Resources Department of Entomology, Division of Entomology & Plant Pathology and the Purdue Extension - Entomology.
- (h) Proper destruction of hives must be in accordance with federal and state apiary guidelines and requirements.

Sec. 5-54. Compliance required; penalties.

- (a) It shall be unlawful for any person to keep or maintain an apiary, hive, or colony in the City which is not in compliance with this Article.
- (b) No person shall move, tamper with, handle, or otherwise disturb or molest or cause to be moved, tampered with, handled, or otherwise disturbed or molested any colonies, materials, or appliances without a written permit from SBARC or their duly authorized representatives.
- (c) Any person violating any of the provisions of this Article may be issued a citation by SBARC.
- (d) Each violation shall constitute a separate and distinct offense. Every day any violation of this Article continues shall constitute a separate offense.
- (e) Any apiary, hive or colony which threatens public health or safety; or creates a public nuisance; or which has been abandoned is unlawful. The City is authorized to take all reasonable action including removal and/or destruction of any apiary, hive or colony which is deemed necessary.

Secs. 5-55 – 5-59. Reserved.

ARTICLE 7. PERMITS AND LICENSING

Sec. 5-60. Licensing required; limited fee exemptions to licensing.

- (a) Any person owning, keeping, harboring or having custody of any dog or cat over the age of three (3) months must obtain a license for such animal; provided, however, that no licensing shall be required of any foster animal placement, animal rescue organization, municipal animal control facility, governmental agency, or service animal agency.
- (b) The license will be on file with SBARC and proof of payment/license will be provided to the owner.
- (c) SBARC will consider the microchip and its corresponding registration history as prima facie evidence of ownership. If no registered microchip is found or present, then SBARC will consider tags, or other identifiers to determine the legal owner.
- (d) Any person owning any dog or cat which has been implanted with a microchip shall update the microchip documentation with SBARC and national registry upon sale, trade, barter, gift or transfer of an animal.
- (e) No individual or household may own more than three (3) unaltered animals over the age of six (6) months, with the exception of commercial dog breeders who shall follow the requirements of Indiana Code 15-21 et seq.
- (f) Annual licenses are non-transferable.
- (g) Limited fee exemptions to licensing requirements:
 - (1) Threat to the health of animal.
 - (i) Upon a written statement from a licensed veterinarian setting forth that the sterilization of the animal shall constitute a threat to the health of that animal, the payment of the license fee for unaltered animal shall not be required but the animal shall be classified as an altered animal for purposes of licenses and fees. Licensing at the altered tag price under this section will constitute agreement not to breed the animal, and breeding of such animal may result in fines and revocation of said license.
 - (ii) Upon a written statement from a licensed veterinarian setting forth that the rabies vaccination of the animal shall constitute a threat to the health of that animal, the animal shall be issued a license without meeting the rabies vaccination requirement of this ordinance.
 - (2) Service Animal Exemption. A person who is impaired by:
 - (i) Blindness or any other visual impairment;
 - (ii) Deafness or any other aural impairment;
 - (iii) A condition governed by the Americans with Disabilities Act (ADA)
 shall be exempt from the fees listed in this Chapter for the licensing of their service animal.

Sec. 5-61. Application for license or permits.

- (a) Application for licenses or permits may be made at SBARC, a SBARC designated facility, SBARC website, or by mail, and shall include:
 - (1) the name and address of applicant,
 - (2) type of license or permit applied for,
 - (3) number and description of animal(s),
 - (4) information regarding animal(s) sterilization,
 - (5) rabies vaccination certificate(s),
 - (6) microchip information;
 - (7) appropriate fee

and upon request:

- (8) a record of any known disease, illness or condition with which the animal is or has been afflicted; and
 - (9) record of any veterinary treatment or medication received by the animal.
- (b) Licenses are to be issued for a term of one (1) year to three (3) years, commencing and concluding with the date of the most recent rabies vaccination. Owner must contact SBARC with changes of address, telephone or ownership. Failure to keep contact information current may result in the inability of SBARC to contact an owner.
- (c) All Permits are to be issued for a term of one (1) year, commencing with the date of issuance, and required to be renewed annually.
- (d) Upon approval, SBARC shall issue a license or permit in written or electronic form, which includes the number of the license or permit and the type of license or permit.
- (e) SBARC shall maintain records of the identifying license/permit number.
- (f) All dogs or cats over the age of three (3) months must be licensed with a current license. The owner of any dog or cat, which dog or cat is over the age of three (3) months, must also have in his or her possession a current rabies vaccination certificate showing that such animal has been vaccinated against rabies as provided in Secs. 5-23 . Any owner of such animal who moves into the City for purposes of establishing a residence or residing or who becomes a resident as result of annexation shall have thirty (30) days in which to obtain the license or permit required by this Article.
- (g) All owners have the responsibility to keep all license or permit information current with SBARC.
- (h) No person shall harbor, hold for sale, sell, keep or maintain in the City any dangerous animal, unless they have been issued a current license and all provisions of Sec 5-123 in Article 10 are satisfied.
- (i) Engaging in an activity described in this Article without obtaining the relevant permit may be considered a violation of the applicable permit regulations.

Sec. 5-62. Microchips

- (a) SBARC recommends that all dogs, cats, and small animals be microchipped for reunification should the animal become lost or stolen. It is strongly encouraged that the owner information is kept up to date.
- (b) If a dog, cat, or small animal does not have a microchip, SBARC can register and implant one (1) permanent microchip with a corresponding discrete number.
- (c) Microchip implants may be registered for the animal's life span with SBARC.
- (d) All animals that leave SBARC shall be microchipped .

Sec. 5-63. Kennel/cattery permit regulations.

- (a) All kennels/catteries in the City shall:
 - (1) be operated in such a manner as not to constitute a nuisance;
 - (2) provide an isolation ward for boarded animals that are sick or diseased, that is sufficiently removed so as not to endanger the health of other animals;

- (3) keep all boarded animals caged or under the control of the owner or operator of the kennel/cattery;
- (4) with respect to all animals in the kennel/cattery, comply with all the requirements of this Chapter for the minimum care of animals;
- (5) comply with all applicable federal, state and local laws, and all applicable regulations adopted by the Department of Community Investment;
- (6) be subject to regular unannounced inspection at the discretion of SBARC; and
- (7) have a valid permit issued by SBARC as set forth below.
 - (i) It shall be unlawful for any person to own or operate a kennel/cattery as they are defined in Sec. 5-2, within the City, unless the kennel/cattery, first has a permit issued by SBARC and is compliant with the zoning ordinance.
 - (ii) Each kennel/cattery shall require only one (1) kennel/cattery permit, although it may operate as a kennel and cattery.
 - (iii) When a kennel/cattery meets the requirements of this Chapter, SBARC will issue it a permit.
 - (iv) Each animal owned by the permit holder will be individually licensed with the City; animals owned by clients of a boarding business will be licensed by the permit holder's clients.
- (b) Annual inspection; permit term; renewal.
 - (1) Prior to the issuance or renewal of permit, SBARC may inspect the kennel/cattery to determine whether the applicant is qualified under this Chapter.
 - (2) The permit term shall be valid for one (1) year from the date of issuance.
 - (3) The kennel/cattery owner/operator must contact SBARC for renewal before its permit expires.
- (c) The kennel/cattery permit shall always be displayed prominently in the business office of the kennel/cattery.

Sec. 5-64. Veterinary hospitals and clinics permit regulations.

- (a) No permit is required for veterinary hospitals and clinics but must meet minimum state and national standards for veterinary licensure.
- (b) All animals shall be housed humanely, in a sanitary manner, and meet minimum standard care requirements.
- (c) Veterinarians shall keep records of each animal accepted for treatment, diagnosis or routine health care.
- (d) Veterinarians who engage in boarding, grooming or other business in addition to the treatment and/or medical care of animals are not required to obtain a permit as herein provided.

Sec. 5-65. Grooming shop permit regulations.

- (a) All grooming shops in the City shall:
 - (1) be operated in such a manner as not to constitute a nuisance;
 - (2) shall not provide services to animals that are sick or diseased so as not to endanger the health of other animals;
 - (3) keep all boarded animals caged or under the control of the owner or operator of the grooming shop;
 - (4) with respect to all animals in the grooming shop, comply with all the requirements of this Chapter for the minimum care of animals;

- (5) comply with all applicable federal, state and local laws, and all applicable regulations adopted by the Department of Community Investment;
- (6) be subject to regular unannounced inspection at the discretion of SBARC; and
- (7) any person who owns or operates a grooming shop as defined in this Chapter shall obtain a grooming shop permit.
 - (i) It shall be unlawful for any person to own or operate a grooming shop within the City, unless the grooming shop first has a permit issued by SBARC and is compliant with the zoning ordinance.
 - (ii) A permit holder shall request that any dog or cat accepted for grooming be vaccinated against rabies and require proof of such vaccination be furnished to the shop operator.
- (b) Annual inspection; permit term; renewal.
 - (1) Prior to the issuance or renewal of permit, SBARC inspect the grooming shop to determine whether the applicant is qualified under this Chapter.
 - (2) The permit term shall be valid for one (1) year from the date of issuance.
 - (3) The grooming shop owner/operator must contact SBARC for renewal before its permit expires.
- (c) Display. The grooming shop permit shall always be displayed prominently in the business office of the grooming shop.

Sec. 5-66. Pet shop permit regulations.

- (a) A pet shop is defined as any person, group of persons, partnership, or corporation, whether operated separately or in connection with another business enterprise, except a licensed cattery, kennel or breeders, that buys sells or offers for sale any species of animal, wholesale or retail. A permanent physical structure specifically designed and ventilated for the overnight and long-term housing and sale of animals both wholesale and retail.
- (b) In the event of a sale of an animal from a pet shop, the pet shop as primary owner shall furnish to the purchaser a written statement at the time of sale containing the following:
 - (1) Date of sale,
 - (2) Name, address and telephone number of purchaser and permit holder,
 - (3) Permit number of permit holder,
 - (4) Breed, description, approximate age and sex of dog, cat or other animal sold. (Birds and fish not included.)
 - (5) Medication and prophylactic immunization and dates administered,
 - (6) Internal parasite medication(s) and date(s) administered,
 - (7) Microchip information as applicable,
 - (8) A guarantee of good health for a period of not less than one (1) week with recommendation to have the animal examined by a licensed veterinarian, and
 - (9) The permit holder shall retain a copy of the written statement for twelve (12) months from date of sale.
 - (10) A retail pet store, as defined in I.C. 15-21-1-6.5, shall provide such customer disclosures as required by I.C. 15-21-5-5.
- (c) SBARC or other health official with jurisdiction may restrict the sale of any animal suspected of being diseased or otherwise unfit for sale. An examination by a licensed veterinarian may be requested at the expense of the enforcement agency. SBARC may seize the animal to ensure and protect the health and safety of any animals present and/or the public.

- (1) The permit holder shall reimburse the enforcing agency's veterinary fees if the examination by the veterinarian determines the animal to be unfit for sale at the time of examination.
 - (2) The examination is to be made by a veterinarian within twenty-four (24) hours of the enforcing agency's determination that the said animal is not fit for sale.
- (d) All pet shops herein defined and stores selling animals, birds, reptiles and fish as pets shall house animals in a sanitary manner. Appropriate medical services, care, and housing shall be provided according to individual species' needs.
- (e) No puppy or kitten under the age of ten (10) weeks may be offered for sale, trade or other compensation or for free giveaway (except a puppy or kitten, or litter or litters taken to Animal Welfare Organizations).
- (f) Retail pet stores, as defined in I.C. 15-21-1-6.5, must comply with the provisions of I.C. 15-21-6-2. All other pet shops as defined in this Chapter that buy, sell or offer for sale cats shall acquire such cats only through adoption agencies. Cat inventory displayed at pet shops for compensation must only originate from SBARC or a 501(c)(3) animal rescue organization. The intent of this section is to prohibit the purchase from high volume or hobby breeders.
- (g) In addition to the requirements of this Article, all pet shops in the City shall:
 - (1) be operated in such a manner as not to constitute a nuisance;
 - (2) provide an isolation ward for boarded animals that are sick or diseased that is sufficiently removed so as not to endanger the health of other animals;
 - (3) keep all boarded animals caged or under the control of the owner or operator of the pet shop;
 - (4) with respect to all animals in the pet shop, comply with all the requirements of this Chapter for the minimum care of animals;
 - (5) comply with all applicable federal, state and local laws, and all applicable regulations adopted by the Department of Community Investment; and
 - (6) be subject to regular unannounced inspection at the discretion of SBARC.
- (h) Annual inspection; permit term; renewal.
 - (1) Prior to the issuance of a permit or renewal of permit, SBARC may inspect the pet shop to determine whether the applicant is qualified under this Chapter.
 - (2) The permit term shall commence for one (1) year from the date of issuance.
- (i) Display. The pet shop permit shall always be displayed prominently in the business office.
- (j) Consistency with Indiana law. Nothing in this Section shall be construed to conflict with the provisions of I.C. 15-21-6-2.

Sec. 5-67. Rental horse permit regulations.

- (a) It shall constitute a violation of this Article for any person or corporation to use or offer for use a horse in a rental horse business without a permit issued pursuant to the regulations and conditions set out hereinafter.
- (b) Permits shall be issued for a term of one (1) year and shall be renewed annually.
- (c) An application for a permit or renewal of a permit shall be made to SBARC. Applications for renewal must be submitted no later than ten (10) business days prior to expiration of the current permit. All such applications shall contain:
 - (1) the name and address of the owner of the horse(s);
 - (2) the rental horse business in which such horse(s) is to be used; and

- (3) breed, age, sex, color, markings, and the location of the stables where the horse(s) is/are to be kept, recorded on a veterinary health certificate (such as a Coggins report).

No permit shall be transferable. Upon the transfer of ownership or use of any horse by a new owner or operator, such new owner or operator shall obtain a new permit for such horse within thirty (30) days of the transfer date.

- (d) No owner or operator of a rental horse business shall permit a carriage driver to operate without a valid chauffeur or operator's permit to drive.
- (e) The annual fee per working animal permit or renewal and shall be paid upon submission of an application to SBARC.
- (f) Each horse registered for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse business.
- (g) An owner or operator of a rental horse business shall keep an accurate daily record of the movement of each registered horse when in the City including driver's name, horse's identification number, vehicle license plate number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to SBARC upon request.
- (h) An owner or operator of a rental horse business shall make the stable (if located within the City) in which horses used in the rental business kept open for inspection at all reasonable time by authorized personnel of SBARC to enforce the provisions of this Article.

Sec. 5-68. Minor breeders permit; regulations.

- (a) A minor breeder permit shall be obtained by:
 - (1) Any person who intentionally or unintentionally causes the breeding of one (1) cat or dog or makes one (1) cat or dog available for breeding purposes in a 12-month period; and/or
 - (2) Any person who offers for sale, sells, trades, receives other compensation or gives away any offspring of one (1) litter of dogs or cats; and/or
 - (3) Any owner or person having custody of a dog or cat that has delivered a litter or caused the delivery of a litter.
- (b) Such person shall:
 - (1) Not allow the birthing of more than one (1) litter per female dog or cat in a 12-month period, and
 - (2) Be subject to regular unannounced inspection at the discretion of SBARC.
- (c) Permit Holders shall:
 - (1) perform DNA-based Disease and Trait Testing for each animal used for breeding and submit test results to SBARC as a part of the permit application;
 - (i) If determined by SBARC, shall make an appointment with a licensed veterinarian and provide written documentation of whether the animal(s) are fit for breeding. If the animal(s) is unfit for breeding and are bred,

they are in violation of this Chapter and may require mandatory spay / neuter;

- (2) Be allowed to breed only one (1) dog or one (1) cat which results in the birthing of a maximum of one (1) litter in a 12-month period in their or any other domestic household or establishment or any combination thereof;
 - (3) furnish SBARC with information on the birth of each litter of dogs or cats and shall be required to register that litter of dogs or cats with SBARC, and will be assigned a litter number for each litter;
 - (4) turn over to SBARC any dogs or cats that die within ten (10) weeks of their birth within 24 hours of confirmation from a licensed veterinarian ;
 - (5) Immunize all cats and dogs offered for sale, trade or other compensation, or for free giveaway (except an animal taken to SBARC) against common disease. In the case of dogs, they shall be immunized against canine distemper, adeno-virus parainfluenza, and parvovirus. In the case of cats, they shall be immunized against feline rhinotracheitis, panleukopenia, and feline calicivirus;
 - (6) Not offer a puppy or kitten under the age of ten (10) weeks for sale, trade, other compensation, or free giveaway. Said provisions notwithstanding, the advertisement of puppies or kittens available for reservation, to be sold upon reaching the age set forth in this subsection, shall not be construed as "offering for sale," so long as neither ownership nor possession of the animal is transferred until it reaches ten (10) weeks of age;
 - (7) No person holding a minor breeder's permit shall engage in the sale or transfer of any dog or cat that is unfit for purchase due to illness, disease, or symptoms of a contagious or infectious condition that materially affect the animal's health, excluding external parasites such as fleas or ticks. If an animal dies from a disease present on or before delivery, the breeder shall be presumed to be in violation of this section. Internal parasitic infections shall be considered a disease for purposes of this section;
 - (8) Register with SBARC the name, address, and contact information of each buyer or new owner of any dog or cat sold or transferred within five (5) days after the date of such sale or transfer;
 - (9) Transmit to the new owner or buyer the litter number of the animal acquired and the breeder's permit number to confirm that the animal was legally bred and complies with the prohibition on the sale of an underage puppy or kitten as required under this Article; and
 - (10) furnish a guarantee of health for a period of not less than one (1) week with recommendation to have examined by licensed veterinarian for each animal sold;
- (d) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current

permits, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status, or failing to provide adequate food, water and shelter.

(e) Penalties for violation of this section shall be as set forth in Section 5-149:

Sec. 5-69. Breeder permit regulations.

- (a). Commercial dog breeders shall comply with Ind. Code §15-21 (“Commercial Dog Breeder Regulation”) and any other applicable state and federal laws. All other breeders are subject to the regulations under this section and those under Chapter 5.
- (b) A breeder permit shall be obtained by:
 - (1) Any person who intentionally or unintentionally causes the breeding of more than one (1) cat and/or dog and/or makes more than one (1) cat and/or dog available for breeding purposes in a 12-month period; and/or
 - (2) Any person who offers for sale, sells, trades, receives other compensation or gives away any offspring of more than one (1) litter of dogs or cats; and/or
 - (3) Any owner or person having custody of more than one dog and/or cat that has delivered a litter or caused the delivery of a litter.
- (c) Such person shall:
 - (1) Not allow the birthing of more than one (1) litter per female dog or cat in a 12-month period, and
 - (2) Be subject to regular unannounced inspection at the discretion of SBARC.
- (d) Permit holders shall:
 - (1) If applicable, furnish at the time of permit application proof of registration of the breeder as a business with the State of Indiana or Indiana Department of Revenue or valid proof of exemption from such registration;
 - (2) furnish at the time of permit application a current criminal background check clearing the person from being convicted of a felony involving violence, weapons, drugs, animal cruelty or animal fighting. No person shall be issued a breeder permit if he or she has been convicted of a felony involving violence, drugs, animal cruelty or animal fighting;
 - (3) certify in writing that he or she does not reside with a person who has been denied a breeder’s permit;
 - (4) certify in writing that he or she does not reside with a person who has been convicted of a felony involving violence, drugs, animal cruelty or animal fighting;
 - (5) perform DNA-based Disease and Trait Testing for each animal used for breeding and submit test results to SBARC as a part of the permit application;
 - (i) If determined by SBARC, shall make an appointment with a licensed veterinarian and provide written documentation of whether the animal(s) are fit for breeding. If the animal(s) is unfit for breeding and are bred, they are in violation of this Chapter and may require mandatory spay / neuter;

- (6) furnish SBARC with information on the birth of each litter of dogs or cats and shall be required to register that litter of dogs or cats with SBARC, and will be assigned a litter number for each litter;
 - (7) turn over to SBARC any dogs or cats that die within ten (10) weeks of their birth, within 24 hours of confirmation from a licensed veterinarian;
 - (8) Immunize all cats and dogs offered for sale, trade or other compensation, or for free giveaway (except an animal taken to SBARC) against common disease. In the case of dogs, they shall be immunized against canine distemper, adeno-virus parainfluenza, and parvovirus. In the case of cats, they shall be immunized against feline rhinotracheitis, panleukopenia, and feline calicivirus;
 - (9) not offer a puppy or kitten under the age of ten (10) weeks for sale, trade, other compensation or rehoming without fees (except a puppy or kitten or litters of them taken to SBARC). Said provisions notwithstanding, the advertisement of puppies or kittens available for reservation, to be sold upon reaching the age set forth in this subsection, shall not be construed as "offering for sale," so long as neither ownership nor possession of the animal is transferred until it reaches ten (10) weeks of age;
 - (10) No person holding a breeder's permit shall engage in the sale or transfer of any dog or cat that is unfit for purchase due to illness, disease, or symptoms of a contagious or infectious condition that materially affect the animal's health, excluding external parasites such as fleas or ticks. If an animal dies from a disease present on or before delivery, the breeder shall be presumed to be in violation of this section. Internal parasitic infections shall be considered a disease for purposes of this section;
 - (11) register with SBARC the name, address, and telephone number of each buyer or new owner of any dog or cat sold or transferred within five (5) days after the date of such sale or transfer;
 - (12) Transmit to the new owner or buyer the litter number of the animal acquired and the breeder's permit number to confirm that the animal was legally bred and complies with the prohibition on the sale of an underage puppy or kitten as required under this Article; and
 - (13) furnish a guarantee of health for a period of not less than one (1) week with recommendation to have examined by licensed veterinarian for each animal sold.
- (e) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current permits, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status, or failing to provide adequate food, water and shelter.
- (f) Penalties for violation of this section shall be as set forth in Section 5-149:

Sec. 5-70. Urban Chicken Permit.

- (a) Anyone desiring to raise no more than six (6) hens within the City must:

- (1) file and have approved an application for an urban chicken permit with SBARC,
 - (2) pay the annual filing fee,
 - (3) have the conditions for the chickens pass inspection by SBARC, and
 - (4) satisfy the requirements of Sec. 5-37.
- (b) An urban chicken permit may be denied or revoked to any person who has:
- (1) failed or refused to comply with the permit requirements,
 - (2) made any fraudulent or false statement or material representation in the permit application or in connection with the keeping of urban chickens,
 - (3) violated a state law or any provision of the South Bend Municipal Code in connection with the application or keeping of urban chickens, or
- (4) kept urban chickens or other animals in such a manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public.

Sec. 5-71 Honey Bee permit.

- (a) Anyone desiring to raise honey bees within the City must:
- (1) file and have approved an application for an Honey Bee Permit with SBARC,
 - (2) pay the annual filing fee,
 - (3) have the conditions for the honey bees pass inspection by SBARC, and
 - (4) satisfy the requirements of Sec. 5-53.
- (b) A honey bee permit may be denied or revoked to any person who has:
- (1) failed or refused to comply with the permit requirements,
 - (2) made any fraudulent or false statement or material representation in the permit application or in connection with the keeping of honey bees,
 - (3) violated a state law or any provision of the South Bend Municipal Code in connection with the application or keeping of honey bees, or
 - (4) kept honey bees or other animals in such a manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public.

Sec. 5-72. Pigeon permit.

- (a) Anyone desiring to raise racing, homing, rolling or fancy pigeons within the City must:
- (1) file and have approved an application for a Pigeon Permit with SBARC,
 - (2) pay the annual filing fee,
 - (2) have the conditions for the pigeons pass inspection by SBARC, and
 - (3) meet the requirements of Sec. 5-38.
- (b) A pigeon permit may be denied or revoked to any person who has:
- (1) failed or refused to comply with the permit requirements,
 - (2) made any fraudulent or false statement or material representation in the permit application or in connection with the keeping of racing, homing, rolling or fancy pigeons,

- (3) violated a state law or any provision of the South Bend Municipal Code in connection with the application or keeping of the pigeons, or
- (4) kept the pigeons or other animals in such a manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public.

Sec. 5-73. Animal event and animal exhibit permit.

- (a) No person or entity shall operate or maintain for profit an animal event or exhibit without first having obtained a permit from SBARC.
- (b) The application for the permit shall describe the proposed location, the purposes for which it is maintained and the dates and hours of the performances or exhibitions. The application shall also include details about the type of event or exhibit and the animals that will be present. The proposed event must comply with local, state, and federal laws regarding the humane care and treatment of animals, and a copy of the application shall be filed with SBARC no later than ten (10) days prior to the first date of the proposed performance or exhibition.
- (c) The applicant shall provide written proof of insurance. Insurance shall be in the minimum amount of seven hundred thousand dollars (\$700,000.00) for each person, and five million dollars (\$5,000,000.00) for each occurrence.
- (d) The permit fees required under this Chapter may be waived at the discretion of SBARC.
- (e) SBARC may perform periodic inspections at any time before, during, or after the event or exhibit with or without notice.
- (f) Any permit issued under the provisions of this section may be revoked by SBARC by reasonable notice or hearing.

Sec. 5-74. Carnival and circus licenses.

- (a) All carnivals and circuses must comply with the provisions of Sec. 4-22 of the South Bend Municipal Code.

Sec. 5-75. Zoological park permits.

- (a) Zoological parks, defined as any permanent facility or operation other than a pet shop, displaying or exhibiting one (1) or more species of animals, which is accredited and operated by a person, partnership, corporation or government agency for the purpose of promoting conservation, shall be issued permits at no fee.
- (b) In addition, all zoological parks in the City shall:
 - (1) be operated in such a manner as not to constitute a nuisance;
 - (2) provide an isolation ward for animals that are sick or diseased, and any sick or diseased animal be sufficiently quarantined so as not to endanger the health of other animals;
 - (3) keep all animals caged or under the control of the owner or operator of the zoological park;
 - (4) with respect to all animals in the zoological park, comply with all the requirements of this Chapter for the minimum care of animals;
 - (5) comply with all applicable federal, state, and local laws, and all applicable regulations adopted by the Department of Community Investment; and
 - (6) be subject to regular unannounced inspection(s) at the discretion of SBARC.

- (c) Annual inspection; permit term; renewal.
 - (1) Prior to the issuance of a permit or renewal of permit, SBARC may inspect the zoological park to determine whether the applicant is qualified under this Chapter.
 - (2) The permit term shall commence for (1) year from the date of issuance.
- (d) Display. The zoological park permit shall always be displayed prominently in the business office of the zoological park.

Sec. 5-76. Animal attraction permits.

- (a) Animal attractions, defined as any permanent facility or operation other than a pet shop or zoological park, displaying or exhibiting one (1) or more species of animals, shall be required to obtain a permit as set forth in this Chapter.
- (b) In addition, all animal attractions in the City shall:
 - (1) be operated in such a manner as not to constitute a nuisance;
 - (2) provide an isolation ward for animals that are sick or diseased, and any sick or diseased animal be sufficiently quarantined so as not to endanger the health of other animals;
 - (3) keep all animals caged or under the control of the owner or operator of the animal attraction;
 - (4) with respect to all animals in the animal attraction, comply with all the requirements of this Chapter for the minimum care of animals;
 - (5) comply with all applicable federal, state, and local laws, and all applicable regulations adopted by the Department of Community Investment; and
 - (6) be subject to regular unannounced inspection(s) at the discretion of SBARC.
- (c) Annual inspection; permit term; renewal.
 - (1) Prior to the issuance of a permit or renewal of permit, SBARC may inspect the animal attraction to determine whether the applicant is qualified under this Chapter.
 - (2) The permit term shall commence for (1) year from the date of issuance.
- (d) Display. The animal attraction permit shall always be displayed prominently in the business office of the animal attraction.

Sec. 5-77. Animal rescue organizations and animal welfare organizations.

- (a) No permit shall be required of animal rescue organizations or animal welfare organizations as defined in Sec. 5-2; however, all other provisions of this Chapter shall apply, and such organizations are subject further to the following regulations:
 - (1) Record keeping. Records of animals, including placements, medical treatments, and microchip information must be kept and be furnished to SBARC and/or to adoptive owners upon request.
 - (2) Animal Placements. The animal rescue organization and animal welfare organization are responsible for ensuring the foster placement of animals under its care meet the provisions of this Chapter before and during the duration of placement.
 - (3) Location. Foster homes within the City must comply with all applicable provisions of this Chapter regardless of the location and jurisdiction of its related animal rescue organization's or animal welfare organization's primary business address.

- (4) Violations. Animal rescue organizations, animal welfare organizations, and foster homes may each be held liable for violations of this Chapter and fined per offense, with further penalty provisions detailed in Article 11 of this Chapter.

Sec. 5-78. Denial, suspension, or revocation of permit; notice; appeals; re-inspections.

- (a) SBARC may deny a permit application, and any permit may be suspended or revoked for any violations of the Animal Care Regulations provided in Article 2 of this Chapter, or for any following reasons:
 - (1) Any fraud, material misrepresentation or false statement contained in the application;
 - (2) Any fraud, material misrepresentation or false statement made in connection with the selling of animals, goods, wares, merchandise and services;
 - (3) Any violation of a term or condition of a permit;
 - (4) Any activity in violation of a statute or provision of this Code related to the licensed business;
 - (5) Conducting the activity in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, welfare of the public or the health of any animal at the premises;
 - (6) Failure to obtain any required permit as outlined in this Chapter.
- (b) Upon denial, suspension, or revocation:
 - (1) All operations related to the permit shall cease at once.
 - (2) SBARC may cause a “notice of closure” sign to be conspicuously placed at the location(s) of the operations. It shall be a violation of this Chapter for any person to remove a “notice of closure” sign unless authorized to do so by SBARC.
 - (3) SBARC may immediately impound all animals in such person’s care, possession or control.
- (c) SBARC shall provide notice of permit denial, suspension, revocation and appeal, re-inspection and redemption provisions under this Article by first class mail to the address on record of the person who is denied a permit or whose permit is suspended or revoked.
- (d) Any person who is denied a permit or whose permit is suspended or revoked may appeal the denial, suspension or revocation in accordance with this section within ten (10) days of the date of the denial, suspension or revocation of the permit.
 - (1) All requests for appeals must be in writing and state the reasons for the appeal.
 - (2) The request for appeal must be filed with SBARC. Upon receipt of the written request of appeal, SBARC will forward it to the Department of Law for review.
 - (3) If the request meets the requirements of this section, then the Animal Welfare Commission shall set the location, date and time for the hearing to be held within 30 days of acceptance and provide for the service of notification of the hearing to the party requesting the appeal.
 - (4) The Animal Welfare Commission must serve notice of hearing at least 10 days before the hearing to the last known address of the person requesting the appeal and the notice must contain the following:
 - (a) The name and contact information of the Animal Welfare Commission.
 - (b) Hearing date, time and location.

(c) A statement referencing and summarizing the hearing process under this section.

- (5) The Animal Welfare Commission has the authority to hear evidence, both pro and con, as to whether the denial, suspension or revocation should or should not be removed.
- (6) The Animal Welfare Commission shall promptly decide to affirm or vacate the denial, suspension or revocation and may issue such determination at the end of the hearing or within a reasonable amount of time thereafter.
- (7) Decisions must be based on a preponderance of the evidence and applicable provisions of the Municipal Code.
- (8) Determinations of the Animal Welfare Commission may be appealed to the Circuit or Superior Courts of St. Joseph County, Indiana.
- (e) Any person who is denied a permit or whose permit is suspended or revoked may seek a re-inspection agreement with SBARC for the granting or reinstatement of a permit based on compliance.
- (f) Upon any re-inspection by SBARC, a permit reinstatement fee of fifty dollars (\$50.00) will be required before the permit reinstatement is approved.

Sec. 5-79. Redemption of impounded animals seized for permit denials, suspensions or revocation.

- (a) Animals impounded by SBARC will be held:
 - (1) for no less than the ten (10) days to request an appeal, or
 - (2) for an agreed upon timeframe, as determined by SBARC, to correct the conditions that caused the denial, suspension, or revocation.

If no appeal is filed within ten (10) days, if no agreement is reached, or if the conditions are not corrected as stated in the agreement, the seized animals will be the legal property of SBARC.

- (b) Upon the redemption of seized animals, the person who is denied a permit or whose permit is suspended or revoked is responsible for fees associated with the housing, care, and medical treatment of the seized animals.

Sec. 5-80. Reserved.

ARTICLE 8. NOTIFICATION REQUIRED

Sec. 5-81. Notification of vehicular collision with animal.

- (a) A person whose vehicle causes accidental injury or death to an animal in the City shall:
 - (1) stop at once,
 - (2) assess the injury to the extent that it is safe to do so, and
 - (3) immediately notify:
 - (i) the animal's owner, if known, and
 - (ii) SBARC, either directly or through a local law enforcement agency, with:

- (A) a description of the animal struck,
 - (B) the location of the collision, and
 - (C) an assessment as to the condition of the animal after being struck.
- (b) Such person shall not be required to report his or her name, as the only purpose of this requirement is to aid the stricken animal and notify its owner, if any.

Sec. 5-82. Notification of lost or stray animals required; microchip scanning regulations.

A finder, defined as a person who finds or locates a lost or stray animal, shall comply with the following:

- (a) Notification. A finder must notify SBARC within twenty-four (24) hours or the next business day and file a found report which shall include: pictures, description of animal, gender (if known), alter status (if known), location/time/date found, distinguishing features (i.e. injuries, collar, specific markings, rabies tag information, etc.).
- (b) Microchip Scan. A finder must have the animal scanned for a microchip by SBARC or a licensed veterinary clinic within twenty-four (24) hours or the next business day.
- (c) Finder custody. At the discretion of SBARC, the animal may be kept by the finder while attempts to discover the owner are made.
 - (1) If the finder chooses to house and care for the animal, the animal shall be held for fifteen (15) consecutive days to allow the owner time to reclaim their animal.
 - (2) If the finder places the animal with any other person for the duration of the fifteen (15) day hold, the finder shall notify SBARC within twenty-four (24) hours (or within the following business day) of placement of said animal.
 - (3) Anyone housing and caring for an animal during the fifteen (15) day hold is obligated to comply with all rules and regulations of this Chapter, pertaining to humane care and treatment of animals, while said animal is in their custody. Said persons should refrain from providing any veterinary or medical care to the found animal in their custody without prior approval of SBARC.
 - (4) The person housing and caring for the animal during the fifteen (15) day hold period will be considered the found animal's temporary owner for the purposes of this Chapter only, while the animal is in that person's custody. For purposes of this Section, a temporary owner shall only be required to provide minimum care, as defined in this Chapter.
 - (5) At any time during the fifteen (15) day hold period, SBARC may require the animal to be held at its facility.
 - (6) When SBARC takes custody of a found animal, regardless of whether the temporary owner held the animal for a portion of the fifteen (15) day hold, SBARC may arrange for the disposition of the animal pursuant to Sec. 5-147.
- (d) Resolution.
 - (1) If the temporary owner determines the animal's owner any time while the animal is in their custody during the fifteen (15) day hold period, then the temporary owner, within twenty-four (24) hours thereof, must return the animal to the owner or SBARC.

- (2) If the temporary owner chooses to keep the animal after proper completion of the fifteen (15) day hold period, then they shall be required to follow all applicable requirements of this Chapter within thirty (30) days of the fifteen (15) day hold period expiration.
- (3) If the temporary owner chooses to rehome the animal after proper completion of the fifteen (15) day hold period, then the temporary owner shall be required to provide SBARC the name and address of the person taking ownership of the animal.

Sec. 5-83. Notification of biting animals; report; procedure; violation.

(a) An owner of any animal which has bitten a person, or another animal, within the jurisdictional limits of the City, must report the incident to the St. Joseph County Department of Health and SBARC and immediately make the animal available for quarantine. Upon receiving the report of a bite, SBARC, as the quarantining authority, will quarantine the animal for ten (10) days with the place of confinement at its discretion. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person. Said provision notwithstanding, the animal will not be required to be kept from contact with animals or persons residing in the same dwelling unit as the animal.

(b) On the day following the end of the quarantine or as otherwise required by SBARC, the owner shall present the biting animal to SBARC or their veterinarian to verify the animal is still alive and in good health.

(c) During the quarantine period, the owner must provide a current rabies vaccination certificate for the animal that is being quarantined. If proof of vaccination cannot be supplied, the animal must be vaccinated at the owner's expense by a veterinarian after the expiration of the quarantine period and within 30 days of the bite occurrence. All vaccination, microchip, and licensing must be completed within the 20-day post-quarantine period. If arrangements are made for a scheduled, prepaid rabies vaccination, the owner must provide SBARC with the name, address and phone number of the veterinarian performing the rabies vaccination, which will be verified before the animal can be released to the owner.

- (1) If the animal is quarantined at SBARC, a microchip shall be implanted in it prior to its release from quarantine. The cost of the implant shall be at the owner's expense before release.
- (2) If the animal is quarantined in a place other than SBARC, a microchip shall be implanted in it within twenty (20) days following the animal's release from quarantine. If a microchip is implanted by anyone other than SBARC, Microchip number and registration must be supplied to SBARC within three (3) business days of the implantation. The cost of the implant and registry shall be at the owner's expense.
- (3) The microchip and its corresponding registration history shall be considered prima facie evidence of ownership and enforcement history for any additional enforcement action under this Chapter.

(d) No person other than an authorized SBARC staff member or veterinarian shall euthanize or cause to be euthanized any animal suspected of being rabid except in cases of immediate self-protection. If that occurs, the person will retain the body of the suspected rabid animal and immediately notify SBARC.

(e) Violations of these quarantine provisions may subject the responsible party to civil penalties under this Chapter, City ordinances or other applicable law.

(f) It is a violation of this Chapter for an animal to bite another human or animal unprovoked. Such bites may result in civil penalties depending on severity of the bite and consideration of the totality of circumstances.

Sec. 5-84. Mandatory notification – veterinarian professional.

Consistent with I.C. 25-38.1-4-8.5, any veterinarian or registered veterinary technician who is presented with any animal that resides within the City under circumstances giving rise to a suspicion of animal cruelty under I.C. 35-46-3 shall file a report with SBARC. Said report shall contain the owner's name, address, contact information, dates, description of animal(s) involved and medical information regarding the incident.

Sec. 5-85 – 5-89. Reserved

ARTICLE 9. – CONDUCT PROHIBITED

Sec. 5-90. - Referral of prohibited animal conduct.

Animal-related criminal conduct prohibited under applicable state law, including but not limited to those under IC 35-46-3 Offenses Relating to Animals, may be referred to the appropriate law enforcement agency or county prosecutor.

Sec. 5-91. - Offensive use of animals prohibited.

The following Offensive use of animals shall be prohibited:

- (a) It shall be unlawful for a person to willfully deposit a dead or live animal upon public or private premises not owned by that person
- (b) It shall be unlawful to willfully use a live or dead animal in the commission of an assault or battery.
- (c) It shall be unlawful for a person to willfully deposit a dead or live animal upon personal property of another.
- (d) It shall be unlawful for a person to aid and abet another in committing any of the foregoing offenses.

Sec. 5-92. - Improper disposal of dead animals prohibited.

The owner of an animal shall be responsible for the disposal of such animal's remains upon its death in compliance with IC 15-17-11-20, as amended.

Sec. 5-93. – Antagonization of any animal prohibited.

It shall be unlawful for a person to tease, molest, or provoke any animal in the City.

Sec. 5-94. - Animals as prizes, novelties, or inducements prohibited.

- (a) No person shall sell, offer for sale, trade, barter, or give away any live animal as a prize.

- (b) No person shall sell, offer for sale, trade, barter, or give away any live animal as a novelty.
- (c) No animal shall be used as an inducement to enter a business transaction other than with establishments who are licensed and/or permitted under Chapter 5 consistent with requirements in this ordinance.
- (d) Governmental agencies, or registered rescue groups maintaining an IRC 501(c)(3) status providing health, safety, or adoption promotions will be exempt from the provisions of subsection (a) and (c) as described above. This exemption is subject to necessary permits and inspection.

Sec. 5-95. - Poisonous bait prohibited.

- (a) It shall be unlawful for any person to throw or deposit any known poisonous substance, whether mixed with food or not, in any of the streets, alleys, parks, common areas, yards, or other places, whether public or private, so that it is likely to be eaten by an animal.
- (b) Said provision notwithstanding, it shall not be unlawful for a person to, on their own property:
 1. Deposit common rat or mouse poison, unmixed or mixed only with vegetable substances, for the eradication of rats or mice, or
 2. Deposit commercially available substances for the eradication of termites or similar insects.

Sec. 5-96. – Dyeing, staining or tattooing animals prohibited.

It shall be unlawful for a person to artificially or chemically color, spray, stain, paint or tattoo any animal, except

- (a) Tattoo marks tattooed by a veterinarian to indicate completed sterilization.
- (b) An owner or licensed groomer dyeing an animal's fur with non-toxic pet-safe dye using reasonable care.

Sec. 5-97. - Prohibited animal events.

No person, group of persons or any organization, whether for pay, other compensation, or for free promotional purpose, shall conduct or allow any event involving contests between animals or persons using animals in any form or manner that threatens public safety or the safety, well-being, and comfort of the animals involved.

Sec. 5-98. - Animal fights and fighting contests prohibited.

Animal fights and fighting contests are prohibited under applicable state law, as in IC 35-46-3 ("Offenses Relating to Animals"), as amended, and may be referred to the appropriate law enforcement agency and/or county prosecutor.

Sec. 5-99. – Inappropriate animal collection prohibited.

- (a) It shall be unlawful for any person to:
 - (1) collect dead animals that are not properly disposed of and within the time frame as defined by this Chapter and state law, or
 - (2) collect, house, or harbor animals in unsanitary conditions that constitute a health hazard to the residents of the premises, and/or to the animals or residents of adjacent property.

- (b) It shall be a violation of this section to inappropriately collect an animal(s) as defined in this Chapter.

Sec. 5-100. - Enticement of another person's animal prohibited.

It shall be a violation of this Chapter to capture, lure, entice, or take any animal out of the enclosure, premises, or custody of the owner or community cat caretaker without authorization.

Sec. 5-101. - Animal mistreatment or abandonment prohibited.

- (a) Mistreatment of animals, such as abuse, neglect, mutilation, torture, and abandonment as defined in IC 35-46-3, may be referred to the appropriate law enforcement agency and/or county prosecutor.
- (b) Mistreatment of an animal, such as cruelty, neglect as defined in this Chapter, resulting in harm or death shall be a violation of this Chapter and cited as provided herein.
- (c) Abandonment of an animal shall be a violation of this Chapter and cited as provided herein.
- (d) Devocalization of any animal is strictly prohibited and may be cited as provided under this chapter. Devocalization is defined as: the knowing or intentional removal of the vocal cords of an animal for purposes of removing the animal's ability to make any vocalization.

Sec. 5-102. - Running at large prohibited; duty of owner to keep dog under control.

- (a) It shall always be the duty of the owner of any animal(s) or anyone having an animal in their possession to keep the animal under control while the animal is off the real property limits of the owner. For the purposes of this section, an animal is deemed under control when:
 - (1) it is confined within a vehicle;
 - (2) is secured by a leash or other device held by a competent person;
 - (3) is under demonstrated voice control or
 - (4) is properly confined within an enclosure with permission of the owner/occupant of the property where the enclosure is located.
- (b) It shall be unlawful for any animal to be:
 - (1) out of control,
 - (2) unattended off the premises of the owner,
 - (3) upon the property of another person without permission, or
 - (4) within a public space in violation of the rules of this chapter.
- (c) Animals on the property of the owner must be supervised by a responsible person when invitees are present.
- (d) Every animal shall be restrained or controlled so as to prevent it from chasing vehicles or attacking persons or other domestic animals.
- (e) The owner of any animal that is proven to be at large shall be in violation of this section, regardless of the precautions taken to prevent the escape of the animal and regardless of lack of knowledge of the offense at the time it occurs.

Sec. 5-103. - Confinement in a motor vehicle prohibited.

- (a) Confinement of any animal in any unattended motor vehicle is prohibited under conditions that endanger the health or well-being of an animal due to temperatures, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

- (b) It shall be unlawful for any living animal to ride in the bed of a pickup truck unless the animal is securely caged and protected from the environment or unless the bed of the pickup truck is enclosed with a camper shell or other device and there is appropriate and sufficient ventilation.

Sec. 5-104. - Exotic animals and native wildlife prohibitions.

- (a) No wild or exotic animal shall be kept within the City without the necessary state and/or federal permits.
- (b) No person shall keep, shelter, harbor, buy, sell, or trade within the City a dangerous wild animal or a dangerous exotic animal as defined in this Chapter except as provided in paragraph (d) below.
- (c) The touching, handling, or physical interaction by a person, guest, customer, visitor, or client of an exotic and/or dangerous wild or exotic animal is prohibited, unless the person is acting within the scope of their legal authority.
- (d) This section shall not apply to zoological parks or zoos with permits, colleges or universities, or medical institutions.

Sec. 5-105. - Trapping and wild animals prohibitions.

- (a) Trapping of wild animals is regulated by the State under IC 14-22 et seq. Violations of these provisions may be referred to the appropriate State authorities.
- (b) The following regulations are set forth for trapping on the land, buildings, or other real property owned by the City:
 - (1) It shall be unlawful for a person to use, place, set or cause to be used, placed, or set any leg-hold trap or similar device upon any land or waters.
 - (2) It shall be unlawful for a person to use, place, set or cause to be used, placed or set any snare, net or other device upon any land or waters which causes the trapping or capturing of any animal in any manner by which the animal is not either
 - (a) captured painlessly or
 - (b) killed instantly.
 - (3) It shall be unlawful for a person, having placed a trap, snare or similar device, to capture wildlife, to fail to inspect and empty it at least once during every twenty-four-hour period.
 - (4) No person may trap any animals without City authorization on the land, buildings, or other real property owned by the City.
- (c) The following regulations are set forth for the trapping of domestic animals:
 - (1) It shall be unlawful for a person to use, place, set or cause to be used, placed, or set any leg-hold trap or similar device upon any land or waters.
 - (2) It shall be unlawful for a person to use, place, set or cause to be used, placed or set any snare, net or other device upon any land or waters which causes the trapping or capturing of any animal in any manner by which the animal is not captured painlessly
 - (3) It shall be unlawful for a person, having placed a trap, snare or similar device, to capture wildlife, to fail to inspect and empty it at least once during every twenty-four-hour period.

- (d) Notwithstanding anything to the contrary herein, incidental or unintended capture of a domestic animal in a trap lawfully set for wildlife purposes under applicable state law shall not, by itself, constitute a violation of this Section.

Sec. 5-106. - Care of a free-roaming cat.

- A) It shall be unlawful for a person to provide food, water or shelter to a free-roaming cat for a period of more than three (3) days unless in compliance with Secs. 5-26, 5-27 and 5-28 of this Chapter.
- B) A person will be presumed to be a harbinger of a free-roaming cat if they provide food, water, or shelter to a free-roaming cat for more than three (3) days.
- C) SBARC may impound free-roaming cats in violation of this Chapter and dispose of the cats in accordance with the criteria set forth in this Chapter.

Sec. 5-107. – Excessive Barking

It shall be a violation of this Chapter for an animal to bark, whine, howl, or make other sounds common to its species in excess, continuously for fifteen (15) minutes or for an aggregate twenty (20) minutes in a one-hour period

Secs. 5-108 – 5-115. - Reserved.

ARTICLE 10. ANIMAL WELFARE ENFORCEMENT

DIVISION 1. GENERAL PROVISIONS

Sec. 5-116. - Investigation.

- (a) SBARC may investigate animals, persons, and property believed to be in violation of this Chapter.
- (b) All SBARC staff and volunteers shall cooperate with all City, county, state and federal law enforcement in investigations.
- (c) SBARC staff will report all suspected Criminal or inhumane treatment to the South Bend Police Department.

Sec. 5-117. - Inspections and entry on property.

- (a) When it is necessary to inspect or investigate any premises within the jurisdiction of SBARC in order to enforce any of the provisions of this Chapter, perform any duty imposed by this Chapter or upon probable cause of a violation of this Chapter or State law, SBARC is authorized at all reasonable times to inspect the suspect premises, provided the following:
 - (1) If the property is occupied, the inspector shall first present proper credentials to the occupant and request entry, explaining the reasons therefor;
 - (2) If the property is unoccupied, the inspector shall make a reasonable effort to locate the owner or other person(s) having control of the property and request entry, explaining the reasons therefor;

- (3) If entry is refused or cannot be obtained because the owner or other person(s) having charge or control of the property cannot be found after reasonable search or refuses to permit entry, the inspector shall have recourse to secure lawful entry and inspection of the property via a warrant issued by a judge in good standing;
- (4) Under exigent circumstances, to the extent permissible by state and federal law.

Sec. 5-118. Pursuit of stray animals, animals at large, or dangers or threats to public safety.

SBARC may, with reasonable care, pursue, capture, and impound animals believed to be stray, at large, or a danger or threat to public safety.

- (a) SBARC staff may proceed upon public property in pursuit of animals.
- (b) SBARC staff may proceed upon private property in plain view. This authority does not extend to privately-owned structures or enclosures without the consent of the owner, lessee, or other occupant in control of the premises, unless
 - (1) There are exigent circumstances to enter an enclosure, such as an immediate danger to the public or animal; or
 - (2) SBARC staff obtains a warrant.
- (c) SBARC staff may proceed upon vacant and/or abandoned properties,
- (d) If an animal is captured without the knowledge or consent of the known owner or occupant of the premises, then a notice may promptly be affixed to the premises from which capture took place and where the owner is known to reside, if different, in an obvious location, directing the known owner or occupant to contact SBARC and providing sufficient information as to the reason for the capture and disposition process.

Sec. 5-119. – Impoundment

- (a) Animals may be impounded and held at SBARC or a designated facility when there is probable cause that any of the following apply:
 - (1) animal mistreatment as described in Section 5-101,
 - (2) animals trained, bred or kept for the purpose of animal fighting,
 - (3) animals considered public nuisance, dangerous, or vicious,
 - (4) animals unable to be cared for as a result of owner arrest, eviction, hospitalization, or force majeure event,
 - (5) animals that have been abandoned,
 - (6) animals considered to be stray or at large,
 - (7) for any other reason determined to be in the interest of the animal's safety or welfare, or
 - (8) animals that for any other reason are considered to be a danger or threat to public safety.
- (b) When an animal is believed abandoned, SBARC shall place on a conspicuous location on the premises two Animal Welfare Alert notices approximately 24 hours apart that such animal appears abandoned and subject to impoundment. Each notice requires the owner to contact SBARC within 24 hours to explain the condition and welfare of the animal. If the owner fails to contact SBARC, then 24 hours after the second notice the animal may be impounded.

- (c) Any animal found in violation of Sec. 5-105 may be seized immediately in accordance with Indiana State Code and Department of Natural Resources Regulations.
- (d) Upon impoundment, the following process will apply:
 - (1) The animal will be held in protective custody for seven (7) calendar days to allow an owner to locate a new and appropriate owner or housing for the animal outside the City. If no arrangements have been made in seven (7) calendar days, the animal will become the property of the City and disposition may be made at that time. For purposes of this subsection, "protective custody" shall mean to seize and place into the custody of SBARC for the animal's health, safety and protection, or due to the animal's involvement in active investigation, or when the owner is deemed incapable of providing for the animal's "minimum care" as defined in Sec. 5-8.
 - (2) Notice of the protective custody, holding period, responsibility of costs and possible disposition must be served by hand delivery to the owner or posting at the premises of the last known address of the owner. Notice may be served by first class mail, as appropriate.
 - (3) The owner of any animal, which is impounded or relocated under this section, shall be held responsible for payment of any expenses so incurred by SBARC. Fees will be paid prior to release or relocation of the animal.
 - (4) Impounded animals may be transported to a licensed veterinarian for examination and/or treatment.
 - (5) If, in the opinion of a veterinarian, the animal must be euthanized, euthanasia will be performed immediately. Costs of treatment, euthanasia, and/or care shall be the responsibility of the owner.
 - (6) The housing and rehabilitation of native wildlife on public or private land shall be by a state, and/or federally, permitted or sub-permitted entity or individual. The permitted housing or shelter of wildlife shall not be any less than twenty (20) feet from neighboring property. Disease vectors such as raccoons and opossums are not permitted to be rehabilitated inside City limits.
- (e) Any animal may be impounded pursuant to an order of the Animal Welfare Commission which
 - 1) provides for immediate impoundment, or
 - 2) following a violation of an Order which permits impoundment for violations.

Sec. 5-120. - Entering motor vehicle to remove domestic animal; partial liability for damage; conditions for partial immunity; persons not liable.

Pursuant to IC 34-30-30-3, an Animal Welfare Officer that is acting within the course and scope of the person's employment is not liable for the cost of repairing damage to the motor vehicle caused by the person's forceable entry.

Sec. 5-121. - Interference with SBARC staff

- (a) No person shall release or attempt to release an animal from the custody of SBARC staff or release or attempt to release an animal from a humane trap which belongs to SBARC.
- (b) It shall be unlawful for any person to knowingly provide false information, a false statement or false representation to SBARC staff or hinder the investigation of any SBARC staff discharging or attempting to discharge any legal duty imposed by this Chapter.
- (c) The following shall be violations of this Chapter:

- (1) Any person, who by word or act, resists, abuses, molests, obstructs or impedes an SBARC staff member, or
- (2) who uses threatening language, uses force in order to intimidate, threatens to or attempts to do bodily harm toward such staff

while engaged in the enforcement of this Chapter or while engaging in the performance of any duty or in the exercise of such authority.

- (d) Nothing in this Section shall be construed as prohibiting conduct already prohibited by Indiana Code 35-45 et seq.
- (e) Any activity described in this Section not defined elsewhere in this Chapter as an ordinance violation, may be subject to an ordinance violation citation and fine for violation of this Section.

Sec. 5-122. - Determination of Public Nuisance Animal.

a. Definition:

1. A Public Nuisance Animal is defined as any animal which:

- (i). Has three (3) or more citations for any of the following behavior, as defined in this Chapter:
 - A. Running at large; or
 - B. Barking, whining, howling, or making other sounds common to its species in excess, continuously for fifteen (15) minutes or for an aggregate twenty (20) minutes in a one-hour period.
- (ii). Damages or disturbs private or public property in a manner that is disruptive or detrimental to resident quality of life or the community;
- (iii). Has an apparent isolated incident of biting a domestic animal or person causing injury rated on Section IV of the Animal Bite Classification System within the Official Indiana Bites Report form from Indiana State Department of Health, of no greater than a Level 2 ; or
- (iv). Exhibits other behaviors or characteristics that are disruptive or detrimental to resident quality of life or the community and requires measures beyond ordinary care to mitigate behaviors or risks.
- (v). Any public nuisance activity described in this Section not defined elsewhere in this Chapter as an ordinance violation, may be subject to an ordinance violation citation and fine for violation of this Section.

b. Determination:

1. If the City has investigated and determined that there exists reasonable grounds to believe that an animal meets the definition of a public nuisance animal, then SBARC may;
 - i. request a hearing by the Animal Welfare Commission for the purpose of determining whether or not the animal in question should be declared a public nuisance animal.

- ii. take appropriate steps to impound or seize the animal in question if it presents a danger to the public and further restrictions are required to protect the health or safety of the animal or the public.
 - iii. following impoundment, serve notice of the impoundment as provided in this chapter.
- 2. An animal determined to be a public nuisance animal by the Animal Welfare Commission will be subject to appropriate restrictions for the lifetime of the animal, which may include, but are not limited to:
 - (i). Any or all restrictions listed under Regulated Animal Possession Permit issuance;
 - (ii). Requiring an owner to complete a course of animal obedience training approved by SBARC;
 - (iii). Keeping the animal indoors or in a secured enclosure;
 - (iv). Requiring the use of a leash whenever off the owner's premises;
 - (v). Identification via a microchip implanted into the skin of the animal, and such microchip number must be provided to SBARC;
 - (vi). Require periodic inspections of the location where the animal resides to ensure it meets Inspection Standards; and/or
 - (vii). Restrictions may include any other measures deemed appropriate by the Animal Welfare Commission based on the totality of the circumstances;
- 3. If the animal in question dies, or is sold or transferred, the owner shall notify SBARC of the changed condition and new location of the animal in writing within five (5) business days.
- c. Violations of Order and Restrictions:
 - (1) Any violation of restrictions placed by the Animal Welfare Commission may result in modification of the applicable Order to require more detailed or enhanced restrictions, and/or may result in the immediate impoundment or seizure of the animal and waiver of possession rights in the seized animal is authorized if provided in the order.
 - (2) A violation of the Animal Welfare Commission Order which also is a violation of this Chapter may result in citations and/or fines.
 - (3) Every owner of a public nuisance animal shall allow inspection by SBARC employees of any enclosures or physical safety measures required pursuant to an applicable Order.
 - (4) SBARC may also consider any violation of applicable orders and restrictions as a basis for a Regulated Animal Possession Permit issuance.

Sec. 5-123. – Determination of Dangerous Animal.

- (a) Definition:

(1) A Dangerous Animal is defined as any animal which:

- i. Has at least one instance of a bite to a domestic animal or person causing injury rated on Section IV of the Animal Bite Classification System within the Official Indiana Bites Report form from Indiana State Department of Health, of a Level 3 (moderate punctures); or
- ii. Demonstrates a propensity, tendency, or disposition to chase and/or attack unprovoked or to cause injury or to threaten the safety of persons or domesticated animals with or without a bite.. Such a propensity, tendency, and/or disposition may be demonstrated by the animal's behavior towards wildlife.

(b) Determination:

(1) If the City has investigated and determined that there exists reasonable grounds to believe that an animal meets the definition of a dangerous animal, then SBARC may;

- (i). request a hearing by the Animal Welfare Commission for the purpose of determining whether or not the animal in question should be declared a dangerous animal.
- (ii). take appropriate steps to impound or seize the animal in question if it presents a danger to the public and further restrictions are required to protect the health or safety of the animal or the public.
- (iii). following impoundment, serve notice of the impoundment as provided in this chapter.

(2) At a hearing the Animal Welfare Commission may determine that an animal should instead be classified as a Public Nuisance Animal as defined in this Chapter.

(3) An animal determined to be a dangerous animal by the Animal Welfare Commission will be subject to appropriate restrictions for the lifetime of the animal, which may include, but are not limited to:

- (i). Any or all restrictions listed under Regulated Animal Possession Permit issuance and/or Public Nuisance designations;
- (ii). Requiring the use of a muzzle whenever off the owner's premises;
- (iii). Requiring the use of a muzzle when visitors are on the owner's premises;
- (iv). Requiring the use of a leash, of no more than three (3) feet in length, and under the control of a responsible adult, whenever off the owner's premises;
- (v). While on the owner's property, shall, at all times, be kept indoors, or in a secured enclosure that is enclosed on all five (5) sides and is anchored to the ground from which the animal cannot escape, and into which children cannot trespass. At least one (1) warning sign shall be posted on the enclosure in which the animal is maintained and must be visible from at least twenty (20) feet away.
- (vi). Warning signs on all entry points to the premises on which the animal is maintained and must be visible from at least twenty (20) feet away.
- (vii). Shall not be used for breeding;
- (viii). Alteration by a licensed veterinarian, unless:

- A. A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
 - B. A licensed veterinarian certifies in writing that altering the animal would be injurious to the animal's health; provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be altered immediately after the health condition has been corrected.
- (ix). the owner shall maintain a liability insurance policy of no less than three hundred thousand dollars (\$300,000.00) for the animal;
- (x). Warning signs on all entry points to the premises on which the animal is maintained; and/or
- (xi). Any other measures deemed appropriate by the Animal Welfare Commission based on the totality of the circumstances.
- (4) If the animal in question dies or is euthanized, the owner shall provide notice to SBARC.
- (5) No later than two (2) business days prior to selling or transferring the animal, the owner shall notify SBARC of the intent to sell/transfer in writing and provide the contact information for the buyer/recipient. The owner shall notify the buyer/recipient of the animal's designation as a dangerous animal in writing, together with any restrictions imposed by the Animal Welfare Commission.
- (c) Violations of Order and Restrictions:
 - (1) Any violation of restrictions placed by the Animal Welfare Commission may result in: modification of the applicable Order to require more detailed or enhanced restrictions; the immediate impoundment or seizure of the animal; and waiver of ownership rights in the seized animal is authorized if provided in the order.
 - (2) A violation of the Animal Welfare Commission Order which also is a violation of this Chapter may result in citations and/or fines.
 - (3) Every owner of a dangerous animal shall allow inspection by SBARC employees of any enclosures or other physical safety measures required pursuant to an applicable Order.
 - (4) SBARC may also consider any violation of applicable orders and restrictions as a basis for a dangerous animal determination.

Sec. 5-124. - Determination of Vicious animal.

(a) Definition:

- (1) A Vicious Animal is defined as any animal which:
 - (i). Constitutes a physical threat to persons or animals because of an attack of such severity or intensity that caused severe property or physical bodily damage;
 - (ii). Has at least one instance of a bite to a domestic animal or person causing injury rated on Section IV of the Animal Bite Classification System within the Official Indiana Bites Report form from the Indiana State Department of Health, of at least Level 4;

- (iii). Was previously designated as a dangerous animal and makes an unprovoked attack on an animal or person; or
 - (iv). Has a prior bite history demonstrating a propensity, tendency, or disposition to attack unprovoked or to cause injury or to threaten the safety of persons or animals and makes an unprovoked attack on an animal or person.
- (2) An animal shall not be a Vicious Animal within the meaning of this article if:
- (i). It inflicts an injury upon a person when the animal is being used by a law enforcement officer carrying out official duties; or
 - (ii). The injury inflicted by the animal was sustained by a person who was committing a willful trespass or other tort; was tormenting, abusing or assaulting the animal; had in the past been reported to have tormented, abused or assaulted the animal; or was committing or attempting to commit a crime.
- (b) Determination:
- (1) If the City or a law enforcement officer has reasonable grounds to believe that an animal meets the definition of a vicious animal, then SBARC may:
 - (i). take immediate steps to impound or seize the animal in question,
 - (ii). following impoundment, serve notice of the impoundment as provided in this chapter, and/or
 - (iii). request a hearing by the Animal Welfare Commission for the purpose of determining whether or not the animal in question should be declared a vicious animal.
 - (2) The Animal Welfare Commission may find in a hearing that a Vicious Animal determination is applicable. Upon making a vicious animal finding, the animal in question shall be euthanized. SBARC may obtain a warrant to seize or impound the animal.
 - (3) If the Animal Welfare Commission determines that a Vicious Animal determination is not applicable, the Animal Welfare Commission may determine that the animal is a Dangerous or Public Nuisance Animal, and order applicable specific restrictions.
 - (4) After the determination, if the owner submits an appeal during the applicable period, euthanasia shall be placed on hold and the animal will remain in custody of SBARC, with the owner liable for all costs of keeping the animal, until a final order for the disposition of the animal.

Sec. 5-125. – Violations of Animal Welfare Commission Orders

- a. General Applicability: This section applies to any restrictions or orders imposed by the Animal Welfare Commission pursuant to determinations under this Article, including but not limited to Regulated Animal Possession Permit issuance, Public Nuisance Animal, and Dangerous Animal designations.

b. Consequences of Violation:

1. Any violation of restrictions or orders imposed by the Animal Welfare Commission shall be a violation of this Chapter and may result in:
 - (i). Modification of the applicable order to require more detailed or enhanced restrictions;
 - (ii). Immediate impoundment or seizure of the animal, with waiver of ownership rights in the seized animal if provided in the order;
 - (iii). Citations and/or fines as set forth in this Chapter.
2. Every owner subject to an Animal Welfare Commission order shall allow inspection by SBARC employees of any enclosures or physical safety measures required pursuant to the order.

c. Escalation: SBARC may consider any violation of applicable orders and restrictions as a basis for a new or escalated determination under this Article.

Sec. 5-126. - Reconsideration of Determination.

An owner may submit one (1) request for reconsideration per year to the Animal Welfare Commission to have a determination ordered by the Animal Welfare Commission modified or removed, no earlier than three hundred and sixty-five (365) days from the date of the determination or a prior request, subject to the following:

- (a) The request must be in writing.
 1. The request must be filed with SBARC and will only be submitted for a hearing before the Animal Welfare Commission if there have been no valid complaints within the last three hundred and sixty-five (365) days at the address of the owner, against the owner, and/or against the animal;
 2. The request shall include detailed information about how the change in circumstances or measures implemented have mitigated the risk to animal welfare and/or public safety as related to the determination;
 3. The Animal Welfare Commission has the authority to hear evidence, both for and against removal of the determination; and
 4. The Animal Welfare Commission or hearing officer may make a decision to remove, modify, or retain such determination based on the preponderance of the evidence.
- (b) Said provisions notwithstanding, in the event of an appeal with an outcome favorable to the owner, the owner may file for reconsideration under this Section prior to the expiration of three hundred sixty-five (365) days. A reconsideration under this provision shall be filed within fourteen (14) days of the favorable appeal outcome.
- (c) Upon the discovery or receipt of new information or evidence SBARC may by its own petition request a reconsideration at any time.

Sec. 5-127. - Recognition of animal welfare designations or citations by outside agencies.

- (a) SBARC may consider animal welfare designations or citations by other agencies as evidence in an administrative determination under this Chapter or a proceeding before the Animal Welfare Commission.
- (b) Nothing in this section prohibits or limits SBARC from acting under this Chapter, or the application of this Chapter, to address an animal or animal owner that moves into the City.

Sec. 5-128. - Penalties; Costs, and Fees.

- (a) Any person violating any of the provisions of this Chapter may be fined for each offense, in any sum not less than fifty dollars (\$50.00) and not more than two thousand five hundred (\$2,500.00) as set forth in Section 5-149, and each day's violation shall constitute a separate offense.
- (b) If an animal is retained at SBARC because its owner has been in violation of this Chapter, then the person redeeming the animal by paying the prescribed fees shall also be required to pay the costs incurred by SBARC for impoundment and caring for including, but not limited to:
 - (1) Surgeries,
 - (2) Vaccines,
 - (3) X-rays,
 - (4) Medications,
 - (5) Exams, including Veterinarian visits,
 - (6) Lab work,
 - (7) Boarding,
 - (8) Rescue equipment,
 - (9) Perishable personal protection equipment, and
 - (10) Grooming.
- (c) Violation of any provision of this Chapter may result in revocation of any permit(s) issued by SBARC and may require a re-inspection prior to reinstatement of the permit.
- (d) Upon finding of violations of this Chapter, the City may choose at any time to seek enforcement through a court of competent jurisdiction which may order relinquishment of an animal(s) deemed to be a public safety risk or a repetitive public nuisance that has not been abated or an animal that is a victim of cruelty, neglect, or abandonment, to SBARC for disposition. The owner of such animal(s) shall be liable to the City for all court costs, litigation costs and legal fees if the City prevails and as approved by the court, and the City may ask the court to require the issuance of a bond from owner to cover the costs of keeping any animal in custody of SBARC.

DIVISION 2. CHRONIC ANIMAL ORDINANCE VIOLATIONS – REGULATED ANIMAL POSSESSION PERMIT REQUIRED

Sec. 5-129. Purpose and intent.

- (a). The purpose of this Division is to protect the public health, safety, and welfare, and to prevent harm to animals, by regulating the future possession and care of animals by persons whose documented history of animal ordinance violation citations reasonably indicates an inability to comply with the requirements of this Chapter.

(b). This Division shall be interpreted and applied consistently with Indiana and Federal law governing animal care and welfare. If any provision is found to require action inconsistent with such state or federal regulations, it shall be deemed preempted to the extent of the inconsistency.

Sec. 5-130. Definitions.

Regulated Animal Possession Permit means a permit issued by SBARC with or without conditions, authorizing a person to possess or harbor one or more animals subject to the requirements of this Chapter.

Sec. 5-131. Permit required for continued animal possession.

(a) A person who meets the criteria in subsection (b) or (c) is not eligible to possess or harbor animals within the City unless that person qualifies for and holds a valid Regulated Animal Possession Permit issued pursuant to this Division.

(b) A person is subject to this Division if, within a rolling twenty-four (24) month period, the person has received three (3) or more citations for violations of this Chapter, and SBARC determines that such history reasonably indicates an inability to comply with the requirements of this Chapter in the future, demonstrating the need for added regulations.

(c) A person is subject to this Division if the person has received at least one (1) citation for violation of this Chapter indicating a heightened risk to:

1. animal welfare, to other persons or animals based upon the likelihood to sustain injuries or contract diseases, or
2. the public health, safety, and welfare

and SBARC determines the citation poses so great a risk to the considerations in subsections 1 and 2 above that added regulations are necessary before the accumulation of three citations.

Sec. 5-132. SBARC review of citation history.

(a) SBARC may review all relevant records regarding a person's prior citations, history of compliance, corrective actions undertaken, and any other information reasonably related to future compliance with this Chapter.

(b) After a review pursuant to subsection (a), SBARC may conclude one of the following:

1. A person's citation history indicates added regulations are needed for future compliance;
2. A person's citation poses so great a risk to animal, human, and/or public health, safety, and welfare that added regulations are necessary before the accumulation of three citations;
3. A person's citation history does not warrant a Regulated Animal Possession Permit at this time; or

4. A person's citation history demonstrates they are not qualified for a Regulated Animal Possession Permit at this time. A determination under this subsection means that possession of an animal shall constitute a violation of this Chapter.

Sec. 5-133. Issuance of Regulated Animal Possession Permit.

(a) If SBARC determines a person is qualified for a Regulated Animal Possession Permit and that added regulations are needed for future compliance, then SBARC may issue a Regulated Animal Possession Permit to the person, with or without conditions, authorizing the person to possess or harbor one or more animals subject to the requirements of this Chapter.

(b) SBARC must provide written notice to the affected person with sufficient information about the Regulated Animal Possession Permit requirements and a copy of the permit.

(c) SBARC may impose conditions as added regulations to the Regulated Animal Possession Permit reasonably related to the violation history, which may include, but are not limited to:

1. Requiring an owner to complete a course of animal obedience training approved by SBARC;
2. Keeping the animal indoors or secure on premises;
3. Providing suitable shelter and protection from the elements that shall provide adequate exercise room, light, ventilation, and sanitation;
4. Limiting the number of animal licenses;
5. Requiring periodic inspections of the location where the animal resides to ensure it meets Inspection Standards;
6. Any other measures deemed appropriate based on the totality of the circumstances of the animals licensed.

(d) If the person issued the Regulated Animal Possession Permit disputes the permit or the added regulations, then the person may file an appeal within ten (10) days of the date of issuance by following the process in Sec. 5-78 of this Chapter. Pursuant to Sec. 5-78 of this Chapter, upon timely request, the AWC shall conduct a hearing and may affirm, modify, or reverse SBARC's determination for the issued Regulated Animal Possession Permit.

(e) If SBARC has determined that there are reasonable grounds that animal welfare is at risk, or an animal presents a danger to the public health or safety while in the custody of the person awaiting the appeal, SBARC may take appropriate steps to impound or seize said animal.

Sec. 5-134. Animal Welfare Commission determination of Regulated Animal Possession Permit.

(a) If SBARC determines that a person's citation poses so great a risk to animal, human, and/or public health, safety, and welfare that added regulations are necessary before the accumulation of

three citations, then SBARC may request a hearing before the Animal Welfare Commission for a review and determination whether an Regulated Animal Possession Permit should be issued or denied. If a Regulated Animal Possession Permit is denied based upon a failure to qualify for the permit, possession of an animal constitutes a violation of this Chapter.

(b) If SBARC has determined that there are reasonable grounds that animal welfare is at risk, or an animal presents a danger to the public health or safety while in the custody of the person awaiting the AWC's determination, SBARC may take appropriate steps to impound or seize said animal.

(c) If AWC approves the issuance of an Regulated Animal Possession Permit, then AWC may impose conditions as added regulations to the Regulated Animal Possession Permit reasonably related to the violation history as set forth in Section 5-133(c).

Sec. 5-135. Regulated Animal Possession Permit post-issuance review.

(a) Regulated Animal Possession Permits shall be valid commencing with the date of issuance, are not transferrable, and subject to annual review.

(b) Upon review, SBARC may:

1. re-inspect the premises;
2. examine all animals in the person's possession; and
3. review all relevant records regarding a person's prior citations, history of compliance, corrective actions undertaken, and any other information reasonably related to future compliance with this Chapter

to determine whether the permit should be continued, modified, or denied. SBARC may require additional information or documentation from the applicant to decide the permit continuation.

(c). Following permit review, if it is determined the permit is denied due to the person no longer qualifying for a Regulated Animal Possession Permit, review of the decision shall follow the provisions in Sec. 5-78 of this Chapter.

(d). Following permit review, if it is determined the permit is continued, the person may continue to hold a Regulated Animal Possession Permit, with or without conditions, authorizing the person to possess or harbor one or more animals subject to the requirements of this Chapter.

(e) SBARC may impose conditions as added regulations to the reissuance of an Regulated Animal Possession Permit reasonably related to the violation history and current conditions, as set forth in Section 5-133(c).

(f) SBARC may rescind the requirement for Regulated Animal Possession Permit upon a showing of verified changed circumstances or demonstrated compliance.

Sec. 5-136. Reconsideration of determination.

- (a) An owner may submit one (1) request for reconsideration per year to SBARC to have a denial or issuance of a Regulated Animal Possession Permit with added regulations be reconsidered, no earlier than three hundred and sixty-five (365) days following the expiration of a full year from the date of the determination or a prior request, subject to the following:
 - 1. The request must be in writing.
 - 2. The request must be filed with SBARC and will only be reconsidered if there have been no valid complaints within the last three hundred and sixty-five (365) days at the address of the owner, against the owner, and/or against the animal.
 - 5. The request shall include detailed information about how the change in circumstances or measures implemented, such as obedience and/or behavior modification training of the animal, have mitigated the risk to animal welfare and/or public safety as related to the determination.
- (b) SBARC has the authority to review documentation both for and against removal of the determination.
- (c) SBARC may make a decision to remove, modify, or retain such determination based on the preponderance of the evidence.
- (d) Said provisions notwithstanding, in the event of an appeal with an outcome favorable to the owner, the owner may file for reconsideration under this Section prior to the expiration of three hundred sixty-five (365) days. A reconsideration under this provision shall be filed within fourteen (14) days of the favorable appeal outcome.
- (e) Upon the discovery or receipt of new information or evidence SBARC may by its own petition initiate a reconsideration at any time.
- (f) If a person receiving an unfavorable outcome on reconsideration on a Regulated Animal Possession Permit disputes the outcome, then the person may file an appeal within ten (10) days of the date of issuance by following the process in Sec. 5-78 of this Chapter. Pursuant to Sec. 5-78 of this Chapter, upon timely request, the AWC shall conduct a hearing and may affirm, modify, or reverse SBARC's determination for the issued Regulated Animal Possession Permit.

Sec. 5-137. Enforcement.

- (a) Possession of animals without a Regulated Animal Possession Permit, if required under this Division, constitutes a violation of this Chapter.

- (b) Non-compliance with the Regulated Animal Possession Permit or the conditions imposed as added regulations constitutes a violation of this Chapter.
- (c) Following the provisions of Sec. 5-78 of this Chapter, SBARC may deny an Regulated Animal Possession Permit for failure to comply with the Regulated Animal Possession Permit or the conditions imposed as added regulations.
- (d) In addition to any remedies authorized in this Chapter, the City may seek injunctive relief and/or impoundment pursuant to Indiana law.

DIVISION 3. HEARING PROCEDURES

Sec. 5-138. – Animal Welfare Commission Hearings

- (a) This section establishes the hearing procedures when the Animal Welfare Commission receives a request for a hearing from SBARC. Upon receipt of the request for hearing, a hearing may be scheduled, in coordination with the Hearing Officer and/or Animal Welfare Commission (collectively referred to as the “Hearing Authority” for the purposes of this section). The hearing shall be scheduled within a reasonable timeframe.
- (b) When the hearing date is scheduled, SBARC shall receive a copy of the Hearing Authority’s issued notice to the owner.
- (c) Notice of the hearing must be served to the owner, and must contain the following:
 - (1) Hearing date, time, and location;
 - (2) A statement referencing the hearing process under this section;
 - (3) A statement concerning the basis for the hearing, including the applicable ordinance violation(s) and what decisions may result from the hearing; and
 - (4) A statement describing the consequence for failure to appear for the hearing.
- (d) Manner of Serving Notice.
 - (1) Initial notice of hearing must be served upon the owner of the animal by any of the following methods:
 - (1) Mailing the notice by certified mail to the residence or place of business or employment, with return receipt requested;
 - (2) Personal service;
 - (3) Posting at the residence of the owner followed by sending notice by First Class mail;
 - (4) Publication; or
 - (5) Any manner of service allowable by Indiana Trial Rules.
 - (2) The notice must be served at least ten (10) days before the hearing date. In computing the days for service, the day of service shall not be included.
 - (3) Subsequent communication by the City, including any decisions by the Animal Welfare Commission, may be served by first-class mail.
- (e) Owner Request for Continuance.

- (1) A request for a continuance of the scheduled hearing date and time shall be made in writing no later than forty-eight (48) hours in advance, and provide the following:
 - i. The reason for the continuance, and
 - ii. An approximate date or timeframe which is requested for the rescheduled hearing, which shall be no later than 10 business days from the original hearing.
 - (2) A continuance may be granted prior to the hearing at the discretion of the Hearing Officer or Animal Welfare Commission's Counsel. The safety of the public, the safety of any affected animals, and the burden on SBARC of any delay shall be given consideration when evaluating the request for a continuance.
 - (3) A continuance request made less than forty-eight (48) hours in advance, or made at the hearing, may be granted at the discretion of the Commissioners upon holding a vote.
 - (4) If any animals are impounded pending hearing, then the owner may be responsible for the additional costs of boarding and care due to the continuance.
- (f) Hearings.
- (1) The Hearing Authority is permitted to hold a hearing presided by:
 - (i). Hearing Officer or
 - (ii). Legal representative assisting the Commissioners in making findings, approving an order, and preparing a final order.
 - (2) Hearings shall be held on a business day and conducted by the Hearing Authority in an orderly and structured manner, similar to proceedings under the Indiana Rules of Court for Small Claims. The owner may appear at the hearing and may be represented by an attorney. SBARC and the owner shall have the opportunity to present their case and hear the argument against them.
 - (3) The Commissioners shall consider the evidence introduced at the hearing and decide whether the evidence supports the determination. The Animal Welfare Commissioners are permitted to ask questions, deliberate, and make final determinations. Decisions on the findings, as well as on the specific restrictions or other terms of the final order, are determined by a majority vote.
 - (4) An order shall be issued following any determination. If the owner fails to appear at the hearing, the Hearing Authority may find the owner in default and may issue an order with applicable prohibitions, restrictions, and/or limitations.
- (g) Hearing Determinations and Order
- (1) The Hearing Authority shall consider the evidence presented and make a determination based upon the preponderance of the evidence.
 - (2) Following the hearing, the Animal Welfare Commission shall submit a written determination to the Respondent.
 - (3) The written determination shall include findings of fact, determination of legal status, and include any orders, restrictions, or requirements.

- (4) When an order is issued following a hearing that requires the owner to surrender animal(s) that are not presently in the custody of SBARC, such animal(s) must be surrendered to SBARC within twenty-four (24) hours of receipt of the written determination.
- (5) All animals that are impounded shall be held at SBARC or its authorized agent continuously during the ten (10) day appeal period following the determination. During that ten (10) day period, the owner will be responsible for all boarding costs and fees associated during that period and not covered by any bond posted pursuant to an appeal.
- (6) If the owner files an appeal of the written determination, the animal will be held at SBARC or its authorized agent during the appeal process. The owner shall be responsible for all boarding costs and fees associated during the appeal process.
- (7) The written determination may be served on the owner by first class mail or any method described in Subsection (d)(1) of this Section.
- (8) Any written determination that orders the impoundment and/or surrender of an animal may include a statement giving notice to the owner that a cash bond to cover the boarding fees and cost of care may be requested upon the filing of a petition for judicial review.

Sec. 5-139. - Appeal of the hearing determination.

- (a) Hearing determinations may be appealed by filing a request for judicial review with a court of competent jurisdiction within St. Joseph County, as may be applicable under I.C 4-21.5-5.
- (b) The request for judicial review under this section must be filed by a verified petition. The verified petition must include a copy of the written determination and adhere to the Indiana Rules of Trial Procedure. The petition must be filed within ten (10) calendar days of service of the written determination on the owner.
- (c) In computing the time frame to file the verified petition under this section, the day the written determination is served shall not be included. The last day of the ten (10) day period is to be included unless it is a Saturday, a Sunday, or a day the court is closed and in those situations the period runs until the end of the next day that is not a Saturday, a Sunday or a day on which the court is closed.
- (d) The City may petition the court for a bond as necessary, pursuant to IC 34-49 or other applicable law, from owner to cover the costs of care of the animal while it is in the custody of SBARC during the appeal process.
- (e) If the animal is returned to the owner after final adjudication the bond will be processed in accordance with the court's decision.

ARTICLE 11. – ADMINISTRATION

DIVISION 1. ANIMAL RESOURCE CENTER (“SBARC”)

Sec. 5-140. - Duties of SBARC.

SBARC shall have those duties and responsibilities set forth by this Chapter together with those set forth in policies and procedures duly adopted by the City. SBARC enforces all City ordinances and Indiana state laws regarding animal care and control.

DIVISION 2. ANIMAL WELFARE COMMISSION

Sec. 5-141. - Animal Welfare Commission.

- (a) The Animal Welfare Commission shall consist of five members who shall each be appointed to serve a three-year term, with terms to be staggered such that no more than two (2) members finish their term in a given year. No limit shall be set on the number of terms a member can serve. All members shall serve without compensation.
- (b) Two (2) of the Animal Welfare Commission members shall be appointed by the Mayor.
- (c) The three (3) remaining members shall be appointed by the South Bend Common Council.

At least one (1) member appointed by the South Bend Common Council must be a licensed veterinarian or a registered veterinary technician. In the event of a vacancy in the seat held by the veterinary professional member, the Animal Welfare Commission may continue to meet and conduct business.

- (d) Selections shall not be based on political affiliations, but on the member's interest in and knowledge of animal welfare and enforcement.
- (e) Subject to applicable sections of the South Bend Municipal Code for citizen members, the members of the Animal Welfare Commission shall serve at the pleasure of the appointing authority and each member shall serve until a qualified successor is duly appointed.
- (f) In the case of vacancy in Animal Welfare Commission membership due to death, resignation, incapacity, removal, or other cause, the appointment to fill the vacancy so occurring shall be made by the original appointing body for the unexpired term only.

Sec. 5-142. - Officers; agenda, meetings and meeting minutes of the Animal Welfare Commission.

- (a) At the first meeting of each year the Animal Welfare Commission shall elect a Chair, Vice-Chair, and Secretary from its membership.
- (b) The Animal Welfare Commission meets as follows:
 - (1) At a reasonable cadence as agreed upon between the Animal Welfare Commission and the City,
 - (2) Upon special call by the Chair upon the written request to the Chair by any three (3) members, and
 - (3) Upon written request to the Chair by the Department of Community Investment and/or SBARC.
- (c) Three (3) members of the Animal Welfare Commission shall constitute a quorum to conduct business. Official action may be taken by a majority vote of those in attendance.

Sec. 5-143. - Duties and responsibilities of the Animal Welfare Commission.

- (a) The Animal Welfare Commission shall have the following duties and responsibilities:
- (1) To recommend proposed policies, principles, standards and regulations for the control and humane treatment of all animals regulated by this Chapter;
 - (2) To review and make advisory recommendations aimed at improving regulations and enforcement of the regulations codified into this Chapter to the South Bend Common Council;
 - (3) To review and determine appeals on denials, suspensions and revocations of licenses and permits in Article 7 of this Chapter;
 - (4) Hold hearings to review evidence of non-compliance with this Chapter as brought forward by SBARC, and make hearing determinations, and receive recommendations from SBARC concerning applicable orders.
 - (5) Commissioners shall make recommendations and determinations in a fair and impartial manner based on facts and evidence presented.
- (b) The Animal Welfare Commission may adopt rules and procedures to govern all hearings it must conduct under Chapter 5. If there are any rules or procedures that are not covered by this Chapter or adopted by the Animal Welfare Commission, the Commission will follow the Indiana Administrative Procedure Act, Title 4, Articles 21.5 and 22 of the Indiana Code.

Secs. 5-144-5-145. - Reserved.

DIVISION 3 – SBARC OPERATIONS

Sec. 5-146. - Management of the animals.

- (a) SBARC shall have those duties and responsibilities set forth by this Chapter together with those set forth in policies and procedures duly adopted by the City. Any owner who surrenders an animal to SBARC immediately relinquishes all ownership or legal rights to the animal and the animal becomes property of SBARC. SBARC shall not ban, bar, limit or otherwise obstruct the adoption or transfer of any animal based on breed, breed mix, age, color appearance or size.
- (b) Any animal in the custody of SBARC may be transported or housed at a remote facility, under the direction of SBARC, irrespective of the agency that seized the animal:
- (1) Animals may be transported to a licensed veterinarian for examination and/or treatment. If in the opinion of said veterinarian, the animal must be euthanized, euthanasia will be performed immediately. Costs of treatment, euthanasia, and/or care shall be the responsibility of the owner.
 - (2) When a community cat is captured, SBARC may impound the cat or may return it to its harbinger or community cat caretaker if, in the opinion of SBARC, the return would not present a danger to the public, a continued or repeated public nuisance, or otherwise result in a violation of this Chapter.

Sec. 5-147. – Reclaim of Animal in SBARC Custody.

- (a) SBARC reserves the right to refuse reclamation if the animal is being held by the City pending further investigation and/or enforcement if such refusal is in the best interests of the health and/or safety of the animal or the public.
- (b) A person may reclaim or redeem an animal in the custody of SBARC upon meeting all of the following requirements:
 - (1) The person must submit valid proof of ownership to SBARC.
 - (2) The person must pay all redemption fees and any other service, boarding, or medical fees, and pay all other outstanding penalties due for ordinance violations under this Chapter.
 - (3) Any dog or cat, prior to its release by SBARC, shall be implanted with a microchip and registered for purposes of identification and reclaiming. The cost for this process shall be at the owner's expense before the animal's release.
 - (4) All animals shall be registered/licensed with the City prior to release.
 - (5) The owner must demonstrate the ability to provide minimum care and, when applicable, show a treatment plan is in place.
- (c) The owner will automatically relinquish ownership rights in the animal to SBARC if the owner fails to complete all the conditions for reclaiming their animal by the following established timeframes:
 - (1) Stray animal with a form of identification (such as a microchip, rabies tag, pet tag with owner information): 7 calendar days
 - (2) Stray animal with no form of identification: 3 calendar days
 - (3) Animal completing bite quarantine: 1 calendar day following the end of the quarantine period
 - (4) Safe harbor for reasons of tragedy beyond the control of the owner (such as house fire or death of owner): 7 calendar days
 - (5) Owner arrest: 7 calendar days
- (d) If the reclaim timeframe does not end on a business day, the last day to reclaim the animal is the next business day SBARC is open.
- (e) SBARC may require an animal that has previously been impounded as a stray or running at-large to be altered by a licensed veterinarian at the owner's expense upon a second or subsequent redemption.
 - (1) If the alteration appointment is made by the owner, the appointment must be scheduled within thirty (30) days of reclaim and evidence of the scheduled appointment shall be provided to SBARC.
 - (2) If SBARC has a reasonable belief that the owner will not comply with this requirement, SBARC may transport the animal directly to the veterinarian of the owner's choice for completion of the procedure, and the owner may pick up the animal from the veterinarian following the procedure.
 - (3) Failure to comply with the requirements of subsection (e)(1) constitutes a violation of this Chapter.

- (f) Upon failure to reclaim the animal within the timeframe, the animal becomes the property of SBARC.
- (g) In addition to the relinquishment of ownership rights set forth herein, the registered owner of a microchipped animal may be subject to a fine for failure to reclaim the animal in an amount not to exceed \$750 per animal.

Sec. 5-148. - Animal euthanasia.

- (a) Animals in the custody of SBARC may be euthanized only when necessary and consistent with SBARC policies and the requirements of this Article.
- (b) No person other than the following may euthanize any domestic animal within the City:
 - (1) Authorized agent of SBARC,
 - (2) A licensed veterinarian,
 - (3) A veterinary staff member under the direct supervision of a veterinarian, or
 - (4) Other animal shelters and/or public animal facilities which euthanize animals in the City.
- (c) Individuals authorized to perform euthanasia must be trained in humane procedures by a licensed veterinarian or a registered veterinary technician prior to being authorized to conduct animal euthanasia and shall perform the animal euthanasia in a humane manner as specified by the American Veterinary Medical Association's Guidelines for Euthanasia of Animals and/or The Humane Society of the United States's Euthanasia Reference Manual.

Sec. 5-149. – SBARC fees and penalties.

- (a) In addition to any other fees required to be paid under federal and state law, SBARC has the following fee schedule:

Puppy (6 months and under)	\$200
Cat (older than 6 months)	\$75
Kitten (6 months and under)	\$100
Small Mammal	\$50
Bird	\$75
Reptile	\$75
Invertebrate	\$50
Amphibians	\$50
Fish	\$25

Surrender	\$50
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Altered Animal– 1 year rabies	\$20
Altered Animal –3 year rabies	\$40
Unaltered Animal– 1 year rabies	\$50
Unaltered Animal –3 year rabies	\$100
Rental Horse	\$20

Urban Chicken Permit	20
Honey Beekeeping Permit	20
Pigeon Permit	20
Pet Shop Permit (selling altered dogs/cats and/or other animals)	\$ 250
Pet Shop Permit (selling unaltered cats and/or dogs, including any additional animals)	\$1,000
Groomers Permit	\$100
Minor Breeders Permit	\$50
Breeders Permit	\$500
Kennel/Cattery Permit (per 25 animals)	\$150
Rental Horse Permit	\$100
Zoological Park Permit	\$0
Attraction Animal Permit	\$500
Reinspection Fee	\$50

First redemption	\$25
Second redemption	\$50
Third redemption	\$100
Fourth redemption (and subsequent)	\$200

- (b) SBARC service charges or user or permit fees may include reasonable costs incurred for the care of the animals and operations. Such costs will be accurately assessed by SBARC according to a schedule of costs it maintains.
- (c) Violation of any provision of this Chapter may be subject to penalties in an amount not less than those set out below.

Citation	1st	2nd	3rd	4th + subsequent	Section
Failure to Provide Minimum Care	\$250	\$500	\$1,500	\$2,500	Sec. 5-08
Grooming Offense	\$100	\$200	\$300	\$500	Sec. 5-09
Medical Offense	\$250	\$500	\$1,000	\$1,500	Sec. 5-09
Inappropriate Training Methods	\$250	\$500	\$1,000	\$2,000	Sec. 5-10
Improper Restraint	\$75	\$150	\$250	\$500	Sec. 5-11
Improper Fastening/Tethering	\$75	\$300	\$1,000	\$2,500	Sec. 5-12
Improper Muzzling	\$75	\$250	\$750	\$1,500	Sec. 5-13
Failure to Contain Animal on Property	\$75	\$150	\$300	\$500	Sec. 5-14
Failure to Identify	\$50	\$75	\$100	\$250	Sec. 5-21
Removal of Excrement	\$50	\$100	\$250	\$500	Sec. 5-22
Failure to Vaccinate Against Rabies	\$150				Sec. 5-23
Underage Sale or Transfer of Kittens/Puppies	\$250	\$500	\$1,000	\$1,500	Sec. 5-24
Failure to Contain Animal in Heat	\$75	\$250	\$500	\$1,500	Sec. 5-25
Community Cat Caretaker Violation	\$75	\$250	\$500	\$1,500	Sec. 5-27
Improper Trapping	\$250	\$500	\$1,000	\$1,500	Sec. 5-28 ; Sec. 5-105
Dog Park Violation	\$50	\$100	\$250	\$500	Sec. 5-29
Nuisance Dog Park Citation	\$75	\$300	\$1,000	\$2,500	Sec. 5-29(o)
Acreage Violation	\$250	\$500	\$750	\$1,000	Sec. 5-36
Failure to Provide Adequate Housing/Stable Requirements - Horses	\$250	\$500	\$1,500	\$2,500	Sec. 5-44
Rental Horse Regulation Violation	\$250	\$750	\$1,500	\$2,500	Sec. 5-45
Above the Unaltered Animal Limit	\$250	\$500	\$1,000	\$1,500	Sec. 5-60
Failure to License	\$150				Sec. 5-60
Kennel/Cattery Permit Violation	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-63
Grooming Shop Permit Violation	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-65
Pet Shop Permit Violation	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-66
Rental Horse Permit Violation	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-67
Minor Breeder Permit Violation	\$250	\$500	\$750	\$1,500	Sec. 5-68
Breeder Permit Violation	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-69
Chicken Permit Violation	\$50	\$150	\$250	\$500	Sec. 5-70
Honey Bee Permit Violation	\$100	\$250	\$750	\$1,500	Sec. 5-71
Pigeon Permit Violation	\$50	\$150	\$250	\$500	Sec. 5-72
Animal Event Permit Violation	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-73
Zoological Park Permit Violation	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-75
Animal Attraction Permit Violation	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-76

Animal Rescue Organization / Animal Welfare Organization Violation	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-77
Failure to Notify - Vehicular Collision	\$50	\$100	\$250	\$500	Sec. 5-81
Failure to Notify - Lost/ Stray Animals	\$50	\$100	\$250	\$500	Sec. 5-82
Bite Class I or II	\$100	\$250	\$500	\$750	Sec. 5-83
Bite Class III or IV	\$500	\$750	\$1,000	\$1,500	Sec. 5-83
Bite Class V	\$2,500				Sec. 5-83
Violation of Bite Quarantine Procedure	\$250	\$750	\$1,000	\$1,500	Sec. 5-83
Failure to Notify - Veterinary Professional	\$50	\$100	\$250	\$500	Sec. 5-84
Offensive Use of Animal	\$250	\$750	\$1,500	\$2,500	Sec. 5-91
Improper Disposal of Dead Animals	\$100	\$250	\$500	\$750	Sec. 5-92
Antagonization of Animals	\$75	\$250	\$500	\$1,500	Sec. 5-93
Animals as Prizes	\$75	\$150	\$250	\$500	Sec. 5-94
Poisonous Bait	\$500	\$1,500	\$2,500	\$2,500	Sec. 5-95
Dying, Staining, or Tattooing	\$100	\$200	\$300	\$500	Sec. 5-96
Animal Fighting	\$1,000	\$2,500	\$2,500	\$2,500	Sec. 5-98
Inappropriate Animal Collection	\$250	\$750	\$1,500	\$2,500	Sec. 5-99
Enticement of Animals	\$75	\$250	\$500	\$750	Sec. 5-100
Abandonment	\$500	\$1,500	\$2,500	\$2,500	Sec. 5-101
Animal Mistreatment	\$1,000	\$2,000	\$2,500	\$2,500	Sec. 5-101
Running at Large	\$75	\$300	\$1,000	\$2,500	Sec. 5-102
Confinement in Motor Vehicle	\$500	\$1,500	\$2,500	\$2,500	Sec. 5-103
Exotic Animals/Native Wildlife	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-104
Barking/Public Nuisance	\$50	\$150	\$300	\$500	Sec. 5-107 ; Sec. 5-122
Interference with SBARC Staff	\$100	\$250	\$500	\$1,500	Sec. 5-121
Violation of AWC Determination	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-125
Regulated Animal Possession Permit Violation	\$500	\$1,000	\$1,500	\$2,500	Sec. 5-137
Failure to Comply w/ Mandatory Spay/Neuter	\$250	\$500	\$750	\$1,000	Sec. 5-147
Failure to Reclaim	\$150	\$250	\$500	\$750	Sec. 5-147
Prohibited Euthanasia of Animals	\$2,500				Sec. 5-148

- (d) SBARC has authority to waive or reduce fees based on responsible animal ownership, operational needs, and/or administrative considerations.

Sec. 5-150. - Disposition of fees, donations, and bequests.

- (a) All money generated, received or collected as the result of payment of fees required shall be deposited into SBARC's revenue fund.

- (b) All money received by SBARC through donations, gifts, bequests or devises shall be payable to SBARC and deposited into Fund 217.
- (c) Any person or organization desiring to assist SBARC by raising funds on its behalf shall not act until they have received written approval of their fundraising proposal from SBARC.
- (d) All money generated, received or collected in response to SBARC's special fundraising projects shall be payable to SBARC and shall be deposited into the appropriate City Fund and used in a manner consistent with the announced purpose of any special fundraising event or project.

Secs. 5-151-5-157. - Reserved.

SECTION III. This Ordinance shall take effect thirty (30) days after adoption by the Common Council and approval by the Mayor and any publication required by law.

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca Tirado City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2026, at _____ o'clock _____.m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2026, at ____ o'clock _____.m.

James Mueller, Mayor
City of South Bend

40-26



CITY OF SOUTH BEND

DEPARTMENT OF COMMUNITY INVESTMENT

July 7, 2026

President Canneth Lee
South Bend Common Council
3rd Floor – South Bend City Hall
South Bend, IN 46601

Filed in Clerk's Office

Jul 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

Re: Ordinance Updates – Vehicle Regulations

Dear President Lee:

Attached for consideration by the South Bend Common Council (“Council”) are updates to the existing South Bend Municipal Code including Chapter 20, Article 3 – Abandoned Vehicles, Chapter 20, Article 11 – Parking of Trucks Having More than Eleven Thousand Pounds’ Gross Vehicle Weight, Section 16-53 – Conditions constituting public nuisances, and Section 20-84 – Parking on sidewalk, alley or parkway.

The proposed ordinances focus on updating South Bend’s regulations around vehicles to improve clarity, align with Indiana law, address gaps in parking enforcement, and strengthen the City’s ability to protect quality of life.

I request that the proposed amendments be included on the full Council agenda for first reading and assignment to the Residential Neighborhoods Standing Committee on July 13, 2026.

Thank you for your consideration.

Sincerely,

Liz Maradik
Chief Neighborhoods Officer

Jul 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 40-26

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING SECTION 16-53 OF THE SOUTH BEND MUNICIPAL CODE
REGARDING CONDITIONS CONSTITUTING PUBLIC NUISANCES**

STATEMENT OF PURPOSE AND INTENT

The Common Council finds that the preservation of public health, safety, welfare, and neighborhood quality requires clear standards governing the maintenance and use of real and personal property within the City. The Council further finds that the accumulation, storage, and placement of materials, furniture, personal property, and vehicles in a manner that creates health hazards, safety risks, visual blight, or attractive nuisances can adversely affect surrounding properties and the community as a whole.

The purpose of this ordinance is to clarify and strengthen the City's nuisance regulations by: (1) Confirming that nuisance conditions may exist regardless of whether materials are deposited directly upon property or stored in containers, trailers, vehicles, or other receptacles not authorized for refuse collection purposes; (2) Providing enforcement tools to address vehicles that, while not meeting the statutory definition of abandoned vehicles, nevertheless create public health, safety, sanitation, or aesthetic concerns through neglect, dismantling, prolonged storage, property damage, or other nuisance conditions; and (3) Promoting safe, clean, attractive, and livable neighborhoods while protecting property owners' rights through objective nuisance standards.

It is the intent of the Common Council that these provisions be liberally construed to protect the public health, safety, welfare, and aesthetic well-being of the community and to provide effective remedies for nuisance conditions that adversely affect the use and enjoyment of surrounding properties.

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

SECTION I. Chapter 16, Article 8, Section 16-53 of the South Bend Municipal Code shall be amended as follows:

Sec. 16-53. Conditions constituting public nuisances.

- (a) In addition to what is declared in this article and Code to be a public nuisance, those offenses which are known to the common law and the Statutes of Indiana as public nuisances may, when found to exist within the City limits, be treated as such and be

proceeded against as provided in this article and Code, or in accordance with any other provisions of law. Wherever the word "nuisance" is used in this article it refers to a public nuisance.

- (b) No owner, occupant, tenant, or any other person having a substantial interest in any real or personal property within the City, or any agent thereof, shall permit or allow to remain on or within such property or upon public ways abutting such real property any materials, trash, garbage, debris or any other matter which is detrimental to public health, comfort, safety or to the aesthetic well-being of the community. Such prohibition shall apply regardless of whether the matter described in this subsection or in any portion of subsection (c) below is deposited upon the property or is stored in an unapproved portable container outside of refuse collection under the Municipal Code, such as a bin, vehicle, trailer, or any other container.
- (c) The following conditions shall be considered to constitute public nuisances for the purpose of this chapter:
 - (1) Litter.
 - (2) Fallen trees stumps, dead trees, cut brush, fallen or cut limbs.
 - (3) Boxes, appliances, household items and tires.
 - (4) Demolition remains.
 - (5) Open excavations, uncovered or improperly covered holes, whether lined or unlined, and dirt piles on any open or unfenced real property within the City.
 - (6) Accumulated garbage and trash.
 - (7) Automobile parts, disassembled automobiles, automobiles without engines, plumbing and piping materials and parts, scrap metal, unseaworthy or dilapidated boats, dilapidated, deteriorated, or nonoperable jet skis, snowmobile, motorcycles, bicycles, trailers or mopeds.
 - (8) Structures defaced with paint or wording.
 - (9) Any portion of real property or any personal property which emits an unwholesome odor.
 - (10) Any wastewater, filth, offal, garbage, rubbish, animal waste, human excrement, which is deposited, allowed or caused to be upon any public or private property.
 - (11) Any water or any other substance which is caused or permitted to flow onto or be deposited upon any public property or public way, except natural surface water drainage.
 - (12) Any dead animal or animal parts.
 - (13) The erection of a dam or any other obstruction by a private party which prevents the natural flow of water and causes it to collect in pool upon any public property.
 - (14) Any real or personal property which is infected with contagious disease or is likely to cause an immediate health hazard.

-
- (15) The placing or accumulating on or within any real or personal property or the permitting of same, of any matter which attracts or may attract rodents, insects, domestic or wild animals in such a manner as to create a health hazard or unsanitary or dangerous condition.
 - (16) Any real or personal property, used as a place of residence or habitation or for sleeping, including structures or vehicles, that is maintained in such a way as to be dangerous or detrimental to life or health due to lack of or defects in water, drainage, heat, electricity, plumbing, ventilation or garbage and trash removal.
 - (17) The storage of any explosive, combustible or other material which creates a safety or health hazard.
 - (18) Trees, shrubbery, weeds, snow or other matter obstructing public ways, or causing visual barriers which create vehicular traffic or pedestrian safety hazards.
 - (19) Trash or garbage containers left upon the sidewalk, the area between a street and sidewalk or the front or side yard, except as permitted by this Code for trash and garbage collection purposes.
 - (20) Building materials stored on any lot in violation of Section 16-60, below.
 - (21) Any furniture, not originally designed or manufactured solely for outdoor use; or any furniture which was originally designed or manufactured for outdoor use, which is now dilapidated or deteriorated.
 - (22) A vehicle of any type which does not meet the definition of Abandoned Vehicle in Section 20-28 but is wrecked, partially or wholly dismantled, neglected, used primarily for waste storage, or otherwise used in a manner inconsistent with its intended use such that it becomes an attractive nuisance creating a hazard to public health and safety and/or poses a public nuisance.
 - (23) A vehicle of any type which does not meet the definition of Abandoned Vehicle in Section 20-28 or the provisions of subsection (22) herein which:
 - (i). Is parked in violation of Section 21.07.03(e)(4) of the Municipal Code;
 - (ii) Is parked in a manner which damages property;
 - (iii) Becomes an attractive nuisance creating a hazard to public health and safety; or
 - (iv) Poses a public nuisance based upon a combination of the following factors: parked primarily for storage, number of vehicles, period of time, and/or lacking current registration.

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

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock __.m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

Jul 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. _____
ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING SECTION 16-53 OF THE SOUTH BEND MUNICIPAL CODE
REGARDING CONDITIONS CONSTITUTING PUBLIC NUISANCES**

STATEMENT OF PURPOSE AND INTENT

The Common Council finds that the preservation of public health, safety, welfare, and neighborhood quality requires clear standards governing the maintenance and use of real and personal property within the City. The Council further finds that the accumulation, storage, and placement of materials, furniture, personal property, and vehicles in a manner that creates health hazards, safety risks, visual blight, or attractive nuisances can adversely affect surrounding properties and the community as a whole.

The purpose of this ordinance is to clarify and strengthen the City's nuisance regulations by: (1) Confirming that nuisance conditions may exist regardless of whether materials are deposited directly upon property or stored in containers, trailers, vehicles, or other receptacles not authorized for refuse collection purposes; (2) Providing enforcement tools to address vehicles that, while not meeting the statutory definition of abandoned vehicles, nevertheless create public health, safety, sanitation, or aesthetic concerns through neglect, dismantling, prolonged storage, property damage, or other nuisance conditions; and (3) Promoting safe, clean, attractive, and livable neighborhoods while protecting property owners' rights through objective nuisance standards.

It is the intent of the Common Council that these provisions be liberally construed to protect the public health, safety, welfare, and aesthetic well-being of the community and to provide effective remedies for nuisance conditions that adversely affect the use and enjoyment of surrounding properties.

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

SECTION I. Chapter 16, Article 8, Section 16-53 of the South Bend Municipal Code shall be amended as follows:

Sec. 16-53. Conditions constituting public nuisances.

- (a) In addition to what is declared in this article and Code to be a public nuisance, those offenses which are known to the common law and the Statutes of Indiana as public nuisances may, when found to exist within the City limits, be treated as such and be proceeded against as provided in this article and Code, or in accordance with any other

provisions of law. Wherever the word "nuisance" is used in this article it refers to a public nuisance.

- (b) No owner, occupant, tenant, or any other person having a substantial interest in any real or personal property within the City, or any agent thereof, shall permit or allow to remain on or within such property or upon public ways abutting such real property any materials, trash, garbage, debris or any other matter which is detrimental to public health, comfort, safety or to the aesthetic well-being of the community. Such prohibition shall apply regardless of whether the matter described in this subsection or in any portion of subsection (c) below is deposited upon the property or is stored in an unapproved portable container outside of refuse collection under the Municipal Code, such as a bin, vehicle, trailer, or any other container.
- (c) The following conditions shall be considered to constitute public nuisances for the purpose of this chapter:
- (1) Litter.
 - (2) Fallen trees stumps, dead trees, cut brush, fallen or cut limbs.
 - (3) Boxes, appliances, household items and tires.
 - (4) Demolition remains.
 - (5) Open excavations, uncovered or improperly covered holes, whether lined or unlined, and dirt piles on any open or unfenced real property within the City.
 - (6) Accumulated garbage and trash.
 - (7) Automobile parts, disassembled automobiles, automobiles without engines, plumbing and piping materials and parts, scrap metal, unseaworthy or dilapidated boats, dilapidated, deteriorated, or nonoperable jet skis, snowmobile, motorcycles, bicycles, trailers or mopeds.
 - (8) Structures defaced with paint or wording.
 - (9) Any portion of real property or any personal property which emits an unwholesome odor.
 - (10) Any waste-water, filth, offal, garbage, rubbish, animal waste, human excrement, which is deposited, allowed or caused to be upon any public or private property.
 - (11) Any water or any other substance which is caused or permitted to flow onto or be deposited upon any public property or public way, except natural surface water drainage.
 - (12) Any dead animal or animal parts.
 - (13) The erection of a dam or any other obstruction by a private party which prevents the natural flow of water and causes it to collect in pool upon any public property.
 - (14) Any real or personal property which is infected with contagious disease or is likely to cause an immediate health hazard.

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- (15) The placing or accumulating on or within any real or personal property or the permitting of same, of any matter which attracts or may attract rodents, insects, domestic or wild animals in such a manner as to create a health hazard or unsanitary or dangerous condition.
- (16) Any real or personal property, used as a place of residence or habitation or for sleeping, including structures or vehicles, that is maintained in such a way as to be dangerous or detrimental to life or health due to lack of or defects in water, drainage, heat, electricity, plumbing, ventilation or garbage and trash removal.
- (17) The storage of any explosive, combustible or other material which creates a safety or health hazard.
- (18) Trees, shrubbery, weeds, snow or other matter obstructing public ways, or causing visual barriers which create vehicular traffic or pedestrian safety hazards.
- (19) Trash or garbage containers left upon the sidewalk, the area between a street and sidewalk or the front or side yard, except as permitted by this Code for trash and garbage collection purposes.
- (20) Building materials stored on any lot in violation of Section 16-60, below.
- (21) Any furniture, not originally designed or manufactured solely for outdoor use; or any furniture which was originally designed or manufactured for outdoor use, which is now dilapidated or deteriorated.
- (22) A vehicle of any type which does not meet the definition of Abandoned Vehicle in Section 20-28 but is wrecked, partially or wholly dismantled, neglected, used primarily for waste storage, or otherwise used in a manner inconsistent with its intended use such that it becomes an attractive nuisance creating a hazard to public health and safety and/or poses a public nuisance.
- (23) A vehicle of any type which does not meet the definition of Abandoned Vehicle in Section 20-28 or the provisions of subsection (22) herein which:
- (i). Is parked in violation of Section 21.07.03(e)(4) of the Municipal Code;
 - (ii) Is parked in a manner which damages property;
 - (iii) Becomes an attractive nuisance creating a hazard to public health and safety; or
 - (iv) Poses a public nuisance based upon a combination of the following factors: parked primarily for storage, number of vehicles, period of time, and/or lacking current registration.

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

Canneth Lee, President, Common Council

Attest:

Bianca Tirado, City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the
_____ day of _____, 2026, at _____ o'clock ____ . m.

Bianca Tirado, City Clerk

Approved and signed by me on the _____ day of _____, 2026, at
_____ o'clock ____ . m.

James Mueller,
Mayor, City of South Bend, Indiana

41-26



CITY OF SOUTH BEND

DEPARTMENT OF COMMUNITY INVESTMENT

July 7, 2026

President Canneth Lee
South Bend Common Council
3rd Floor – South Bend City Hall
South Bend, IN 46601

Filed in Clerk's Office

Jul 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

Re: Ordinance Updates – Vehicle Regulations

Dear President Lee:

Attached for consideration by the South Bend Common Council (“Council”) are updates to the existing South Bend Municipal Code including Chapter 20, Article 3 – Abandoned Vehicles, Chapter 20, Article 11 – Parking of Trucks Having More than Eleven Thousand Pounds’ Gross Vehicle Weight, Section 16-53 – Conditions constituting public nuisances, and Section 20-84 – Parking on sidewalk, alley or parkway.

The proposed ordinances focus on updating South Bend’s regulations around vehicles to improve clarity, align with Indiana law, address gaps in parking enforcement, and strengthen the City’s ability to protect quality of life.

I request that the proposed amendments be included on the full Council agenda for first reading and assignment to the Residential Neighborhoods Standing Committee on July 13, 2026.

Thank you for your consideration.

Sincerely,

Liz Maradik
Chief Neighborhoods Officer

BILL NO. 41-26

Jul 7, 2026

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 20, ARTICLE 3 OF THE SOUTH BEND
MUNICIPAL CODE TO UPDATE DEFINITIONS, PROCEDURES, AND
ENFORCEMENT PROVISIONS RELATING TO ABANDONED VEHICLES**

STATEMENT OF PURPOSE AND INTENT

The Common Council finds that abandoned vehicles present risks to public health, safety, and welfare, contribute to neighborhood deterioration, impede the orderly use of public rights-of-way and private property, and may create hazardous conditions affecting residents and visitors. The Council further finds that the City's abandoned vehicle regulations should be periodically updated to ensure consistency with Indiana law and to provide effective administrative tools for vehicle removal and disposition.

The purpose of this ordinance is to revise and modernize the City's abandoned vehicle regulations by: (1) Clarifying the definitions applicable to abandoned vehicles and related terms; (2) Aligning local procedures with Indiana Code Chapter 9-22-1 governing abandoned motor vehicles; (3) Establishing clear standards for addressing vehicles abandoned on public property, public rights-of-way, and private property; (4) Providing effective procedures for notice, towing, storage, removal, and disposal of abandoned vehicles and for the recovery of associated costs; (5) Preserving neighborhood appearance and property values by addressing vehicles that are mechanically inoperable, dismantled, improperly stored, or otherwise abandoned; and (6) Clarifying statutory exceptions applicable to certain classes of vehicles, including antique, historic, military, and specialty vehicles.

It is the intent of the Common Council that these provisions be interpreted and administered in a manner that promotes public safety, protects property rights, supports neighborhood revitalization efforts, and provides the City with efficient and legally compliant mechanisms for addressing abandoned vehicles throughout the community.

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

SECTION I. Chapter 20, Article 3 of the South Bend Municipal Code shall be amended as follows:

ARTICLE 3. ABANDONED VEHICLES¹

Sec. 20-27. Nuisance declared; public agency designated; revolving fund established.

- (a) Abandoned vehicles are detrimental to the health and safety of the general public and are declared to be a public nuisance and a health and safety hazard.
- (b) The Board of Public Works shall be the public agency responsible for the removal, storage and disposal of abandoned vehicles. The Board shall act through the Department of Community Investment, and may employ personnel and acquire equipment, property and facilities and enter into contracts as necessary for the purpose of removal, storage and disposition of abandoned vehicles.
- (c) An "Abandoned Vehicle Fund" is created into which all proceeds from the sale of abandoned vehicles, and all handling expenses recovered shall be placed. The Common Council shall annually appropriate sufficient tax monies to said fund and any monies remaining in the fund at the end of the year shall not revert to the general fund.
- (d) IC 9-22-1-1 et seq., the "Abandoned Motor Vehicles" chapter, as promulgated by the Indiana State Legislature, is made a part of this article and shall govern all areas not specifically addressed herein.

Sec. 20-28. Definitions.

For the purpose of this article the following terms shall have the following meanings:

- (a) *Abandoned vehicle* means:²
 - (1) A vehicle located on public property illegally;
 - (2) A vehicle left on the public right-of-way without being moved for three (3) days;
 - (3) A vehicle left on public property owned by the City, other than the public right-of-way, without being moved for twenty-four (24) hours;
 - (4) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;
 - (5) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours;
 - (6) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;

¹Editor's note(s)—Ord. No. 6971-81, enacted Oct. 12, 1981, effected a total revision of former Art. 3, §§ 20-27—20-30. Said former sections pertained to similar subject matter and were derived from Ord. No. 6333-78, § 1; Ord. No. 6383-78, § 1; and Ord. No. 6492-78, § 1.

State law reference(s)—Abandoned vehicles generally, IC 9-22-1-1 et seq.

²State law reference(s)—IC 9-13-2-1 sets forth the state's definition for "abandoned vehicle."

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- (7) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this article, if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal;
 - (8) A vehicle which is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. For purposes of this subsection, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible; or
 - (9) A vehicle that was repaired or stored at the request of the owner that has not been claimed by the owner and for which the reasonable value of the charges associated with the repair or storage remain unpaid for more than thirty (30) days after the date on which the repair work is completed or the vehicle is first stored..
- (b) *Automobile scrapyard* means a business organized for the purpose of scrap metal processing, automobile wrecking, or operating a junkyard.
 - (c) *Bureau* refers to the Bureau of Motor Vehicles.
 - (d) *Fiscal body* means the Common Council of the City of South Bend, Indiana.
 - (e) *Officer* means a regular member of the South Bend Police Department and any Neighborhood Code Enforcement Officer.
 - (f) *Owner* means the last known record title holder of a vehicle, according to the records of the Bureau under IC 9-17-1-1 et seq.
 - (g) *Person* means an individual, firm, corporation, association, fiduciary or government entity.
 - (h) *Private property* means all property other than public property.
 - (i) *Public agency* means the Board of Public Works.
 - (j) *Public property* means a public right-of-way, street, highway, alley, sidewalk, park or other municipal property.
 - (k) *Towing service* means a business that engages in moving, removing, storing and impounding disabled vehicles.
 - (l) *Vehicle* has the meaning set forth in I.C. 9-13-2-196, as amended.
 - (m) *Visible from public property* means that a vehicle can be seen from public property and includes vehicles which have been covered by a temporary covering that allows the form and outline of the vehicle to remain visible from public property.

Sec. 20-29. Procedure for notice, removal and disposal of abandoned vehicles; fees.

- (a) No person shall abandon a vehicle on any public or private property without the permission of the person having the right to possession or control of the property upon which the vehicle is left.

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- (b) The owner of an abandoned vehicle is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for all of the costs incidental to the removal, storage and disposal of same.
 - (c) The procedure for tagging, removal, storage, and disposal of abandoned vehicles shall be as set forth in Indiana Code 9-22-1 et seq., as amended.
 - (d) Fees: In accordance with this article the owner shall be charged a fee for the towing and storage of his vehicle. The fee for towing vehicles pursuant to this section shall not exceed five hundred dollars (\$500.00) based on actual charges incurred. The fee for storage of vehicles pursuant to this section shall not exceed fifty dollars (\$50.00) per day, based on actual charges incurred. The charges fixed by the City for towing and storage of abandoned vehicles shall be filed with the Bureau.
 - (e) Upon complaint of a private property owner or person in control of the property upon which a vehicle has been left for more than forty-eight (48) hours without the consent of the owner or person in control, an officer shall follow the procedure set forth in this article for removal of said vehicle.
 - (f) Neither the owner, lessee or occupant of the property from which an abandoned vehicle is removed, or any public agency, towing service or automobile scrapyard, is liable for any damage to the vehicle occurring during its removal, storage or disposition.
 - (g) Under the authority set forth in Indiana Code 9-22-1-31, the City may establish procedures for carrying out the provisions of this Section, including but not limited to contracting for the services described herein.

Sec. 20-30. Exceptions.

This article does not apply to the following vehicles:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways;
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment;
- (3) A vehicle located on a vehicle sales lot;;
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard; or
- (5) An antique vehicle registered and licensed under I.C. 9-18-12 (before its expiration), a historic vehicle licensed under I.C. 9-18.5-34, or a military vehicle registered under I.C. 9-18.1-8;
- (6) A golf cart; or
- (7) An off-road vehicle.

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

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock __.m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

Jul 7, 2026

BILL NO _____
ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 20, ARTICLE 3 OF THE SOUTH BEND
MUNICIPAL CODE TO UPDATE DEFINITIONS, PROCEDURES, AND
ENFORCEMENT PROVISIONS RELATING TO ABANDONED VEHICLES**

STATEMENT OF PURPOSE AND INTENT

The Common Council finds that abandoned vehicles present risks to public health, safety, and welfare, contribute to neighborhood deterioration, impede the orderly use of public rights-of-way and private property, and may create hazardous conditions affecting residents and visitors. The Council further finds that the City's abandoned vehicle regulations should be periodically updated to ensure consistency with Indiana law and to provide effective administrative tools for vehicle removal and disposition.

The purpose of this ordinance is to revise and modernize the City's abandoned vehicle regulations by: (1) Clarifying the definitions applicable to abandoned vehicles and related terms; (2) Aligning local procedures with Indiana Code Chapter 9-22-1 governing abandoned motor vehicles; (3) Establishing clear standards for addressing vehicles abandoned on public property, public rights-of-way, and private property; (4) Providing effective procedures for notice, towing, storage, removal, and disposal of abandoned vehicles and for the recovery of associated costs; (5) Preserving neighborhood appearance and property values by addressing vehicles that are mechanically inoperable, dismantled, improperly stored, or otherwise abandoned; and (6) Clarifying statutory exceptions applicable to certain classes of vehicles, including antique, historic, military, and specialty vehicles.

It is the intent of the Common Council that these provisions be interpreted and administered in a manner that promotes public safety, protects property rights, supports neighborhood revitalization efforts, and provides the City with efficient and legally compliant mechanisms for addressing abandoned vehicles throughout the community.

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

SECTION I. Chapter 20, Article 3 of the South Bend Municipal Code shall be amended as follows:

ARTICLE 3. ABANDONED VEHICLES¹

Sec. 20-27. Nuisance declared; public agency designated; revolving fund established.

- (a) Abandoned vehicles are detrimental to the health and safety of the general public and are declared to be a public nuisance and a health and safety hazard.
- (b) The Board of Public Works shall be the public agency responsible for the removal, storage and disposal of abandoned vehicles. The Board shall act through ~~the~~ the Department of Community Investment Neighborhood Code Enforcement Office, and may employ personnel and acquire equipment, property and facilities and enter into contracts as necessary for the purpose of removal, storage and disposition of abandoned vehicles.
- (c) An "Abandoned Vehicle Fund" is created into which all proceeds from the sale of abandoned vehicles, and all handling expenses recovered shall be placed. The Common Council shall annually appropriate sufficient tax monies to said fund and any monies remaining in the fund at the end of the year shall not revert to the general fund.
- (d) IC ~~89~~-22-1-1 et seq., the "Abandoned Motor Vehicles" chapter, as promulgated by the Indiana State Legislature, is made a part of this article and shall govern all areas not specifically addressed herein.

Sec. 20-28. Definitions.

For the purpose of this article the following terms shall have the following meanings:

- (a) *Abandoned vehicle* means:²
 - (1) A vehicle located on public property illegally;
 - (2) A vehicle left on ~~public property~~ the public right-of-way without being moved for three (3) days;
 - (3) A vehicle left on public property owned by the City, other than the public right-of-way, without being moved for twenty-four (24) hours;
 - (4)
 - ~~(3)~~ A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way;
 - (54) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours;

¹Editor's note(s)—Ord. No. 6971-81, enacted Oct. 12, 1981, effected a total revision of former Art. 3, §§ 20-27—20-30. Said former sections pertained to similar subject matter and were derived from Ord. No. 6333-78, § 1; Ord. No. 6383-78, § 1; and Ord. No. 6492-78, § 1.

State law reference(s)—Abandoned vehicles generally, IC 9-22-1-1 et seq.

²State law reference(s)—IC 9-13-2-1 sets forth the state's definition for "abandoned vehicle."

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- (56) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property;
- (67) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this article, if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal;
- (78) A vehicle which is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days. For purposes of this subsection, a vehicle covered by a tarpaulin or other plastic, vinyl, rubber, cloth, or textile covering is considered to be visible; or
- (89) A vehicle that was repaired or stored at the request of the owner that has not been claimed by the owner and for which the reasonable value of the charges associated with the repair or storage remain unpaid for more than thirty (30) days after the date on which the repair work is completed or the vehicle is first stored.
~~vehicle located on public property without a state license plate.~~
- (b) *Automobile scrapyard* means a business organized for the purpose of scrap metal processing, automobile wrecking, or operating a junkyard.
- (c) *Bureau* refers to the Bureau of Motor Vehicles.
- (d) *Fiscal body* means the Common Council of the City of South Bend, Indiana.
- (e) *Officer* means a regular member of the South Bend Police Department and any Neighborhood Code Enforcement Officer.
- (f) *Owner* means the last known record title holder of a vehicle, according to the records of the Bureau under IC 9-17-1-1 et seq.
- (g) *Person* means an individual, firm, corporation, association, fiduciary or government entity.
- (h) *Private property* means all property other than public property.
- (i) *Public agency* means the Board of Public Works.
- (j) *Public property* means a public right-of-way, street, highway, alley, sidewalk, park or other municipal property.
- (k) *Towing service* means a business that engages in moving, removing, storing and impounding disabled vehicles.
- (l) ~~Vehicle~~ refers to an automobile, motorcycle, truck, trailer, semitrailer, tractor, bus, school bus, recreational vehicle or motorized bicycle has the meaning set forth in I.C. 9-13-2-196, as amended.
- (m) *Visible from public property* means that a vehicle can be seen from public property and includes vehicles which have been covered by a temporary covering that allows the form and outline of the vehicle to remain visible from public property.
-

Sec. 20-29. Procedure for notice, removal and disposal of abandoned vehicles; fees.

- (a) No person shall abandon a vehicle on any public or private property without the permission of the person having the right to possession or control of the property upon which the vehicle is left.
- (b) The owner of an abandoned vehicle is responsible for the abandonment and is liable, to the extent of the market value of the vehicle, for all of the costs incidental to the removal, storage and disposal of same.
- (c) The procedure for tagging, removal, storage, and disposal of abandoned vehicles shall be as set forth in Indiana Code 9-22-1 et seq., as amended. If, in the opinion of the officer, the market value of an abandoned vehicle is five hundred dollars (\$500.00) or less, the officer shall attach thereto in a prominent place a notice tag containing the following information:
 - ~~(1) The date, time, officer's name, public agency and address and telephone number to contact for information.~~
 - ~~(2) The vehicle is considered abandoned.~~
 - ~~(3) The vehicle will be removed after seventy two (72) hours.~~
 - ~~(4) The owner will be held responsible for all costs incidental to the removal, storage and disposal.~~
 - ~~(5) The owner may avoid costs by removal of the vehicle within seventy two (72) hours.~~
- (d) If the tagged vehicle which, in the opinion of the officer, has a market value of less than five hundred dollars (\$500.00), is not removed within seventy two (72) hours the officer shall:
 - ~~(1) Prepare a written abandoned vehicle report of the vehicle including information on the condition, missing parts, and other facts that substantiate that the market value is less than five hundred dollars (\$500.00).~~
 - ~~(2) Take photographs to illustrate the condition of the vehicle.~~
 - ~~(3) Immediately remove the vehicle to an automobile storage area or scrapyard.~~
 - ~~(4) Within seventy two (72) hours after removal or disposal of the vehicle, the Department of Code Enforcement shall forward a copy of the abandoned vehicle report and photograph relating to same to the Bureau of Motor Vehicles and shall retain the original records and photographs for at least two (2) years.~~
- (e) If, in the opinion of the officer, the market value of an abandoned vehicle is five hundred dollars (\$500.00) or more, the officer shall make reasonable effort to ascertain the owner or person who may be in control of the vehicle by inquiry of other persons in the neighborhood. Thereafter, the officer shall attach to the vehicle in a prominent place a notice tag containing the following information:
 - ~~(1) The date, time, officer's name, public agency and address and telephone number to contact for information.~~
 - ~~(2) The vehicle is considered abandoned.~~
 - ~~(3) The vehicle will be removed after seventy two (72) hours.~~

-
- ~~(4) The owner will be held responsible for all costs incidental to the removal, storage and disposal.~~
- ~~(5) The owner may avoid costs by removal of the vehicle within seventy two (72) hours.~~
- ~~(f) If the tagged vehicle which, in the opinion of the officer, has a market value of five hundred dollars (\$500.00) or more is not removed within the seventy two hour period, the officer shall:~~
- ~~(1) Take photographs to illustrate the condition of the vehicle and shall require the vehicle to be towed to a storage area.~~
- ~~(2) Within seventy two (72) hours after the removal of an abandoned vehicle to a storage area, the Department of Code Enforcement shall prepare and forward to the Bureau an abandoned vehicle report, including the make, model, engine number if any, identification number, and number of the license plate, and request that the Bureau advise the Department of Code Enforcement of the name and most recent mailing address of the owner and of any lien holder.~~
- ~~(3) Upon receipt of the requested information from the Bureau, the Department of Code Enforcement shall advise the owner or any lien holder that the vehicle has been impounded at a certain location and must be removed within fifteen (15) days of the date of the mailing of the notice, and advising that the vehicle will be disposed of after that time. The notice should also advise that all costs incurred in removing and storing the vehicle are the owner's legal responsibility, and a detailed list of costs incurred to date and anticipated costs shall be included.~~
- ~~(4) If the owner or lien holder appears prior to the disposal of the vehicle and pays all costs incurred, he shall then be entitled to the return of the vehicle. If the owner or lien holder does not appear in fifteen (15) days after the mailing of notice, the Board of Public Works shall sell the vehicle to the highest bidder at a public sale conducted after notice under IC 5-3-1, except only one (1) newspaper insertion one (1) week before the public sale is required.~~
- ~~(5) If the vehicle is in such condition that the vehicle identification numbers or other means of identification are not available to determine the owner of record with the Bureau, the vehicle may be disposed of without notice.~~
- ~~(6) The purchaser shall be furnished a bill of sale for each abandoned vehicle sold by the Board of Public Works.~~
- ~~(gd) Fees: In accordance with this article the owner shall be charged a fee for the towing and storage of his vehicle. The fee for towing vehicles pursuant to this section shall be ninety dollars (\$90.00) not exceed five hundred dollars (\$500.00) based on actual charges incurred. The fee for storage of vehicles pursuant to this section shall be fifteen dollars (\$15.00) not exceed fifty dollars (\$50.00) per day, based on actual charges incurred. The cost for removal and storage of an abandoned vehicle not claimed by the owner or lien holder shall be paid from the Abandoned Vehicle Fund. The charges fixed by the City for towing and storage of abandoned vehicles shall be filed with the Bureau.~~

~~Proceeds of the sale of an abandoned vehicle shall be credited against the cost incidental to the removal, storage and disposal of the vehicle.~~

~~All proceeds from the sale of an abandoned vehicle, including charges for bill of sale, and all monies received from owners or lienholders for the cost of removal or storage of vehicles, shall be deposited with the City Controller and placed by him in the Abandoned Vehicle Fund. All costs incurred in the administering of this article shall be paid from the Abandoned Vehicle Fund.~~

- (he) Upon complaint of a private property owner or person in control of the property upon which a vehicle has been left for more than forty-eight (48) hours without the consent of the owner or person in control, an officer shall follow the procedure set forth in this article for removal of said vehicle.
- (if) Neither the owner, lessee or occupant of the property from which an abandoned vehicle is removed, or any public agency, towing service or automobile scrapyard, is liable for any damage to the vehicle occurring during its removal, storage or disposition.
- (jg) ~~An administrative fee of ten dollars (\$10.00) shall be collected from the owner of all impounded, abandoned, or inoperative vehicles and placed in the City's Abandoned Vehicle Fund. This fee shall be paid to the Office of the City Controller by the towing service to help defer expenses of enforcement of this article.~~³Under the authority set forth in Indiana Code 9-22-1-31, the City may establish procedures for carrying out the provisions of this Section, including but not limited to contracting for the services described herein.

Sec. 20-30. Exceptions.

This article does not apply to the following vehicles:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways;
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment;
- (3) A vehicle located on a vehicle sales lot; ~~or at a commercial vehicle servicing facility;~~
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard; or
- (5) An antique vehicle registered and licensed under I.C. 9-18-12 (before its expiration), a historic vehicle licensed under I.C. 9-18.5-34, or a military vehicle registered under I.C. 9-18.1-8; ~~vehicle registered and licensed under IC 9-7-6 as an antique motor vehicle.~~
- (6) A golf cart; or
- (7) An off-road vehicle.

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

³~~State law reference(s) — IC 9-22-1-27(c), addresses a public agency which administers abandoned vehicles to recover the costs incurred by that public agency for such services.~~

Canneth Lee, President, Common Council

Attest:

Bianca Tirado, City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the
_____ day of _____, 2026, at _____ o'clock ____ . m.

Bianca Tirado, City Clerk

Approved and signed by me on the _____ day of _____, 2026, at
_____ o'clock ____ . m.

James Mueller,
Mayor, City of South Bend, Indiana

42-26



CITY OF SOUTH BEND

DEPARTMENT OF COMMUNITY INVESTMENT

July 7, 2026

President Canneth Lee
South Bend Common Council
3rd Floor – South Bend City Hall
South Bend, IN 46601

Filed in Clerk's Office

Jul 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

Re: Ordinance Updates – Vehicle Regulations

Dear President Lee:

Attached for consideration by the South Bend Common Council (“Council”) are updates to the existing South Bend Municipal Code including Chapter 20, Article 3 – Abandoned Vehicles, Chapter 20, Article 11 – Parking of Trucks Having More than Eleven Thousand Pounds’ Gross Vehicle Weight, Section 16-53 – Conditions constituting public nuisances, and Section 20-84 – Parking on sidewalk, alley or parkway.

The proposed ordinances focus on updating South Bend’s regulations around vehicles to improve clarity, align with Indiana law, address gaps in parking enforcement, and strengthen the City’s ability to protect quality of life.

I request that the proposed amendments be included on the full Council agenda for first reading and assignment to the Residential Neighborhoods Standing Committee on July 13, 2026.

Thank you for your consideration.

Sincerely,

Liz Maradik
Chief Neighborhoods Officer

BILL NO. 42-26

Jul 7, 2026

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING SECTION 20-84 OF THE SOUTH BEND MUNICIPAL CODE
CONCERNING IMPROPER VEHICLE PARKING**

STATEMENT OF PURPOSE AND INTENT

The Common Council finds that vehicles parked on sidewalks, alleys, tree lawns, public rights-of-way, and other unauthorized locations may obstruct pedestrian travel, impede accessibility, interfere with traffic visibility, damage public infrastructure, hinder access to private property, and create hazards for the public.

The purpose of this ordinance is to clarify and strengthen the City's parking regulations by: (1) Establishing clear standards identifying locations where parking is prohibited in order to protect public safety and preserve access to streets, sidewalks, alleys, driveways, and parking facilities; (2) Protecting pedestrian mobility and accessibility by prohibiting the obstruction of public sidewalks and other public ways; (3) Preventing damage to tree lawns, unimproved portions of the public right-of-way, and other public property; (4) Promoting compliance with applicable zoning and land use regulations governing vehicle parking; (5) Ensuring that approved driveways and parking lot approaches remain accessible to property owners, occupants, emergency responders, service providers, and the public; and (6) Establishing a progressive penalty structure designed to encourage prompt correction of continuing violations and deter repeat violations.

It is the intent of the Common Council that these regulations be applied in a manner that promotes public safety, accessibility, neighborhood appearance, protection of public infrastructure, and the orderly use of public rights-of-way while providing clear notice of prohibited parking practices and the consequences for continuing violations.

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

SECTION I. Chapter 20, Article 6, Section 20-84 of the South Bend Municipal Code shall be amended as follows:

Sec. 20-84. Parking on sidewalk, alley or tree lawn.

- a. No person shall park any vehicle in any of the following locations:
 1. On or blocking a public sidewalk,
 2. In a public alley,
 3. In the tree lawn between a public sidewalk and a curb,

-
4. In the portion of the right-of-way adjacent to the street, whether improved or unimproved,
 5. On a lot or parcel in violation of Section 21.07.03 of the South Bend Municipal Code, or
 6. In the right-of-way in a manner blocking an approved driveway and/or parking lot approach.

Unless otherwise indicated, parking is permitted along the side of the paved street in a manner not inconsistent with this Section or in on-street parking designated and intended for parking purposes by the City.

- b. A citation issued pursuant to this section shall impose a fine not less than fifty dollars (\$50.00) for the first day of violation, a fine of not less than one hundred dollars (\$100.00) for the second day of violation and a fine of not less than two hundred dollars (\$200.00) for every day of violation thereafter with each day of violation constituting a separate violation for which a citation may be issued. No fine, however, shall exceed two thousand five hundred dollars (\$2,500.00).

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

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock __m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

Jul 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. _____
ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING SECTION 20-84 OF THE SOUTH BEND MUNICIPAL CODE
CONCERNING IMPROPER VEHICLE PARKING**

STATEMENT OF PURPOSE AND INTENT

The Common Council finds that vehicles parked on sidewalks, alleys, tree lawns, public rights-of-way, and other unauthorized locations may obstruct pedestrian travel, impede accessibility, interfere with traffic visibility, damage public infrastructure, hinder access to private property, and create hazards for the public.

The purpose of this ordinance is to clarify and strengthen the City's parking regulations by: (1) Establishing clear standards identifying locations where parking is prohibited in order to protect public safety and preserve access to streets, sidewalks, alleys, driveways, and parking facilities; (2) Protecting pedestrian mobility and accessibility by prohibiting the obstruction of public sidewalks and other public ways; (3) Preventing damage to tree lawns, unimproved portions of the public right-of-way, and other public property; (4) Promoting compliance with applicable zoning and land use regulations governing vehicle parking; (5) Ensuring that approved driveways and parking lot approaches remain accessible to property owners, occupants, emergency responders, service providers, and the public; and (6) Establishing a progressive penalty structure designed to encourage prompt correction of continuing violations and deter repeat violations.

It is the intent of the Common Council that these regulations be applied in a manner that promotes public safety, accessibility, neighborhood appearance, protection of public infrastructure, and the orderly use of public rights-of-way while providing clear notice of prohibited parking practices and the consequences for continuing violations.

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

SECTION I. Chapter 20, Article 6, Section 20-84 of the South Bend Municipal Code shall be amended as follows:

Sec. 20-84. Parking on sidewalk, alley or parkway tree lawn.

a. No person shall park any vehicle in any of the following locations:

1. ~~On~~ or blocking a public sidewalk,
2. ~~in~~ In a public alley,
3. ~~or in~~ In the parkway tree lawn between a public sidewalk and a curb.

-
4. In the portion of the right-of-way adjacent to the street, whether improved or unimproved,
 5. On a lot or parcel in violation of Section 21.07.03 of the South Bend Municipal Code, or
 6. In the right-of-way in a manner blocking an approved driveway and/or parking lot approach.

Unless otherwise indicated, parking is permitted along the side of the paved street in a manner not inconsistent with this Section or in on-street parking designated and intended for parking purposes by the City.

a.b. A citation issued pursuant to this section shall impose a fine not less than fifty dollars (\$50.00) for the first day of violation, a fine of not less than one hundred dollars (\$100.00) for the second day of violation and a fine of not less than two hundred dollars (\$200.00) for every day of violation thereafter with each day of violation constituting a separate violation for which a citation may be issued. No fine, however, shall exceed two thousand five hundred dollars (\$2,500.00).

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

Canneth Lee, President, Common Council

Attest:

Bianca Tirado, City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2026, at _____ o'clock ____ . m.

Bianca Tirado, City Clerk

Approved and signed by me on the _____ day of _____, 2026, at _____ o'clock ____ . m.

James Mueller,
Mayor, City of South Bend, Indiana

43-26



CITY OF SOUTH BEND

DEPARTMENT OF COMMUNITY INVESTMENT

July 7, 2026

President Canneth Lee
South Bend Common Council
3rd Floor – South Bend City Hall
South Bend, IN 46601

Filed in Clerk's Office

Jul 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

Re: Ordinance Updates – Vehicle Regulations

Dear President Lee:

Attached for consideration by the South Bend Common Council (“Council”) are updates to the existing South Bend Municipal Code including Chapter 20, Article 3 – Abandoned Vehicles, Chapter 20, Article 11 – Parking of Trucks Having More than Eleven Thousand Pounds’ Gross Vehicle Weight, Section 16-53 – Conditions constituting public nuisances, and Section 20-84 – Parking on sidewalk, alley or parkway.

The proposed ordinances focus on updating South Bend’s regulations around vehicles to improve clarity, align with Indiana law, address gaps in parking enforcement, and strengthen the City’s ability to protect quality of life.

I request that the proposed amendments be included on the full Council agenda for first reading and assignment to the Residential Neighborhoods Standing Committee on July 13, 2026.

Thank you for your consideration.

Sincerely,

Liz Maradik
Chief Neighborhoods Officer

BILL NO. 43-26

Jul 7, 2026

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 20, ARTICLE 11 OF THE SOUTH BEND
MUNICIPAL CODE REGARDING THE PARKING OF LARGE VEHICLES**

STATEMENT OF PURPOSE AND INTENT

The Common Council finds that the parking and storage of large vehicles in residential neighborhoods and other sensitive areas may create traffic safety concerns, obstruct visibility for motorists and pedestrians, interfere with the use and enjoyment of nearby properties, and negatively affect neighborhood character when not appropriately regulated. The Council further finds that clear and coordinated standards are necessary to ensure consistency between the City's traffic regulations and zoning requirements.

The purpose of this ordinance is to clarify and strengthen the City's parking regulations by: (1) Clarify the definition of large vehicles subject to regulation under this Article and align that definition with the Zoning Ordinance; (2) Promote public safety by regulating the parking of large vehicles in locations where such vehicles may block sight lines, impair traffic movement, create hazardous conditions, or otherwise jeopardize the safety of persons or property; (3) Establish clear standards governing the parking of large vehicles on streets, rights-of-way, and private property; (4) Ensure consistency with applicable zoning regulations governing vehicle parking and storage; (5) Preserve reasonable operational exceptions for utility providers, deliveries, loading and unloading activities, repair work, and construction activities that require the temporary presence of large vehicles; and (6) Provide effective enforcement mechanisms to encourage compliance and maintain safe, orderly, and attractive neighborhoods throughout the City.

It is the intent of the Common Council that these regulations be interpreted to balance legitimate business and operational needs with the City's interest in protecting public safety, preserving neighborhood character, reducing visual and traffic impacts, and ensuring the orderly use of public rights-of-way and private property.

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

SECTION I. Chapter 20, Article 11 of the South Bend Municipal Code shall be amended as follows:

ARTICLE 11. PARKING OF LARGE VEHICLES

Sec. 20-117. Definition.

When used in this article:

Large Vehicle shall be defined as set forth in Section 21-07.03(i)(1) of the South Bend Municipal Code, as amended. For purposes of this Article, this definition is not meant to include trucks or other vehicles which are intended for personal use and/or daily driving.

Sec. 20-118. Parking restricted.

- (a) No person shall park a large vehicle, as defined in this Article:
 - (1) On any street or right-of-way adjacent to a zoned area in violation of Section 21.07.03;
 - (2) In a manner which blocks the line of sight; interferes or interrupts the passage of other vehicles; so as to be likely to cause a blockade, accident, breakdown, or injury to persons, animals, or property; or otherwise jeopardizes public safety; or
 - (3) Large vehicles shall be allowed to park on the street or right-of-way in all other districts when being used in connection with servicing a public utility or for the purpose of delivering, loading, unloading, servicing, or being currently involved in repair or construction. Said provisions notwithstanding, large vehicles involved in activities under this subsection shall be parked as safely as reasonably possible.
- (b) All large vehicles may be parked in a carport, private garage, or driveway unless otherwise restricted or prohibited by the City of South Bend Zoning Ordinance.
- (c) All large vehicles, regardless of declared gross vehicle weight, which are used for picking up trash on a commercial basis are strictly prohibited from parking on any residential street except for the purpose of loading.
- (d) No person shall park any large vehicle on a lot or parcel in violation of Section 21.07.03 of the South Bend Municipal Code.

Sec. 20-119. Penalties.

Any owner of any large vehicle which is found parked in violation of this Article, and/or the owners and occupants of any property who allow such parking in violation of Section 20-118 may be fined fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for all subsequent offenses. Fines issued under this section shall be payable through the Ordinance Violations Bureau pursuant to Section 2-213 of this Code.

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

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock __.m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

Jul 7, 2026

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 20, ARTICLE 11 OF THE SOUTH BEND
MUNICIPAL CODE REGARDING THE PARKING OF LARGE VEHICLES**

STATEMENT OF PURPOSE AND INTENT

The Common Council finds that the parking and storage of large vehicles in residential neighborhoods and other sensitive areas may create traffic safety concerns, obstruct visibility for motorists and pedestrians, interfere with the use and enjoyment of nearby properties, and negatively affect neighborhood character when not appropriately regulated. The Council further finds that clear and coordinated standards are necessary to ensure consistency between the City's traffic regulations and zoning requirements.

The purpose of this ordinance is to clarify and strengthen the City's parking regulations by: (1) Clarify the definition of large vehicles subject to regulation under this Article and align that definition with the Zoning Ordinance; (2) Promote public safety by regulating the parking of large vehicles in locations where such vehicles may block sight lines, impair traffic movement, create hazardous conditions, or otherwise jeopardize the safety of persons or property; (3) Establish clear standards governing the parking of large vehicles on streets, rights-of-way, and private property; (4) Ensure consistency with applicable zoning regulations governing vehicle parking and storage; (5) Preserve reasonable operational exceptions for utility providers, deliveries, loading and unloading activities, repair work, and construction activities that require the temporary presence of large vehicles; and (6) Provide effective enforcement mechanisms to encourage compliance and maintain safe, orderly, and attractive neighborhoods throughout the City.

It is the intent of the Common Council that these regulations be interpreted to balance legitimate business and operational needs with the City's interest in protecting public safety, preserving neighborhood character, reducing visual and traffic impacts, and ensuring the orderly use of public rights-of-way and private property.

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

SECTION I. Chapter 20, Article 11 of the South Bend Municipal Code shall be amended as follows:

**ARTICLE 11. PARKING OF LARGE VEHICLESTRUCKS HAVING MORE THAN
ELEVEN THOUSAND POUNDS' GROSS VEHICLE WEIGHT**

Sec. 20-117. Definition.

When used in this article:

~~Truck-Large Vehicle~~ shall be defined as ~~a motor vehicle designed, used or maintained primarily for the transportation of property whose declared gross vehicle weight when empty exceeds eleven thousand (11,000) pounds set forth in Section 21-07.03(i)(1) of the South Bend Municipal Code, as amended. For purposes of this Article, this definition is not meant to include such trucks or other vehicles which are intended for personal use and/or daily driving.~~

Sec. 20-118. Parking restricted.

- (a) ~~(a)~~—No person shall park a ~~truck-large vehicle~~, as ~~heretofore~~ defined in this Article:
- ~~(1) On any street or right-of-way next adjacent to a zoned area in violation of Section 21.07.03;~~
 - ~~(2) in a area zoned "A" or "A-1" Residence Districts, "A-2" or "A-3" Planned Residential Districts, or "B" or "B-1" Residence Districts. In a manner which blocks the line of sight; interferes or interrupts the passage of other vehicles; so as to be likely to cause a blockade, accident, breakdown, or injury to persons, animals, or property; or otherwise jeopardizes public safety except for the purpose of loading, unloading, servicing, or being then involved in the repair or construction of a residence; or~~
 - ~~(3) Such trucks-large vehicles shall be allowed to park on such the residential street or right-of-ways in all other districts when being used in connection with servicing a public utility or for the purpose of delivering, loading, unloading, servicing, or being currently involved in repair or construction. Said provisions notwithstanding, large vehicles involved in activities under this subsection shall be parked as safely as reasonably possible.~~
- (b) All ~~such trucks-large vehicles~~ may be parked in a carport, private garage, or driveway unless otherwise restricted ~~or prohibited~~ by the ~~City of South Bend Zoning Ordinance zoning code~~.
- (c) All ~~trucks large vehicles~~, regardless of declared gross vehicle weight, which are used for picking up trash on a commercial basis are strictly prohibited from parking on any residential street except for the purpose of loading.
- (d) No person shall park any ~~large vehicle in any zoned area on a lot or parcel SF1 Single Family and Two Family District, SF2 Single Family and Two Family District or MF1 Urban Corridor Multifamily District or MF2 High Density Multifamily District~~ in violation of Section ~~21.07.03 21-02.01, 21-02.02 or 21-02.03 or 21-02.04~~ of the South Bend Municipal Code.
- ~~(e) No person shall park any large vehicle on an unimproved vacant lot in any zoned area "A" Residential District, "A-1" Residential District, "B" Residential District, "C" Commercial District, or "D" Light Industrial District in violation of Section 21.07.03 21-04.01 of the South Bend Municipal Code.~~
-

Sec. 20-119. Penalties.

Any owner of any ~~truck-large vehicle or other vehicle~~ which is found ~~illegally parked on any residential street or lot~~ parked in violation of this Article, and/or the owners and occupants of any ~~residential~~ property who allow such parking in violation of Section 20-118 ~~shall~~ may be fined fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for all subsequent offenses. Fines issued under this section shall be payable through the Ordinance Violations Bureau pursuant to Section 2-213 of this Code.

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

Canneth Lee, President, Common Council

Attest:

Bianca Tirado, City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2026, at _____ o'clock ____ . m.

Bianca Tirado, City Clerk

Approved and signed by me on the _____ day of _____, 2026, at _____ o'clock ____ . m.

James Mueller,
Mayor, City of South Bend, Indiana



City of South Bend **PLAN COMMISSION**

City Hall
215 S. Martin Luther King, Jr. Blvd.
Suite 500
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

July 8, 2026

Filed in Clerk's Office

Jul 8, 2026

Honorable Committee Chair Davis
Third Floor, County-City Building
South Bend, IN 46601

Bianca Tirado
City Clerk, South Bend, IN

RE: 203 JOHNSON ST, 207 JOHNSON ST, 213 JOHNSON ST, 215 JOHNSON ST, 2013 ORANGE ST, and 2014 PARALLEL ST (6 parcels) – PC#0312-26

Dear Committee Chair Davis:

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 July 13, 2026, Council meeting, and set it for public hearing at your July 27, 2026, Council meeting. The petition is tentatively scheduled for public hearing at the July 20, 2026, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

The petitioner intends to build a development of single family homes and a duplex Cottage Court.

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

Sincerely,

Brian Killen
Zoning Administrator

CC: Bob Palmer

Jul 8, 2026

BILL NO. 45-26
ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 203 JOHNSON STREET, 207 JOHNSON STREET, 213 JOHNSON STREET, 215 JOHNSON STREET, 2013 ORANGE STREET, AND 2014 PARALLEL STREET COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioner desires to rezone the property from Urban Neighborhood 1 (U1) District to Urban Neighborhood 2 (U2) District.

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

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby 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 018-2006-005801 -- 60.6' By 120' Nw Pt Lot 18 College Grove Add;

Parcel 018-2006-005802 -- 30 X 120 Ft Se Cor Lot 18 College Grove;

Parcel 018-2006-0059 -- N 1/2 Lot 19 College Grove;

Parcel 018-2006-005901 -- E 1/2 S 1/2 Lot 19 College Grove;

Parcel 018-2006-005902 -- W 1/2 S 1/2 Lot 19 College Grove; and

Parcel 018-2006-0058 -- 51.5' By 90.6' W Pt Lot 18 College Grove Addn;

be and the same is hereby established as Urban Neighborhood 2 (U2)

SECTION II. This ordinance is and shall be subject to commitments as provided by Chapter 21-12.07(f)(7) Commitments, if applicable.

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

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock .m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

Zoning Application

City of South Bend

What are you filing for? Rezoning

Who will need to approve? Plan Commission

Property Owner and Property Information

Property owner name: Barbara Turner

Phone number: (574) 210-6684

Email: btatart@sbcglobal.net

Project address: Johnson & Orange
South Bend

Would you like to add additional property owners? No

The legal description can be found by visiting this [map](#) and typing in the address for the property. In the "Parcel" layer, the legal description is categorized as "LEGALDESCR."

The legal description can be found by visiting this [map](#) and typing in the address for the property. In the "Parcel" layer, the legal description is categorized as "LEGALDESCR."

Tax key number (more information about tax key numbers can be found below): 018-2006-005901, 018-2006-005902, 018-2006-0059, 018-2006-005802, 018-2006-005801, 018-2006-0058

The tax key(s)/parcel ID(s) can be found by visiting this [map](#) and typing in the address for the property. In the "Parcel" layer, the tax key/parcel ID is categorized as "PARCELID."

Will someone other than the property owner be the main point of contact and representative for this petition? No

Mailing address: 56085 Chapel Lane
South Bend, Indiana, 46619

Variance

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

Special Exception

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria:

Rezoning

Project Summary:

A development of single family homes and duplex cottage court

Current District(s):

U1 Urban Neighborhood 1

Proposed District(s):

U2 Urban Neighborhood 2

Upload a site plan to scale indicating scale used (for example 1in. on printer paper = 20ft. in real life or 1 square on graph paper = 5ft. in real life). Include property lines and all structures.

 0409_215Johnson_Proposal.pdf

Subdivison

Annexation

Use Variance

A Use Variance may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria:

Terms and Conditions

Terms and Conditions Accepted

Terms and Conditions Accepted

Terms and Conditions Accepted

By typing my name in the boxes below, I agree that I'm electronically signing this form. I affirm that the information that I've provided is accurate and true to the best of my knowledge. I understand that my electronic signature is legally binding and equivalent to my handwritten signature.

Name: Barbara Turner

Date Friday, May 22, 2026

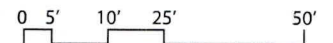
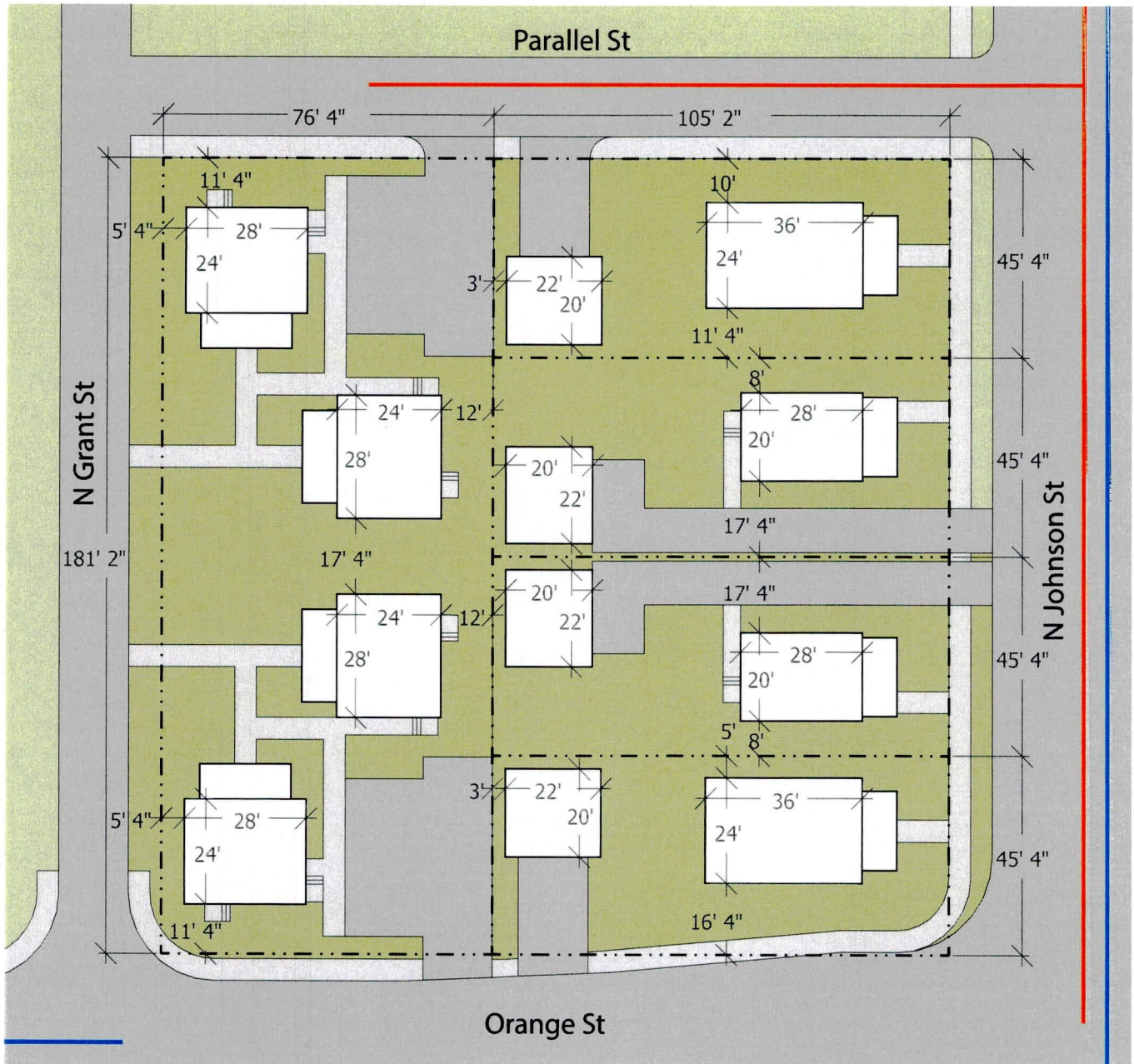
215 N Johnson St

South Bend, IN



PROPOSED SITE PLAN

SCALE: 1/32" = 1'-0"

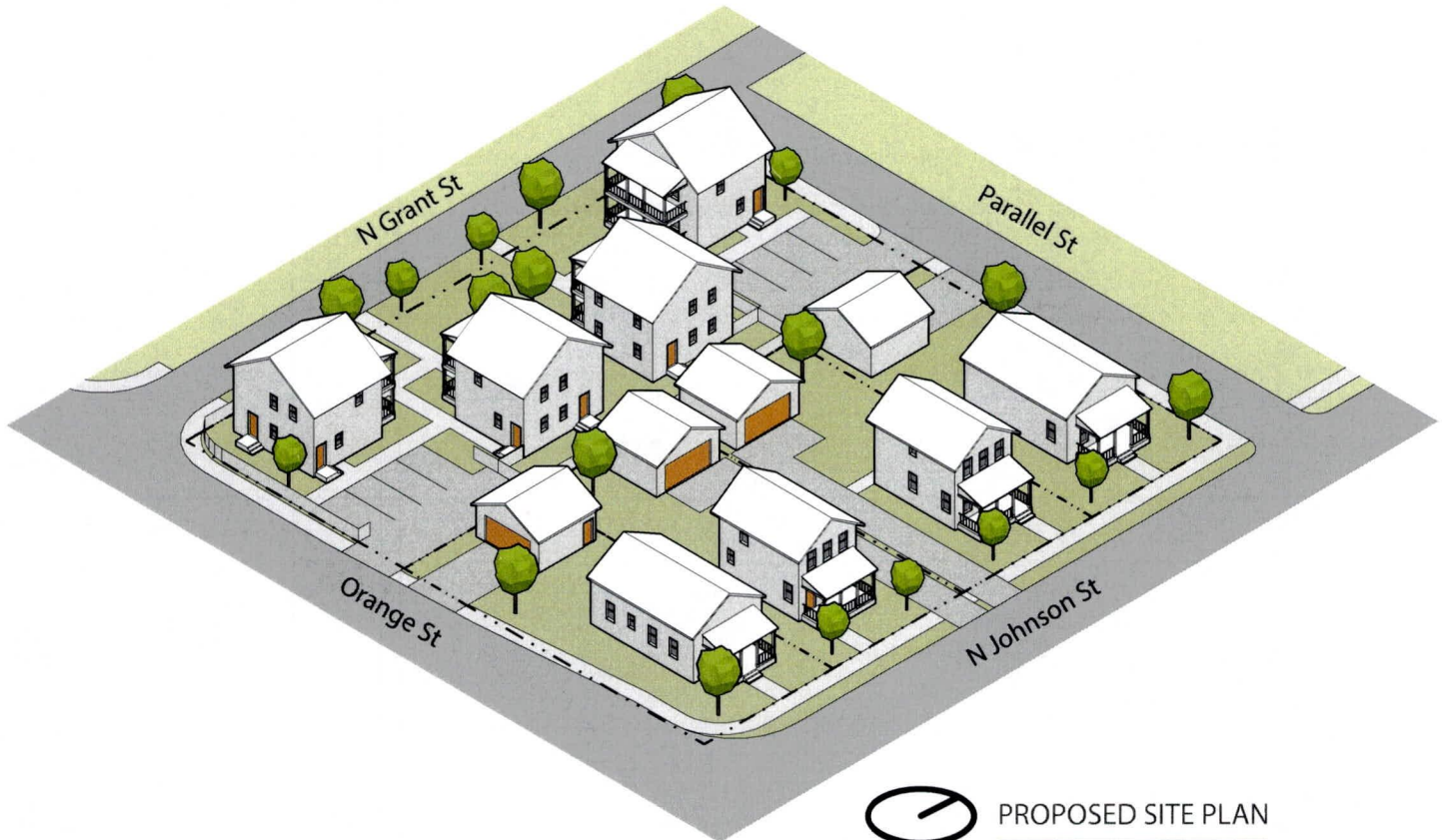


Neighborhood
Evolution

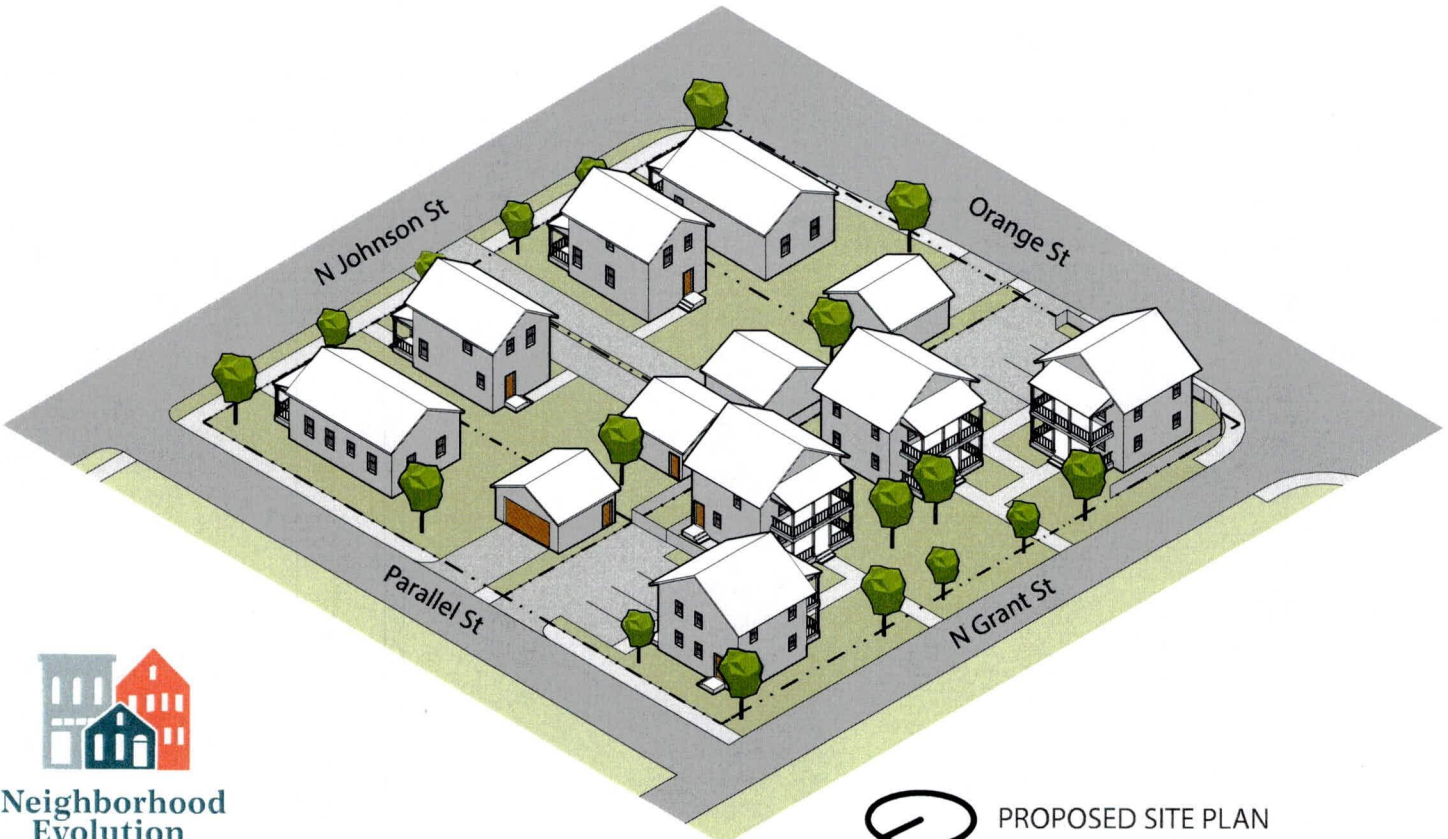
— Water Line
— Sewer Line

215 N Johnson St

South Bend, IN



PROPOSED SITE PLAN



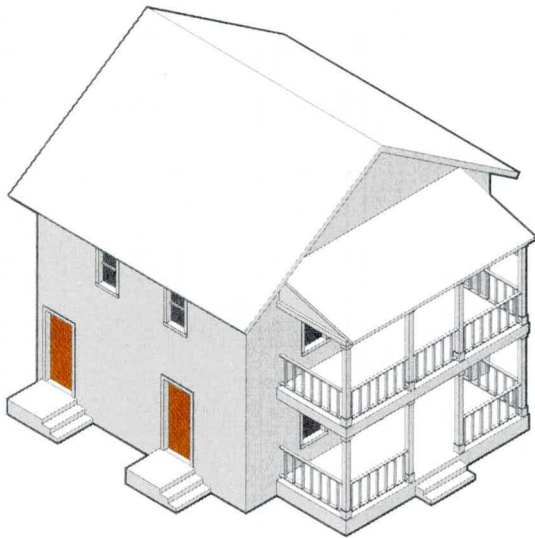
PROPOSED SITE PLAN



Neighborhood
Evolution

Mini-Duplex

600 SF Rental Units



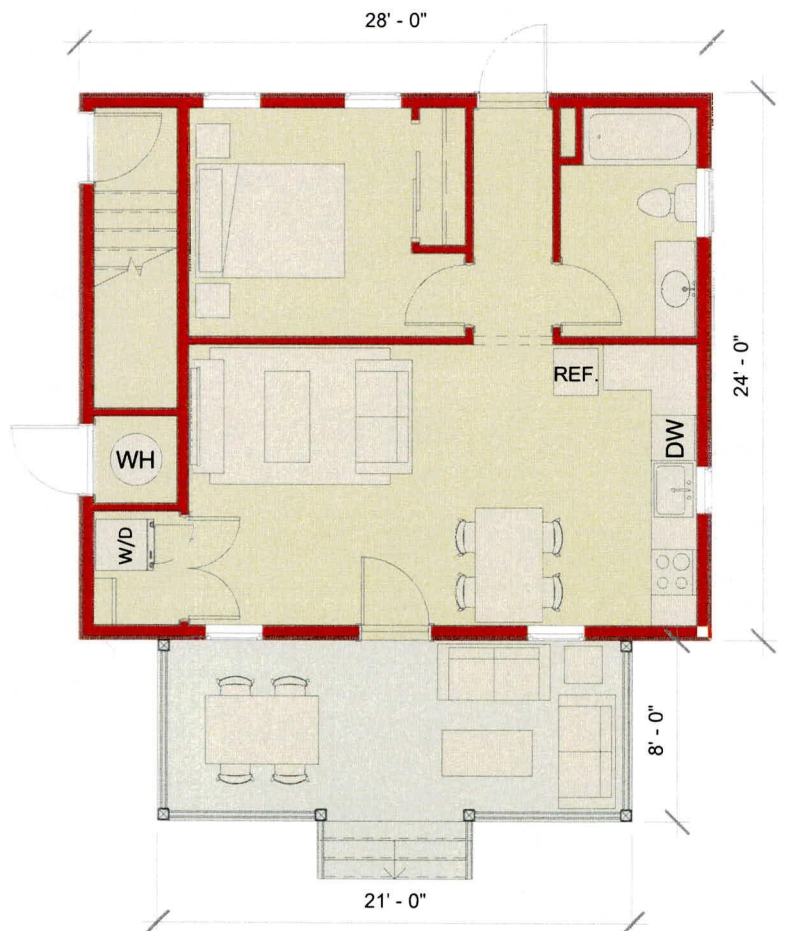
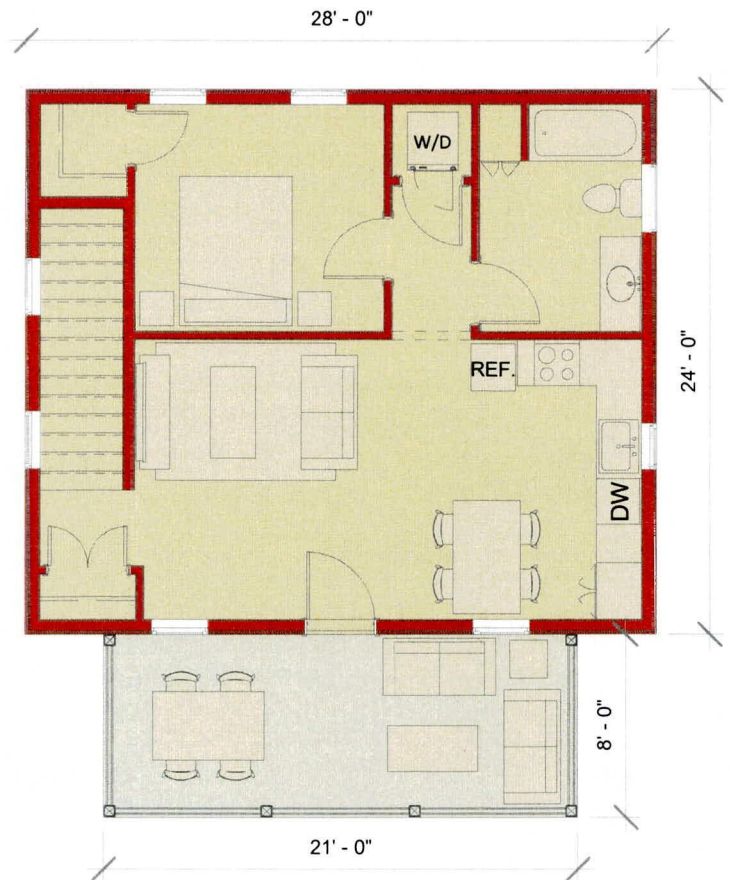
Building Type Overview

Building Dimensions

Building Height	2 story
Building Width	28'
Building Depth	24'

Program

Unit Configuration	1 bed / 1 bath
Unit Size	600 sq. ft.
Porch	168 sq. ft.

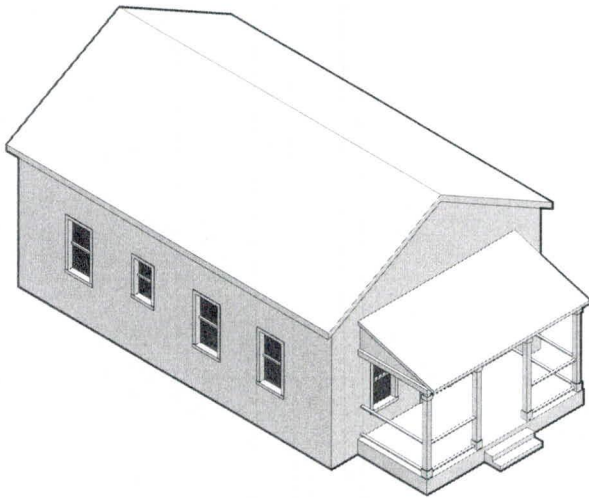


Neighborhood
Evolution

Cottage

1 story for-sale

From Build South Bend: Pre-Approved Building Plan Sets



Building Type Overview

Building Dimensions

Building Height	1 story
Building Width	24'
Building Depth	44'

Program

Unit Configuration	2 bed / 1 bath
Unit Size	864 sq. ft.
Porch	144 sq. ft.
1st Floor	864 sq. ft.

Lot Standards

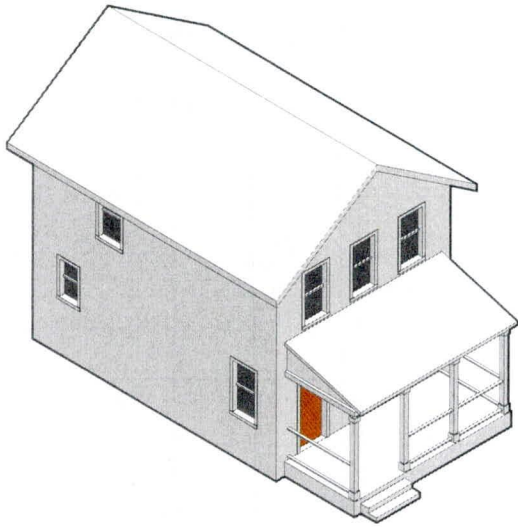
Lot Width	45'
Lot Depth	105'



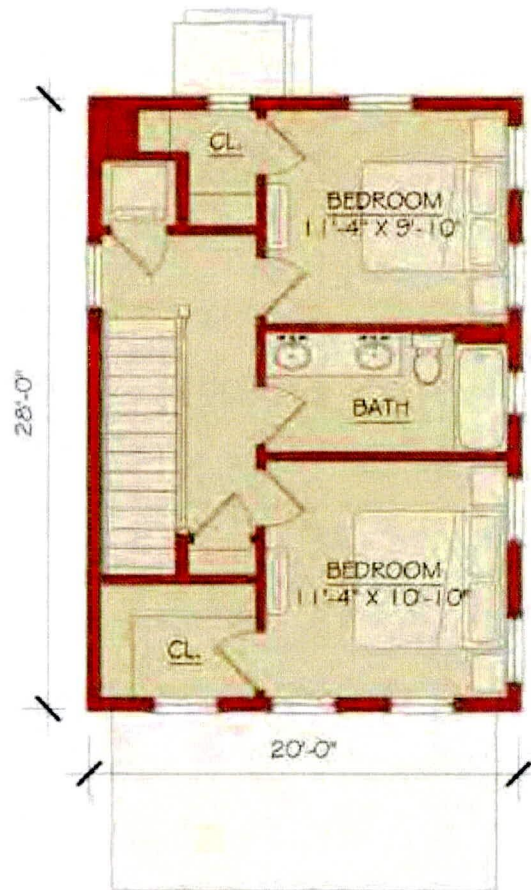
Neighborhood
Evolution

Narrow House

2 story for-sale



From Build South Bend: Pre-Approved Building Plan Sets



Building Type Overview

Building Dimensions

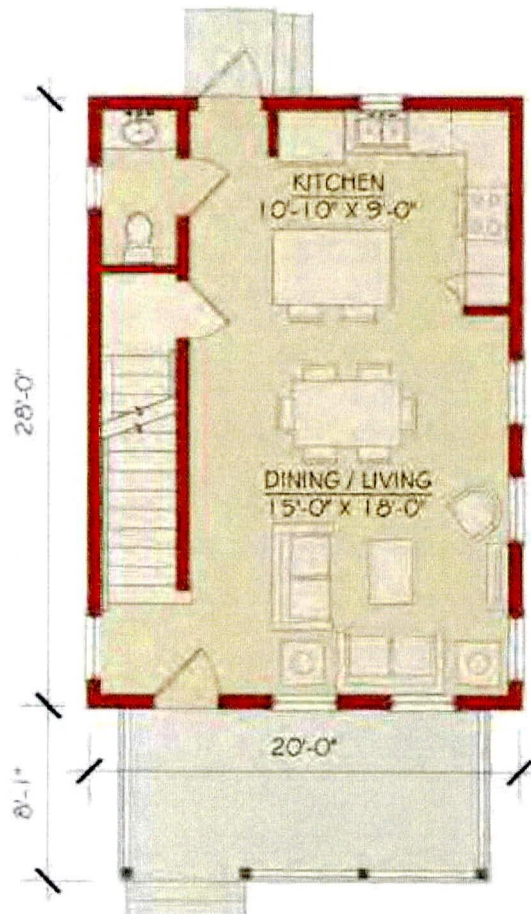
Building Height	2 story
Building Width	20'
Building Depth	36'

Program

Unit Configuration	2 bed / 1.5 bath
Unit Size	1,120 sq. ft.
Porch	136 sq. ft.
1st Floor	560 sq. ft.
2nd Floor	560 sq. ft.

Lot Standards

Lot Width	45'
Lot Depth	105'



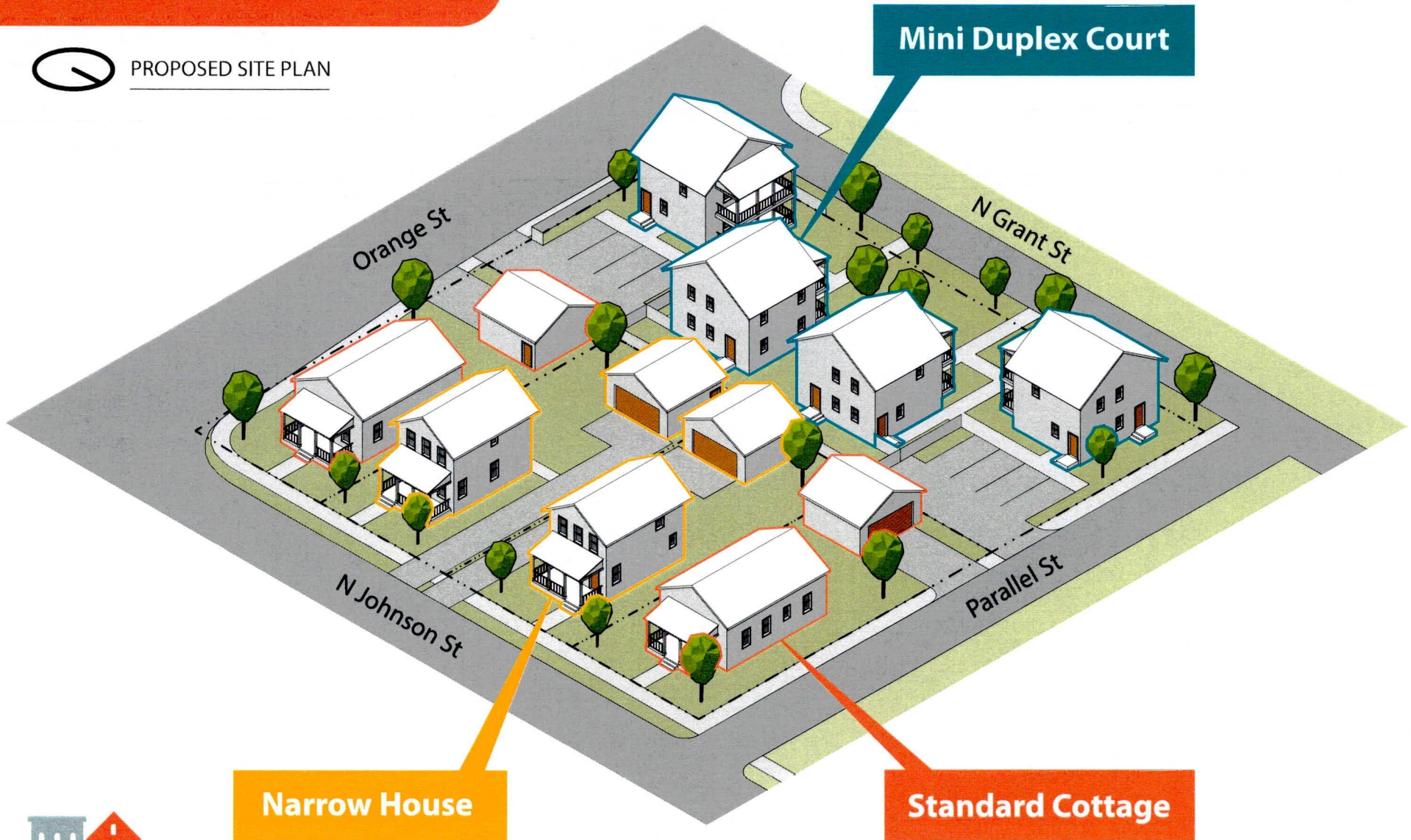
Neighborhood
Evolution

215 N Johnson St

South Bend, IN



PROPOSED SITE PLAN



Mini Duplex Court

Narrow House

Standard Cottage



Neighborhood
Evolution



City of South Bend PLAN COMMISSION

City Hall
215 S. Martin Luther King, Jr. Blvd.
Suite 500
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

Filed in Clerk's Office

Tuesday, July 21, 2026

Jul 21, 2026

South Bend Common Council
Third Floor, City Hall
South Bend, IN 46601

Bianca Tirado
City Clerk, South Bend, IN

Re: Bill# 45-26 - A proposed ordinance of REVS DEVELOPMENT LLC to zone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2, property located at 203 JOHNSON ST, 207 JOHNSON ST, 213 JOHNSON ST, 215 JOHNSON ST, 2013 ORANGE ST, and 2014 PARALLEL ST, City of South Bend - PC# 0312-26

Dear Council Members:

I hereby Certify that the above referenced ordinance of REVS DEVELOPMENT LLC was legally advertised on July 10, 2026 and that the South Bend Plan Commission at its public hearing on July 20, 2026 took the following action:

Upon a motion by Dr. Oliver Davis, being seconded by Caitlin Stevens and unanimously carried, a proposed ordinance of REVS DEVELOPMENT LLC to zone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2, property located at 203 JOHNSON ST, 207 JOHNSON ST, 213 JOHNSON ST, 215 JOHNSON ST, 2013 ORANGE ST, and 2014 PARALLEL ST, City of South Bend, is sent to the Common Council with a **FAVORABLE** recommendation.

The staff report is attached. The deliberations of the Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing. Minutes of the public hearing are available in our office and will be posted on our website once approved.

Sincerely,

A handwritten signature in black ink that reads "Brian Killen".

Brian Killen
Zoning Administrator

Attachment

CC: REVS DEVELOPMENT LLC
Bob Palmer

Tim Corcoran
Planning Director

Brian Killen
Zoning Administrator

Francisco Fotia
Commission President

Property Information

Location: 203 JOHNSON ST, 207 JOHNSON ST, 213 JOHNSON ST, 215 JOHNSON ST, 2013 ORANGE ST, and 2014 PARALLEL ST
Owner: REVS DEVELOPMENT LLC

Requested Action

Rezone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2

Project Summary

The petitioner intends to build a development of single family homes and a duplex Cottage Court.

Location Map

Recommendation

Staff Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation.

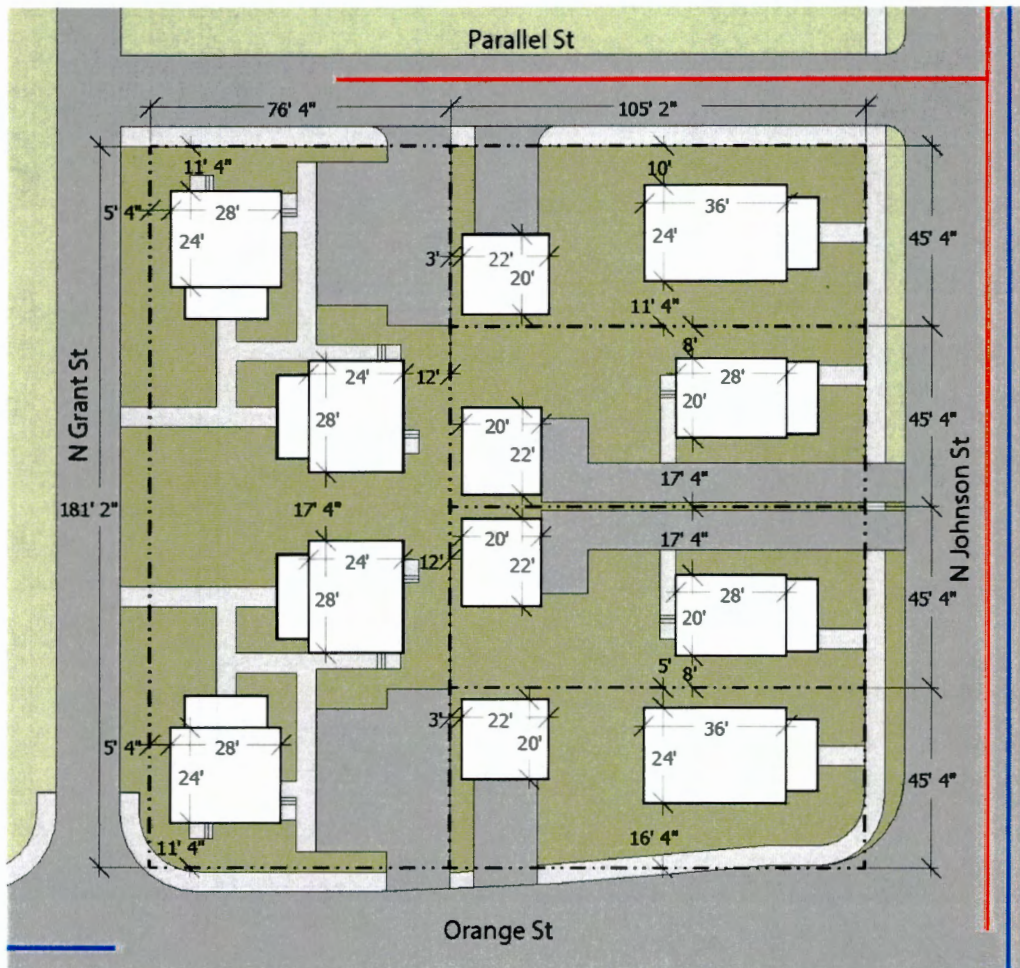
Proposed Site Plan

215 N Johnson St
South Bend, IN



PROPOSED SITE PLAN

SCALE: 1/32" = 1'-0"



**Neighborhood
Evolution**

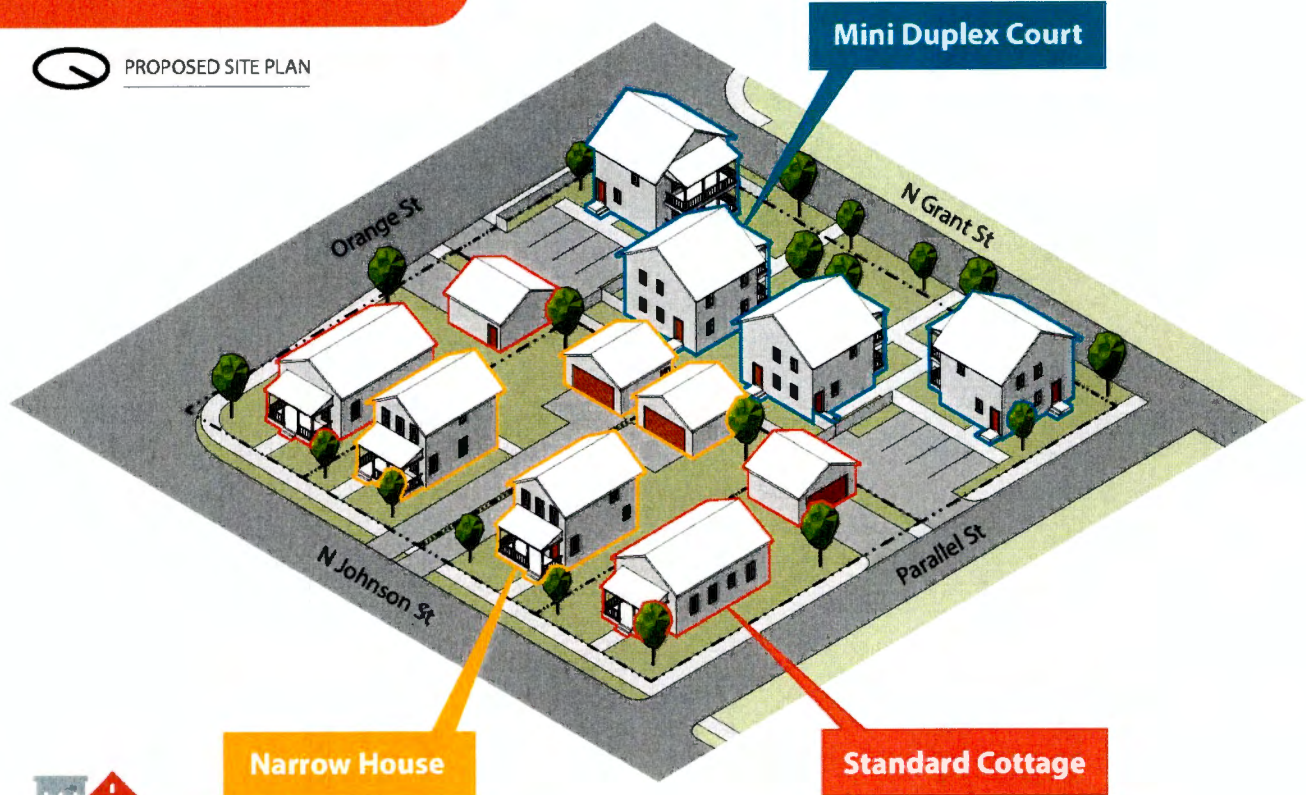
0 5' 10' 25' 50'

— Water Line
— Sewer Line

215 N Johnson St
South Bend, IN



PROPOSED SITE PLAN



Neighborhood
Evolution

215 N Johnson St
South Bend, IN



Site & Context

Land Uses and Zoning:

On site: Vacant lots zoned U1 Urban Neighborhood 1
 North: Vacant lots zoned U1 Urban Neighborhood 1
 East: A one unit dwelling and vacant lots zoned U1 Urban Neighborhood 1
 South: An industrial use zoned I Industrial
 West: One unit dwellings and vacant lots zoned U1 Urban Neighborhood 1

District Intent:

The U2 District is established to provide for, promote, and maintain the development of diverse housing types in urban neighborhoods located near neighborhood centers in core and outlying areas of the City.

Site Plan Description:

A development of one unit dwellings and a cottage court of duplexes. This project is still in the planning phase so it may change overtime to something more zoning compliant then what is currently proposed.

Zoning and Land Use History and Trends:

Although all of these parcels are currently vacant, they were all developed in the early to mid-1900s. A church was built on the block's northeast parcel in 1931, while the rest of the properties were developed with detached houses between 1899 and 1917. These homes were demolished in the later decades of the 20th century until only the church was left in the early 2000s. It was eventually demolished in 2025.

Traffic and Transportation Considerations:

These properties are surrounded by streets on all four sides. Orange Street and Johnson Street, which run along the southern and eastern borders, respectively, are two-way streets that are about 50' and 40' wide. Both streets have one lane of traffic going in each direction, with Orange Street having bike lanes running parallel to each vehicle lane as well. Meanwhile, Parallell Street and Grant Street, which run along the northern and western borders, are two-way streets that are about 18' and 20' wide each, appear more like alleys.

Agency Comments

Agency Comments:

No comments at this time.

Staff Comments:

No additional comments at this time.

Criteria for Decision Making

Rezoning

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

1. Comprehensive Plan:

Policy Plan:

In the city's comprehensive plan, Objective H 1 calls upon the city to "ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future."

Land Use Plan:

This property falls within the Kennedy Park neighborhood. In the 2022 neighborhood plan, the future zoning map shows these parcels as being rezoned to U2.

Plan Implementation/Other Plans:

In the Kennedy Park neighborhood plan, project idea six recommends filling in vacant lots west of the Martin Luther King Jr. Dream Center, including these lots, with low- to medium-density residential development.

2. Current Conditions and Character:

These properties are surrounded by low-density, one- and two-story residential structures and vacant lots on all sides, except for the south side, where there is a large industrial building.

3. Most Desirable Use:

The most desirable use for these properties would be low- to medium-density residential development.

4. Conservation of Property Values:

Rezoning these properties should not negatively affect their own property values, or the value of neighboring properties. This project should raise the values of the properties being rezoned, as a developed property should have a higher value than a vacant one. U2 also allows for denser development than U1, meaning that the rezoning could allow for higher property values to be generated on site. It should also not negatively impact the property values of adjacent properties as the zoning will create a diversity of housing types as infill and the project will be consistent with the built form of the neighborhood.

5. Responsible Development and Growth:

Rezoning these properties to U2 aligns with the principles of responsible development and growth, as it will allow for denser infill development in an established neighborhood on a street with existing city utilities.

Analysis & Recommendation

Commitments: No commitments at this time.

Analysis: Rezoning these parcels to U2 aligns with the recommendation made in the future zoning map from the Kennedy Park neighborhood plan, and the proposed development will help achieve a project idea from that plan by developing vacant lots in the southern part of the neighborhood with low- to medium-density residential development.

Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation.



46-26

City of South Bend Common Council

300 City Hall • 215 S. Martin Luther King, Jr. Blvd.
South Bend, Indiana 46601

Filed in Clerk's Office

Jul 8, 2026

Bianca Tirado
City Clerk, South Bend, IN

Canneth Lee
President

Sheila Niezgodski
Vice President

Ophelia Gooden-Rodgers
Chairperson, Committee
of the Whole

Canneth Lee
First District

Ophelia Gooden-Rodgers
Second District

Sharon L. McBride
Third District

Dr. Heidi Beidinger
Fourth District

Sherry Bolden-Simpson
Fifth District

Sheila Niezgodski
Sixth District

Dr. Oliver Davis
At Large

Rachel Tomas Morgan
At Large

Karen L. White
At Large

Karen White

Chairperson Community Investment Committee

South Bend Common Council

3rd Floor, City Hall

South Bend, IN 46601

**RE: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY
OF SOUTH BEND, INDIANA, AMENDING SECTION 4-61 OF THE
SOUTH BEND MUNICIPAL CODE REGARDING TAXICAB
LICENSING AND OPERATIONS AND PROVIDING FOR THE
EXTENSION OF CURRENT LICENSES**

Dear Chairperson White:

Chapter 4 Section 4-61 of the Municipal Code addresses licenses for taxicab companies, vehicles and drivers. This is a very in-depth ordinance first enacted in 1981 with parts of the ordinance amended in 1986, 1993, 1999, and 2011. I believe that current conditions in the City, changing technology and the prevalence of services such as Uber and Lyft support a comprehensive review and revision of the ordinance to meet current needs.

Such a complete review and revision may take some time before passing by the Council. In the meantime, there are limited amendments that can be made to improve administration of the taxicab licensing program. These amendments support continued taxicab service within the City by reducing unnecessary regulatory burdens, accommodating modern dispatch operations, and providing greater administrative efficiency in the licensing process.

Additionally, the clarification of the definition of "taxicab" will promote consistency with applicable state law and assist in distinguishing locally regulated taxicab operations from transportation network companies governed by state law.

I ask that this proposed ordinance amendment be placed on the agenda for the July 27, 2026, Community Investment Committee meeting with second and third readings at the full Council meeting later that evening.

Sincerely,

Rachel Tomas Morgan

Rachel Tomas Morgan
At-Large Common Council Member



Jul 8, 2026

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 46-26
ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING SECTION 4-61 OF THE SOUTH BEND MUNICIPAL CODE
REGARDING TAXICAB LICENSING AND OPERATIONS AND PROVIDING FOR
THE EXTENSION OF CURRENT LICENSES**

STATEMENT OF PURPOSE AND INTENT

The City of South Bend ("City") regulates taxicab companies, vehicles, and drivers pursuant to Chapter 4, Article 4, Section 4-61 of the South Bend Municipal Code; and

The City will be undertaking a comprehensive review of Section 4-61 to evaluate opportunities to modernize, simplify, and clarify the City's taxicab regulations; and

Key provisions have already been identified within the local industry that do not reflect current business practices and operational realities; and

The Common Council finds that limited amendments are warranted at this time to improve administration of the taxicab licensing program in these areas while the broader review of Section 4-61 continues; and

These preliminary amendments are intended to support continued taxicab service within the City by reducing unnecessary regulatory burdens, accommodating modern dispatch operations, and providing greater administrative efficiency in the licensing process; and

Clarification of definitions will promote consistency with applicable state law and assist in distinguishing locally regulated taxicab operations from transportation network companies governed by state law; and

The Common Council finds that these preliminary amendments are in the best interests of the City to facilitate administration of the City's taxicab licensing program pending consideration of more comprehensive revisions to Section 4-61.

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

SECTION I. Chapter 4, Article 4, Section 4-61 is hereby amended as follows:

Sec. 4-61. Taxicabs; companies, vehicles and drivers.

(a) *Definitions:* As used in this section:

(9) *Taxicab* shall have the meaning set forth in I.C. 8-2.1-17-16, as amended.

(d) *License and overall service required of taxicab companies; manifest required; refusal deemed a violation; revocation:*

-
- (2) Holders of taxicab company licenses may maintain a properly zoned physical office with a telephone line for the purpose of receiving calls and dispatching cabs or may receive calls and dispatch cabs from a mobile location. The telephone line must be answered by a dispatcher or other person who is not operating a taxicab at the time he or she is answering the telephone or dispatching taxicabs. No taxi company may accept calls or dispatch taxicabs from a taxicab or from a property that is not properly zoned. Licensees shall answer all calls received by them for services inside the corporate limits of the City as soon as they can do so. If the services cannot be rendered within a reasonable time, licensees shall notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. The failure of a company license holder to have a telephone call for service answered within a reasonable time shall result in the issuance of fines, license suspension or revocation, or other sanctions as provided in this chapter. Said provision notwithstanding, a taxicab company may close between the hours of 2:00 a.m. and 5:00 a.m. and neither take calls nor dispatch cabs..
 - (4) All companies shall register, maintain, license and insure at least four (4) taxicabs in order to obtain taxi company licenses, and shall have in service at all times, at least two (2) taxicabs licensed under this section.
 - (5) All companies shall list on their application and at all times have registered to drive their company taxicabs at least four (4) drivers in order to obtain company licenses, with at least two (2) of those drivers operating at all times.
 - (6) If a company operating a lawful taxicab business at the time of passage of this section does not have at least four (4) taxicabs in service, and at least four (4) company drivers as required by this section, that company shall have until January 2, 2027, to meet such requirements and to submit proof of compliance to the Controller.

SECTION II. Any license issued under Section 4-61 which expires on September 30, 2026 shall be extended to an expiration date of September 30, 2027.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock .m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

Jul 8, 2026

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 46-26

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING SECTION 4-61 OF THE SOUTH BEND MUNICIPAL CODE REGARDING TAXICAB LICENSING AND OPERATIONS AND PROVIDING FOR THE EXTENSION OF CURRENT LICENSES

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The Common Council finds that limited amendments are warranted at this time to improve administration of the taxicab licensing program in these areas while the broader review of Section 4-61 continues; and

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Clarification of definitions will promote consistency with applicable state law and assist in distinguishing locally regulated taxicab operations from transportation network companies governed by state law; and

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SECTION I. Chapter 4, Article 4, Section 4-61 is hereby amended as follows:

Sec. 4-61. Taxicabs; companies, vehicles and drivers.

(a) *Definitions:* As used in this section:

- (9) *Taxicab* ~~means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of twelve (12) or fewer persons, including the driver, and not operated on a fixed route~~ shall have the meaning set forth in I.C. 8-2.1-17-16, as amended.

(d) *License and overall service required of taxicab companies; manifest required; refusal deemed a violation; revocation:*

- (2) Holders of taxicab company licenses ~~shall~~ may maintain a properly zoned physical office with a telephone line for the purpose of receiving calls and dispatching cabs or may receive calls and dispatch cabs from a mobile location. The telephone line must be answered by a dispatcher or other person who is not operating a taxicab at the time he or she is answering the telephone or dispatching taxicabs. No taxi company may accept calls or dispatch taxicabs from a taxicab or from a property that is not properly zoned. ~~They~~ Licensees shall answer all calls received by them for services inside the corporate limits of the City as soon as they can do so. If the services cannot be rendered within a reasonable time, ~~they~~ licensees shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. The failure of a company license holder to have a telephone call for service answered within in a reasonable time shall result in the issuance of fines, license suspension or revocation, or other sanctions as provided in this chapter. Said provision notwithstanding, a taxicab company may close between the hours of 2:00 a.m. and 5:00 a.m. and neither take calls nor dispatch cabs. ~~answered twenty four (24) hours a day for the purpose of receiving calls and dispatching cabs. The telephone line must be answered by a dispatcher or other person who is not operating a taxicab at the time he or she is answering the telephone or dispatching taxicabs. No taxi company may accept calls or dispatch taxicabs from a taxicab or from a property that is not properly zoned. They shall answer all calls received by them for services inside the corporate limits of the City as soon as they can do so. If the services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. The failure of a company license holder to have a telephone call for service answered within in a reasonable time shall result in the issuance of fines, license suspension or revocation, or other sanctions as provided in this chapter.~~
- (4) All companies shall register, maintain, license and insure at least ~~six~~ four (64) taxicabs in order to obtain taxi company licenses, and shall have in service at all times, at least two (2) taxicabs licensed under this section.
- (5) All companies shall list on their application and at all times have registered to drive their company taxicabs at least ~~six~~ four (64) drivers in order to obtain company licenses, with at least two (2) of those drivers operating at all times.
- (6) If a company operating a lawful taxicab business at the time of passage of this section does not have at least ~~six~~ four (64) taxicabs in service, and at least ~~six~~ four (64) company drivers as required by this section, that company shall have until ~~January 2, 2013~~ January 2, 2027, to meet such requirements and to submit proof of compliance to the Controller.

SECTION II. Any license issued under Section 4-61 which expires on September 30, 2026 shall be extended to an expiration date of September 30, 2027.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock __.m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



Filed in Clerk's Office

Jul 21, 2026

Bianca Tirado
City Clerk, South Bend, IN

CITY OF SOUTH BEND

DEPARTMENT OF COMMUNITY INVESTMENT

July 20, 2026

Common Council President Canneth Lee
South Bend Common Council
215 S Doctor M.L.K Jr Blvd,
South Bend, IN 46601

Attached please find a proposal for adoption of a resolution approving a rental revenue bond lease between the Redevelopment Authority and the Redevelopment Commission for the issuance of two Series of TIF-funded bonds to support several neighborhood improvement projects.

The Common Council's approval will allow the issuance of bonds to fund the following improvements:

- Coal Line Phase III Installation - Extension of the existing Coal Line Trail from Lincoln Way West to the Martin Luther King Jr. Dream Center
- College Street Streetscape Improvements - connection with Phase III of the Coal Line Trail
- Infrastructure improvements consisting of roads, storm water, sewer, and water utility infrastructure improvements along or adjacent to Old Cleveland Road to help support affordable housing projects
- New Rum Village Neighborhood Community Center - Construction, renovation and equipping of a new Rum Village Neighborhood Center
- Near Westside Neighborhood Park – Acquisition costs
- Former Drewry's Brewery Infrastructure - Infrastructure improvements to support the redevelopment of the former Drewry's property
- Muessel Grove Park Improvements - Improvements to Muessel Grove Park immediately adjacent to the former Drewrys Brewery
- Morris Performing Arts Center Parking Garage – Help fund construction of a structured parking garage attached to the Morris.



CITY OF SOUTH BEND

DEPARTMENT OF COMMUNITY INVESTMENT

These improvement projects were identified by residents as part of a number of neighborhood planning processes and other community outreach initiatives. These projects will improve infrastructure, expand access to parks, trails, and community facilities, and strengthen neighborhood connectivity, directly enhancing quality of life for South Bend residents.

Please let me know if you have any questions, City staff will be joined by Bond Counsel from Barnes & Thornburg and financial advisors from Baker Tilly will also be present at the July 27, 2026 meeting to answer any questions from Councilmembers.

Sincerely,

Joseph Molnar
Deputy Director
Department of Community Investment

Jul 21, 2026

BILL NO. 26-20

RESOLUTION NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A LEASE BETWEEN THE SOUTH BEND
REDEVELOPMENT AUTHORITY AND THE SOUTH BEND REDEVELOPMENT
COMMISSION AND TAKING OTHER ACTIONS RELATED THERETO**

WHEREAS, the South Bend Redevelopment Commission (the "Commission"), the governing body of the South Bend Department of Redevelopment and the Redevelopment District of the City of South Bend, Indiana (the "District"), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the South Bend Redevelopment Authority (the "Authority") has been created pursuant to Indiana Code 36-7-14.5 as a separate body corporate and politic, and as an instrumentality of the City of South Bend, Indiana (the "City") to finance local public improvements for lease to the Commission; and

WHEREAS, the Commission has determined to undertake certain local public improvement projects in the River West Development Area consisting of all or any portion of the following: (i) Coal Line Trail Phase III which consists of the extension of the existing Coal Line Trail from Lincoln Way West to the Martin Luther King Jr. Dream Center, and any related improvements; (ii) College Street streetscape improvements in connection with Phase III of the Coal Line Trail, and any related improvements; (iii) infrastructure improvements consisting of roads, storm water, sewer, and water utility infrastructure improvements along or adjacent to Old Cleveland Road, and any related improvements; (iv) the acquisition, construction, renovation and equipping of a new Rum Village Neighborhood Center, and any related improvements; (v) acquisition of land in the near west side of the City for a new neighborhood park, and any related improvements; (vi) infrastructure improvements to support the redevelopment of the former Drewry's property and improvements to the adjacent Muessel Grove Park, and any related improvements; (vii) acquisition, construction and equipping of a new parking garage structure attached to the Morris Performing Arts Center, and any related improvements; and (viii) all projects related to any of the projects described in clauses (i) through and including (vii) (clauses (i) through and including (viii), collectively, the "Projects"); and

WHEREAS, the Commission has given consideration to (i) financing the cost of funding all or any portion of the Projects; (ii) funding a debt service reserve fund or paying the cost of a reserve surety, if necessary, in connection with the issuance of the Bonds (defined herein); and (iii) paying costs incurred in connection with the issuance of the Bonds; and

WHEREAS, the Commission has determined that it would be beneficial to the District and the City for the Commission to enter into a lease with the Authority pursuant to Section 25.2 of the Act and have the Authority issue its lease rental revenue bonds for a local public improvement pursuant to Indiana Code 36-7-14.5-19; and

WHEREAS, the Projects are located within the boundaries of the District and will benefit the residents of the City by providing future opportunities for new redevelopment and economic development and job creation; and

WHEREAS, at a meeting held on July 9, 2026, following a public hearing held pursuant to Section 25.2 of the Act, the Commission did adopt its Resolution No. 3676 (a) finding (i) that the lease rental payments (the "Lease Rentals") to be paid by the Commission to the Authority pursuant to a lease between the Commission and the Authority (the "Lease") are fair and reasonable, (ii) that the terms of the Lease are based upon the value of the leased premises which includes all or a portion of certain roads in the City consisting of Chapin Street from its intersection with Lincoln Way West to its intersection with Sample Street, Sample Street from its intersection with Chapin Street to its intersection with Mayflower Road, Colfax Avenue/Orange Street from its intersection with South Dr. Martin Luther King, Jr. Boulevard to its intersection with Meade Street, Washington Street/Orange Street from its intersection with Meade Street to its intersection with Kenwood Avenue, Kenwood Avenue from its intersection with Orange Street to its terminus west of Meade Street, and Meade Street/Bertrand Street from its intersection with Kenwood Avenue to its intersection with Eclipse Place (collectively, the "Leased Premises"), and (iii) that the use of the Leased Premises throughout the term of the Lease will serve the public purpose of the City and is in the best interests of its residents and (b) approving the Lease in the form presented at the Commission meeting for the purpose of paying the principal of and interest on the South Bend Redevelopment Authority Lease Rental Revenue Bonds, Series 2026 (the "Bonds") proposed to be issued by the Authority in one (1) or more series pursuant to Indiana Code 36-7-14.5 to finance the Projects; and

WHEREAS, at a meeting held on July 22, 2026, the Authority did adopt Resolution No. 220 whereby the Authority (a) indicated its intent to issue the Bonds in one (1) or more series to finance all or a portion of (i) the costs of the Projects; (ii) a debt service reserve fund, if necessary, in connection with the issuance of the Bonds; and (iii) costs incurred in connection with the issuance of the Bonds; and (b) approved the proposed form of Lease between the Authority and the Commission for the lease of the Leased Premises; and

WHEREAS, the Commission reasonably expects to pay the Lease Rentals during the term of the Lease from certain tax increment revenues from the River West Development Area; however, to assist with the marketing of the Bonds and securing competitive interest rates, the payment of the Lease Rentals also will be secured by the levy of a special tax pursuant to Section 27 of the Act in the event such tax increment revenues are ever insufficient; and

WHEREAS, the annual rentals payable by the Commission under the Lease will be pledged by the Authority to pay the principal of and interest on the Bonds; and

WHEREAS, given the use of the lease financing provisions to reduce the cost of borrowing and certain additional requirements set forth in the Act and Indiana Code 36-7-14.5 with respect to the approval by the Common Council of a financing for redevelopment or economic development purposes, the Common Council of the City (the "Common Council") desires to (i) approve the Lease as required by Section 25.2 of the Act, which provides that any lease approved by a resolution of the Commission must be approved by the fiscal body of the City, (ii) approve the issuance of the Bonds by the Authority as required by Indiana Code 36-7-14.5-19, and (iii)

approve and authorize the transfer of the interests in the Leased Premises to the Authority to permit the Authority to lease the Leased Premises to the Commission pursuant to the Lease.

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

SECTION 1. The Common Council hereby approves of the issuance of the Bonds by the Authority pursuant to Indiana Code 36-7-14.5-19 and the execution and delivery of the Lease, as approved by the Commission, pursuant to Section 25.2 of the Act, in order to provide for the financing of the Projects, all upon the following conditions: (a) the maximum aggregate principal amount of the Bonds shall not exceed \$33,000,000; (b) the Bonds shall have a final maturity date which is not later than fifteen (15) years from the date of their issuance; (c) the maximum annual lease rental payment during the term of the Lease shall not exceed \$5,000,000; (d) the maximum interest rate on any tax-exempt series of the Bonds shall not exceed six and one-half percent (6.50%) per annum and on any taxable series of the Bonds the maximum interest rate shall not exceed eight percent (8.00%) per annum; (e) the Bonds will be subject to optional redemption prior to maturity not earlier than five (5) years after the date of issuance of the Bonds; (f) the maximum term of the Lease shall not exceed nineteen (19) years; and (g) interest on the Bonds may be capitalized or paid from the proceeds of the Bonds based upon the recommendation of the municipal advisor to the Authority.

SECTION 2. The Common Council hereby finds and determines that the transfer of the Leased Premises from the City to the Authority for no consideration, in connection with the financing of the Projects by the Authority and lease of the Leased Premises to the Commission pursuant to the Act, is in the best interests of the City and its citizens. The Common Council approves of the transfer of all of the City's interest in the Leased Premises to the Authority and authorizes the Board of Public Works of the City to take such action that may be necessary to effectuate the transfer of the Leased Premises to the Authority as authorized herein.

SECTION 3. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock .m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

LEASE AGREEMENT

between

SOUTH BEND REDEVELOPMENT AUTHORITY

LESSOR

and

**SOUTH BEND
REDEVELOPMENT COMMISSION**

LESSEE

Dated as of July 1, 2026

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and dated as of this 1st day of July, 2026, by and between the SOUTH BEND REDEVELOPMENT AUTHORITY (the “Lessor”), a separate body corporate and politic organized and existing under the provisions of I.C. 36-7-14.5 as an instrumentality of the City of South Bend, Indiana (the “City”), and the CITY OF SOUTH BEND REDEVELOPMENT COMMISSION (the “Lessee”), the governing body of the City of South Bend, Department of Redevelopment, acting for and on behalf of the City.

WITNESSETH:

WHEREAS, the City has created the Lessor under and pursuant to the provisions of I.C. 36-7-14, I.C. 36-7-14.5 and I.C. 36-7-25 (collectively, the “Act”), for the purpose of financing, constructing, acquiring and leasing to the Lessee certain local public improvements and redevelopment and economic development projects; and

WHEREAS, the City has created the Lessee to undertake redevelopment and economic development in the City in accordance with the Act; and

WHEREAS, the Lessee is the governing body of the South Bend Department of Redevelopment and the Redevelopment District of the City (the “District”) which District is coterminous with the boundaries of the City; and

WHEREAS, in accordance with prior resolutions adopted by the Lessee, the Lessee has designated a certain area of the City known as the “River West Development Area” (the “Area”) as an economic development area under the Act and approved an economic development plan for the Area (the “Plan”); and

WHEREAS, the Lessee has given consideration to undertaking local public improvement projects in the Area including all or any portion of the following: (i) Coal Line Trail Phase III which consists of the extension of the existing Coal Line Trail from Lincoln Way West to the Martin Luther King Jr. Dream Center, and any related improvements; (ii) College Street streetscape improvements in connection with Phase III of the Coal Line Trail, and any related improvements; (iii) infrastructure improvements consisting of roads, storm water, sewer, and water utility infrastructure improvements along or adjacent to Old Cleveland Road, and any related improvements; (iv) the acquisition, construction, renovation and equipping of a new Rum Village Neighborhood Center, and any related improvements; (v) acquisition of land in the near west side of the City for a new neighborhood park, and any related improvements; (vi) infrastructure improvements to support the redevelopment of the former Drewry’s property and improvements to the adjacent Muessel Grove Park, and any related improvements; (vii) acquisition, construction and equipping of a new parking garage structure attached to the Morris Performing Arts Center, and any related improvements; and (viii) all projects related to any of the projects described in clauses (i) through and including (vii) (clauses (i) through and including (viii), collectively, the “Projects”);

WHEREAS, the Projects will foster economic development and redevelopment and improved employment opportunities throughout the District, including the Area; and

WHEREAS, the City, the Lessor, and the Lessee seek to provide a means to finance all or any portion of the costs of the Projects; and

WHEREAS, the Act authorizes the Lessor to issue bonds for the purpose of obtaining money to pay the cost of acquiring property or constructing, improving, reconstructing or renovating local public improvements; and

WHEREAS, the costs related to acquiring an interest in the property described on Exhibit A hereto by the Lessor (the "Leased Premises") and completing the Projects will be paid from proceeds of bonds to be issued by the Lessor in one (1) or more series; and

WHEREAS, the annual rentals to be paid under this Lease by the Lessee will be pledged by the Lessor to pay debt service on and other necessary incidental expenses of the Lessor relating to the Bonds to be issued by the Lessor to finance the acquisition of the Leased Premises and pay a portion of the costs of the Projects; and

WHEREAS, the Lessor has acquired or will acquire an interest in the Leased Premises described on Exhibit A hereto and such interest shall be for a term no less than the term of this Lease; and

WHEREAS, the Lessee has determined, after a public hearing held pursuant to the Act after notice given pursuant to I.C. § 5-3-1, that the lease rentals provided for in this Lease are fair and reasonable, that the execution of this Lease is necessary and that completion of the Projects will serve the public purpose of the City and are in the best interests of its residents, and the Common Council of the City (the "Common Council") has, by resolution, approved this Lease in accordance with the provisions of Section 25.2 of the Act, and the resolution has been entered in the official records of the Common Council; and

WHEREAS, the Lessor has determined that the lease rentals provided for in this Lease are fair and reasonable, that the execution of this Lease is necessary, that the Projects will serve the public purpose of the City and are in the best interests of its residents, and the Lessor has duly authorized the execution of this Lease by resolution, and the resolution has been entered in the official records of the Lessor.

THIS AGREEMENT WITNESSETH THAT:

1. **Premises, Term and Warranty.** The Lessor does hereby lease, demise and let to Lessee all of the Lessor's right, title and interests in and to the Leased Premises.

TO HAVE AND TO HOLD the Leased Premises with all rights, privileges, easements and appurtenances thereunto belonging, unto the Lessee, beginning on the date the Lessor acquires an interest in any of the Leased Premises and ending on the day prior to a date not later than nineteen (19) years after such date of acquisition by the Lessor. Notwithstanding the foregoing, the term of this Lease will terminate at the earlier of (a) the exercise by the Lessee of the option to purchase all of the Leased Premises pursuant to Section 11 hereof and the payment of the option price, or (b) the payment or defeasance of all obligations issued by the Lessor and secured by this Lease or any portion thereof; provided that no bonds or other obligations of the Lessor issued to finance the Leased Premises remain outstanding at the time of such payment or defeasance. The Lessor hereby represents that it is possessed of, or will acquire, the Leased Premises and the Lessor warrants and

will defend the Leased Premises against all claims whatsoever not suffered or caused by the acts or omissions of the Lessee or its assigns.

Notwithstanding the foregoing, the Leased Premises may be amended to add additional property to the Leased Premises or remove any portion of the Leased Premises, including, but not limited to the Leased Premises, provided however, following such amendment, the rental payable under this Lease shall be based on the value of the portion of the Leased Premises which is available for use, and the rental payments due under this Lease shall be in amounts sufficient to pay when due all principal of and interest on all outstanding Bonds.

2. **Lease Rental.** (a) **Fixed Rental Payments.** The Lessee agrees to pay rental for the Leased Premises at an annual rate per year during the term of the Lease not to exceed Five Million Dollars (\$5,000,000), payable in semi-annual installments. Each such semi-annual installment, payable as hereinafter described, shall be based on the value of the Leased Premises, together with that portion of the Project which is complete and ready for use by the Lessee at the time such semi-annual installment is made. Such rental shall be payable in advance in semi-annual installments on January 15 and July 15 of each year, with the first rental installment due no earlier than January 15, 2027. The last semi-annual rental payment due before the expiration of this Lease shall be adjusted to provide for rental at the yearly rate so specified from the date such installment is due to the date of the expiration of this Lease.

After the sale of the Bonds, the annual rental shall be reduced to an amount sufficient to pay principal and interest due in each twelve (12) month period commencing each year on August 1, rounded up to the next One Thousand Dollars (\$1,000), together with incidental costs in each year in an amount to be determined at the time the Bonds are sold for the purpose of paying annual trustee fees and related costs, payable in advance in semi-annual installments. In addition, each such reduced semi-annual installment shall be based on the value of the Leased Premises at the time such semi-annual installment is made. Such amount of adjusted rental shall be endorsed on this Lease at the end hereof in the form of Exhibit B attached hereto by the parties hereto as soon as the same can be done after the sale of the Bonds, and such endorsement shall be recorded as an addendum to this Lease.

(b) **Additional Rental Payments.** (i) The Lessee shall pay as further rental in addition to the rentals paid under Section 2(a) for the Leased Premises ("Additional Rentals") the amount of all taxes and assessments levied against or on account of the Leased Premises or the receipt of lease rental payments and the amount required to reimburse the Lessor for any insurance payments made by it under Section 6. The Lessee shall pay as additional rental all administrative expenses of the Lessor, including ongoing trustee fees, relating to the Bonds. Any and all such payments shall be made and satisfactory evidence of such payments in the form of receipts shall be furnished to the Lessor by the Lessee, at least three (3) days before the last day upon which such payments must be paid to avoid delinquency. If the Lessee shall in good faith desire to contest the validity of any such tax or assessment, the Lessee shall so notify the Lessor and shall furnish bond with surety to the approval of the Lessor conditioned for the payment of the charges so desired to be contested and all damages or loss resulting to the Lessor from the nonpayment thereof when due, the Lessee shall not be obligated to pay the contested amounts until such contests shall have been determined. The Lessee shall also pay as Additional Rentals the amount calculated by or for the Lessor as the amount required to be rebated, or paid as a penalty, to the United States of America under Section 148(f) of the Internal Revenue Code of 1986, as amended and in effect on the date

of issue of the Bonds ("Code"), after taking into account other available moneys, to prevent the Bonds from becoming arbitrage bonds under Section 148 of the Code.

(ii) The Lessee may, by resolution, pay Additional Rentals to enable the Lessor to redeem or purchase Bonds prior to maturity. Rental payments due under this Section 2 shall be reduced to the extent such payments are allocable to the Bonds redeemed or purchased by the Lessor with such Additional Rentals. The Lessee shall be considered as having an ownership interest in the Leased Premises valued at an amount equal to the amount of the Additional Rentals paid pursuant to this subsection (b)(ii).

(c) **Source of Payment of Rentals.** The annual rentals set forth in Section 2(a) hereof and the Additional Rentals shall be payable solely from the 2026 Improvements Principal and Interest Account of the Redevelopment District Bond Fund (the "Bond Fund"). The Lessee may pay the annual rentals and the Additional Rentals, or any other amounts due hereunder, from any other revenues legally available to the Lessee; provided, however, the Lessee shall be under no obligation to pay any annual rentals or Additional Rentals or any other amounts due hereunder from any moneys or properties of the Lessee except the revenues deposited into the Bond Fund.

3. **Payment of Rentals.** All rentals payable under the terms of this Lease shall be paid by the Lessee to the bank or trust company designated as Trustee ("Trustee") under the Trust Indenture between it and the Lessor ("Indenture"), or to such other bank or trust company as may from time to time succeed such bank as Trustee under the Indenture securing the bonds to be issued by the Lessor to finance the acquisition and construction of the Leased Premises. Any successor trustee under the Indenture shall be endorsed on this Lease at the end hereof by the parties hereto as soon as possible after selection, and such endorsement shall be recorded as an addendum to this Lease. All payments so made by the Lessee shall be considered as payment to the Lessor of the rentals payable hereunder.

4. **Abatement of Rent; Substitution.** If any part of the Leased Premises is taken under the exercise of the power of eminent domain, so as to render it unfit, in whole or part, for use by the Lessee, it shall then be the obligation of the Lessor to restore and reconstruct that portion of the Leased Premises as promptly as may be done, unavoidable strikes and other causes beyond the control of the Lessor excepted; provided, however, that the Lessor shall not be obligated to expend on such restoration or reconstruction more than the condemnation proceeds received by the Lessor.

If any part of the Leased Premises shall be partially or totally destroyed, or is taken under the exercise of the power of eminent domain, so as to render it unfit, in whole or part, for use or occupancy by the Lessee, the rent shall be abated for the period during which the Leased Premises or such part thereof is unfit or unavailable for use, and the abatement shall be in proportion to the percentage of the Leased Premises which is unfit or unavailable for use or occupancy.

Notwithstanding the foregoing, the Leased Premises may be amended to add additional property to the Leased Premises or remove any portion of the Leased Premises, provided however, following such amendment, the rental payable under this Lease shall be based on the value of the portion of the Leased Premises which is available for use, and the rental payments due under this Lease shall be in amounts sufficient to pay when due all principal of and interest on all outstanding Bonds. In the event that all or a portion of the Leased Premises shall be unavailable for use by the Lessee, subject to the completion of any process required by law, the Lessor and the Lessee shall

amend the Lease to add to and/or replace a portion of the Leased Premises to the extent necessary to provide for available Leased Premises with a value supporting rental payments under the Lease sufficient to pay when due all principal of and interest on outstanding Bonds.

5. **Maintenance, Alterations and Repairs.** The Lessee may enter into agreements with one (1) or more other parties for the operation, maintenance, repair and alterations of all or any portion of the Leased Premises. Such other parties may assume all responsibility for operation, maintenance, repairs and alterations to the Leased Premises. At the end of the term of this Lease, the Lessee shall deliver the Leased Premises to the Lessor in as good condition as at the beginning of the term, reasonable wear and tear only excepted.

6. **Insurance.** During the full term of this Lease, the Lessee shall, at its own expense, keep in effect public liability insurance in amounts customarily carried for similar properties. Such insurance may be provided under the public liability self-insurance program of the City. Additionally, notwithstanding anything in this Lease to the contrary, Lessee does not waive any governmental immunity or liability limitations available to it under Indiana law.

The proceeds of the public liability insurance required herein (after payment of expenses incurred in the collection of such proceeds) shall be applied toward extinguishment or satisfaction of the liability with respect to which such insurance proceeds are paid. Such policies shall be for the benefit of persons having an insurable interest in the Leased Premises, and shall be made payable to the Lessor, the Lessee, and the Trustee and to such other person or persons as the Lessor may designate. Such policies shall be countersigned by an agent of the insurer who is a resident of the State of Indiana and deposited with the Lessor and the Trustee. If, at any time, the Lessee fails to maintain insurance in accordance with this Section, such insurance may be obtained by the Lessor and the amount paid therefor shall be added to the amount of rentals payable by the Lessee under this Lease; provided, however, that the Lessor shall be under no obligation to obtain such insurance and any action or non-action of the Lessor in this regard shall not relieve the Lessee of any consequence of its default in failing to obtain such insurance.

The insurance policies described in this Section 6 may be acquired by another party and shall satisfy this Section as long as the Lessor, the Lessee and the Trustee are named as additional insureds under such policies. Such coverage may be provided by scheduling it under a blanket insurance policy or policies.

7. **Eminent Domain.** If title to or the temporary use of the Leased Premises, or any part thereof, shall be taken under the exercise or the power of eminent domain by any governmental body or by any person, firm or corporation acting under governmental authority, any net proceeds received from any award made in such eminent domain proceedings (after payment of expenses incurred in such collection) shall be paid to and held by the Trustee under the Indenture.

Such proceeds shall be applied in one (1) or more of the following ways:

- (a) The restoration of the Leased Premises to substantially the same condition as it existed prior to the exercise of that power of eminent domain, or
- (b) The acquisition, by construction or otherwise, of other improvements suitable for the Lessee's operations on the Leased Premises and which are in furtherance of the purposes of the Act and the Plan (the improvements shall be deemed a part of the

Leased Premises and available for use and occupancy by the Lessee without the payment of any rent other than as herein provided, to the same extent as if such other improvements were specifically described herein and demised hereby).

Within ninety (90) days from the date of entry of a final order in any eminent domain proceedings granting condemnation, the Lessee shall direct the Lessor and the Trustee in writing as to which of the ways specified in this Section the Lessee elects to have the net proceeds of the condemnation award applied. Any balance of the net proceeds of the award in such eminent domain proceedings not required to be applied for the purposes specified in subsections (a) or (b) above shall be deposited in the sinking fund held by the Trustee under the Indenture and applied to the repayment of the Bonds.

The Lessor shall cooperate fully with the Lessee in the handling and conduct of any prospective or pending condemnation proceedings with respect to the Leased Premises or any part thereof and will to the extent it may lawfully do so permit the Lessee to litigate in any such proceedings in its own name or in the name and on behalf of the Lessor. In no event will the Lessor voluntarily settle or consent to the settlement of any prospective or pending condemnation proceedings with respect to the Leased Premises or any part thereof without the written consent of the Lessee, which consent shall not be unreasonably withheld.

8. **General Covenant.** The Lessee shall not assign this Lease or mortgage, pledge or sublet the Leased Premises herein described, without the written consent of the Lessor. The Lessee shall contract with the other parties to use and maintain the Leased Premises in accordance with the laws, regulations and ordinances of the United States of America, the State of Indiana, the City and all other proper governmental authorities.

9. **Tax Covenants.** In order to preserve the exclusion of interest on the Bonds, or an applicable series of the Bonds, from gross income for federal income tax purposes and as an inducement to purchasers of the Bonds, the Lessee and the Lessor represent, covenant and agree that neither the Lessor nor the Lessee will take any action or fail to take any action with respect to the Bonds, or an applicable series of the Bonds, this Lease or the Leased Premises that will result in the loss of the exclusion from gross income for federal tax purposes of interest on the Bonds, or an applicable series of the Bonds, under Section 103 of the Code, nor will they act in any other manner which will adversely affect such exclusion; and it will not make any investment or do any other act or thing during the period that the Bonds, or an applicable series of the Bonds, are outstanding which will cause any of the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code.

The covenants in this Section are based solely on current law in effect and in existence on the date of issuance of the Bonds, or an applicable series of the Bonds. It shall not be an event of default under this Lease if interest on any Bonds is not excludable from gross income pursuant to any provision of the Code which is not in existence and in effect on the issue date of the Bonds.

All officers, members, employees and agents of the Lessor and the Lessee are authorized to provide certifications of facts and estimates that are material to the reasonable expectations of the Lessor and the Lessee as of the date the Bonds are issued and to enter into covenants on behalf of the Lessor and the Lessee evidencing the Lessor's and the Lessee's commitments made herein. In particular, all or any members or officers of the Lessor and the Lessee are authorized to certify and enter into covenants regarding the facts and circumstances and reasonable expectations of the

Lessor and the Lessee on the date any series of the Bonds are issued and the commitments made by the Lessor and the Lessee herein regarding the amount and use of the proceeds of any such series of the Bonds.

Notwithstanding any other provisions hereof, the foregoing covenants and authorizations (the "Tax Sections") which are designed to preserve the exclusion of interest on the Bonds, or an applicable series of the Bonds, from gross income under federal income tax law (the "Tax Exemption") need not be complied with if the Lessee receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

10. **Option to Renew**. The Lessor hereby grants to the Lessee the right and option to renew this Lease for a further like or lesser term upon the same or like conditions as herein contained, and applicable to the portion of the premises for which the renewal applies, and the Lessee shall exercise this option by written notice to the Lessor given upon any rental payment date prior to the expiration of this Lease.

11. **Option to Purchase**. The Lessor hereby grants to the Lessee the right and option, on any date, upon sixty (60) days' written notice to the Lessor, to purchase the Leased Premises, or any portion thereof, at a price equal to the amount required to pay all indebtedness incurred on account of the Leased Premises, or such portion thereof (including indebtedness incurred for the refunding of any such indebtedness), including all premiums payable on the redemption thereof and accrued and unpaid interest, and including the proportionate share of the expenses and charges of liquidation, if the Lessor is to be then liquidated. In no event, however, shall such purchase price exceed the capital actually invested in such property by the Lessor represented by outstanding securities or existing indebtedness plus the cost of transferring the property and liquidating the Lessor. The phrase "capital actually invested" as used herein shall be construed to include, but not by way of limitation, the following amounts expended by the Lessor in connection with the acquisition and financing of the Leased Premises: organization expenses, financing costs, carry charges, legal fees, architects' fees and reasonable costs and expenses incidental thereto.

Upon request of the Lessee, the Lessor agrees to furnish an itemized statement setting forth the amount required to be paid by the Lessee in order to purchase the Leased Premises, or any portion thereof, including, but not limited to all indebtedness incurred on account of the Leased Premises in accordance with the preceding paragraph. Upon the exercise of the option to purchase granted herein, the Lessor will upon payment of the option price deliver, or cause to be delivered, to the Lessee documents conveying to the Lessee, or any entity (including the City) designated by the Lessee, all of the Lessor's title to the property being purchased, as such property then exists, subject to the following: (i) those liens and encumbrances (if any) to which title to the property was subject when conveyed to the Lessor; (ii) those liens and encumbrances created by the Lessee and to the creation or suffering of which the Lessee consented, and liens for taxes or special assessments not then delinquent; and (iii) those liens and encumbrances on its part contained in this Lease.

In the event of purchase of the Leased Premises, or any portion thereof as set forth above, by the Lessee or conveyance of the Leased Premises, or any portion thereof as set forth above, to the Lessee or the Lessee's designee, the Lessee shall procure and pay for all surveys, title searches, abstracts, title policies and legal services that may be required, and shall furnish at the Lessee's expense all documentary stamps or tax payments required for the transfer of title.

Nothing contained herein shall be construed to provide that the Lessee shall be under any obligation to purchase the Leased Premises, or any portion thereof as set forth above, or under any obligation respecting the creditors, members or security holders of the Lessor.

12. **Transfer to Lessee.** If the Lessee has not exercised its option to renew in accordance with the provisions of Section 10, and has not exercised its option to purchase the Leased Premises, or any portion thereof, in accordance with the provisions of Section 11, and upon the full discharge and performance by the Lessee of its obligations under this Lease, the Leased Premises, or such portion thereof remaining, shall thereupon become the absolute property of the Lessee, subject to the limitations, if any, on the conveyance of the site for the Leased Premises to the Lessor and, upon the Lessee's request the Lessor shall execute proper instruments conveying to the Lessee, or to any entity (including the City) designated by the Lessee, all of Lessor's title to the Leased Premises, or such portion thereof.

13. **Defaults.** If the Lessee shall default (a) in the payment of any rentals or other sums payable to the Lessor hereunder, or in the payment of any other sum herein required to be paid for the Lessor; or (b) in the observance of any other covenant, agreement or condition hereof, and such default shall continue for ninety (90) days after written notice to correct such default; then, in any or either of such events, the Lessor may proceed to protect and enforce its rights by suit or suits in equity or at law in any court of competent jurisdiction, whether for specific performance of any covenant or agreement contained herein, or for the enforcement of any other appropriate legal or equitable remedy; or the Lessor, at its option, without further notice, may terminate the estate and interest of the Lessee hereunder, and it shall be lawful for the Lessor forthwith to resume possession of the Leased Premises and the Lessee covenants to surrender the same forthwith upon demand.

The exercise by the Lessor of the above right to terminate this Lease shall not release the Lessee from the performance of any obligation hereof maturing prior to the Lessor's actual entry into possession. No waiver by the Lessor of any right to terminate this Lease upon any default shall operate to waive such right upon the same or other default subsequently occurring.

14. **Notices.** Whenever either party shall be required to give notice to the other under this Lease, it shall be sufficient service of such notice to deposit the same in the United States mail, in an envelope duly stamped, registered and addressed to the other party or parties at the following addresses: (a) to Lessor: South Bend Redevelopment Authority, Attention: President, c/o Department of Community Investment, 215 S. Dr. Martin Luther King, Jr. Blvd., Suite 500, South Bend, Indiana; (b) to Lessee: South Bend Redevelopment Commission, Attention: President, c/o Department of Community Investment, 215 S. Dr. Martin Luther King, Jr. Blvd., Suite 500, South Bend, Indiana.

The Lessor, the Lessee and the Trustee may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

15. **Successors or Assigns.** All covenants of this Lease, whether by the Lessor or the Lessee, shall be binding upon the successors and assigns of the respective parties hereto.

16. **Construction of Covenants.** The Lessor was organized for the purpose of acquiring, constructing, equipping and renovating local public improvements and leasing the same

to the Lessee under the provisions of the Act. All provisions herein contained shall be construed in accordance with the provisions of the Act, and to the extent of inconsistencies, if any, between the covenants and agreements in this Lease and the provisions of the Act, the Act shall be deemed to be controlling and binding upon the Lessor and the Lessee; provided, however, any amendment to the Act after the date hereof shall not have the effect of amending this Lease.

IN WITNESS WHEREOF, the Parties hereto have caused this Lease to be executed for and on their behalf on the date first written above.

LESSOR:

**SOUTH BEND REDEVELOPMENT
AUTHORITY**

President

ATTEST:

Secretary-Treasurer

LESSEE:

**CITY OF SOUTH BEND, INDIANA,
REDEVELOPMENT COMMISSION**

President

ATTEST:

Secretary

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

Before me, the undersigned, a Notary Public in and for this City and State, personally appeared _____ and _____, personally known to be the President and Secretary-Treasurer, respectively, of the South Bend Redevelopment Authority (the "Authority"), and acknowledged the execution of the foregoing Lease for and on behalf of the Authority.

WITNESS my hand and notarial seal this ____ day of _____, 2026.

(Seal)

(Written Signature)

(Printed Signature)
Notary Public

My Commission expires:

My county of residence is:

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

Before me, the undersigned, a Notary Public in and for this City and State, personally appeared David Relos and Eli Wax, personally known to be the President and Secretary, respectively, of the South Bend Redevelopment Commission (the "Commission"), and acknowledged the execution of the foregoing Lease for and on behalf of the Commission.

WITNESS my hand and notarial seal this ____ day of _____, 2026.

(Seal)

(Written Signature)

(Printed Signature)
Notary Public

My Commission expires:

My county of residence is:

I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Thomas M. Everett

This instrument was prepared by Thomas M. Everett, Barnes & Thornburg LLP,
201 South Main Street, Suite 400, South Bend, Indiana 46601.

EXHIBIT A

DESCRIPTION OF LEASED PREMISES

All of the City's interest in all or a portion of the Leased Premises which consists of (i) Chapin Street from its intersection with Lincoln Way West to its intersection with Sample Street, (ii) Sample Street from its intersection with Chapin Street to its intersection with Mayflower Road, (iii) Colfax Avenue/Orange Street from its intersection with South Dr. Martin Luther King, Jr. Boulevard to its intersection with Meade Street, (iv) Washington Street/Orange Street from its intersection with Meade Street to its intersection with Kenwood Avenue, (v) Kenwood Avenue from its intersection with Orange Street to its terminus west of Meade Street, and (vi) Meade Street/Bertrand Street from its intersection with Kenwood Avenue to its intersection with Eclipse Place, and which comprise the Leased Premises to be acquired by the Lessor, as more particularly described below:

[Legal descriptions to be inserted]

EXHIBIT B

**ADDENDUM TO LEASE BETWEEN SOUTH BEND REDEVELOPMENT
AUTHORITY, LESSOR AND SOUTH BEND REDEVELOPMENT COMMISSION,
LESSEE**

THIS ADDENDUM (this "Addendum"), entered into as of this ____ day of _____, 2026, by and between South Bend Redevelopment Authority (the "Lessor"), and South Bend Redevelopment Commission (the "Lessee");

WITNESSETH:

WHEREAS, the Lessor entered into a lease with the Lessee dated as of July 1, 2026 (the "Lease"); and

WHEREAS, it is provided in the Lease that there shall be endorsed thereon the adjusted rental.

NOW, THEREFORE, IT IS HEREBY AGREED, CERTIFIED AND STIPULATED by the parties to the Lease that the adjusted rental is set forth on Appendix I attached hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this Addendum to be executed for and on their behalf as of the day and year first above written.

LESSOR

**SOUTH BEND REDEVELOPMENT
AUTHORITY**

President

ATTEST:

Secretary-Treasurer

LESSEE

**SOUTH BEND REDEVELOPMENT
COMMISSION**

President

ATTEST:

Secretary

I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Thomas M. Everett

This instrument was prepared by Thomas M. Everett Barnes & Thornburg LLP,
201 South Main Street, Suite 400, South Bend, Indiana 46601.

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

Before me, the undersigned, a Notary Public in and for this City and State, personally appeared _____ and _____, personally known to be the President and Secretary-Treasurer, respectively, of the South Bend Redevelopment Authority (the "Authority"), and acknowledged the execution of the foregoing Addendum to Lease for and on behalf of the Authority.

WITNESS my hand and notarial seal this _____ day of _____, 2026.

(Seal)

(Written Signature)

(Printed Signature)
Notary Public

My Commission expires:

My county of residence is:

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

Before me, the undersigned, a Notary Public in and for this City and State, personally appeared _____ and _____, personally known to be the President and Secretary, respectively, of the South Bend Redevelopment Commission (the "Commission"), and acknowledged the execution of the foregoing Addendum to Lease for and on behalf of the Commission.

WITNESS my hand and notarial seal this _____ day of _____, 2026.

(Seal)

(Written Signature)

(Printed Signature)
Notary Public

My Commission expires:

My county of residence is:

Appendix I to Addendum to Lease

Adjusted Rental Schedule

Payment <u>Date</u>	Total <u>Rental Payment</u>
------------------------	--------------------------------

Filed in Clerk's Office

Jul 21, 2026

TO: Canneth Lee, President, South Bend Common Council

FROM: Dr. Oliver Davis, Council Member-At-Large

Bianca Tirado
City Clerk, South Bend, IN

DATE: July 21, 2026

SUBJECT: Submission of Resolution for Zoning and Annexation Committee Hearing and Vote on July 27, 2026

Dear President Lee,

I am writing to formally submit the attached resolution for immediate review, scheduling, and vote by the South Bend Common Council Zoning and Annexation Committee, which I serve as the Chairperson, during its upcoming committee meeting on July 27, 2026, which then will be heard and voted upon by the full Council during the South Bend Common Council Meeting on July 27, 2026, at 7 pm.

This resolution addresses critical, urgent matters regarding municipal governance, land use, and fiscal responsibility. Specifically, it calls for the City of South Bend to join a formal pause on the execution and development of the Midwest Continental Divide Trail initiative. The implementation of this multi-jurisdictional infrastructure project introduces profound long-term implications for our city's zoning policies, municipal boundary adjustments, and the potential application of eminent domain along the proposed trail path.

Given that our local administration—primarily through the [Department of Community Investment](#) and its [Division of Planning & Community Resources](#)—has already committed vital planning assets and financial resources to this project, it is imperative that we halt further participation. This pause must remain in effect until the Indiana State Legislature repeals Senate Bill 468 during the 2027 legislative session and drafts a replacement bill that fully integrates direct, structured input from the residents, agricultural landholders, and stakeholders who will be directly impacted.

Furthermore, this resolution establishes a mandatory protocol requiring the administration to provide regular, transparent public updates to the Common Council concerning its planning, operational involvements, and future initiatives linked to this trail system.

With significant local tax dollars at stake during an economically challenging climate for our city, county, state, and nation, we must ensure our public funds are utilized with the highest degree of prudence. I respectfully request that this matter be advanced to the

Zoning and Annexation Committee on July 27, 2026, to allow for full legislative deliberation and a formal vote.

Thank you for your leadership and your ongoing dedication to the residents of South Bend.

Sincerely,

Dr. Oliver Davis

South Bend Common Council-At-Large

Sponsor

574-876-6938 - cellphone

odavis@southbendin.gov

PS - Please see the following links regarding this vital matter:

[Local farmer shares concerns with Midwest Continental Divide Trail](#)

[Farmers voice concerns over proposed Midwest Continental Divide trail system](#)

[Farmers vow to kill Continental Divide trail project if it's still alive](#)

[Officials call for suspension of Midwest Continental Divide Trail project](#)

[Residents raise concerns over proposed Midwest Continental Divide Trail](#)

Jul 21, 2026

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 26-21

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, URGING A PAUSE ON THE ENACTMENT OF THE MIDWEST
CONTINENTAL DIVIDE TRAIL AND COMMITTING TO RESIDENT INPUT, FISCAL
RESPONSIBILITY, AND PROPERTY RIGHTS**

WHEREAS, the Indiana State Legislature enacted Senate Bill 468, establishing the framework for the Midwest Continental Divide Trail and its governing Commission; and

WHEREAS, the City of South Bend, via the Mayor's designee, is designated to hold a voting seat on the five-member Midwest Continental Divide Trail Commission, an appointment and involvement that requires the review and voting approval of the South Bend Common Council; and

WHEREAS, the Commission shares seats with county partners and the Pokagon Band of Potawatomi, requiring deep regional alignment and respectful collaboration on all shared jurisdictional impacts; and

WHEREAS, the City of South Bend has already invested significant planning and financial resources into this initiative through the City of South Bend Department of Community Investment and the Department of Public Works; and

WHEREAS, residents, particularly local farmers and property owners who will be directly impacted by the proposed route, deserve complete transparency and respect before municipal actions proceed; and

WHEREAS, the exact desired trail route must be fully disclosed and made public to ensure adequate protection against zoning conflicts, forced annexations, and the infringement of property rights through eminent domain; and

WHEREAS, during these challenging economic times across our city, county, state, and country, the South Bend Common Council must ensure that municipal funds represent the absolute best use of local taxpayer monies; and

WHEREAS, legislative remedies are necessary to protect local autonomy, requiring the Indiana State Legislature to repeal Senate Bill 468 in the 2027 legislative session and enact a replacement bill built upon the direct input of impacted residents.

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

SECTION I. The South Bend Common Council officially calls for an immediate pause on all municipal participation in the enactment of the Midwest Continental Divide Trail Commission until such a time that the Indiana State Legislature repeals Senate Bill 468 in the 2027 session and introduces replacement legislation crafted with direct resident input.

SECTION II. The South Bend Common Council declares that the exact desired trail route be made fully public before this Council proceeds with any votes or approvals, out of respect for the farmers, landowners, and other affected residents whose properties face long-term risks.

SECTION III. The South Bend Common Council asserts its authority to strictly scrutinize and regulate all zoning, annexation, and eminent domain issues connected to this trail project to protect the integrity of local agricultural, residential, and commercial properties.

SECTION IV. The City of South Bend's Administration is hereby directed to provide regular, comprehensive public reports to the South Bend Common Council detailing its current involvements, expenditures, and future planning pertaining to this initiative.

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

Adopted this 27th day of July, 2026.

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock __.m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend

BOARD OF ZONING APPEALS

July 15, 2026

Honorable Dr. Oliver Davis
3rd Floor, City Hall
South Bend, IN 46601

Filed in Clerk's Office

Jul 16, 2026

Bianca Tirado
City Clerk, South Bend, IN

RE: Special Exception 1737 O'Brien Street (2 lots)

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Special Exception at the above-mentioned location. Please include the attached Ordinance on the Council agenda for **first reading** at your **July 27, 2026**, Council meeting and set it for public hearing at your **August 10, 2026**, Council meeting. The petition is tentatively scheduled for public hearing at the August 3, 2026, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
A Special Exception to allow for the use of a two-unit dwelling.

The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

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

Sincerely,



Brian Killen
Zoning Administrator

CC: Bob Palmer

Jul 16, 2026

BILL NO. 47-26
ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT 1737 OBRIEN STREET
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow a two-unit dwelling

NOW, THEREFORE, BE IT ORDAINED 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 Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

1737 O'Brien St (parcels 018-2122-4486 and 018-2122-4489)

In order to permit a two-unit dwelling.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory 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 adjacent area of 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, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

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

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock __.m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

Wednesday, July 15, 2026

Zoning Application

City of South Bend

What are you filing for?

Special Exception(s)

Who will need to approve?

Board of Zoning Appeals

Property Owner and Property Information

Property owner name:

Apex Terrain Holdings LLC

Phone number:

(574) 409-9404

Email:

southoldportage@gmail.com

Project address:

1737 O Brien Street
South Bend

Would you like to add additional property owners?

No

The legal description can be found by visiting this [map](#) and typing in the address for the property. In the "Parcel" layer, the legal description is categorized as "LEGALDESCR."

The legal description can be found by visiting this [map](#) and typing in the address for the property. In the "Parcel" layer, the legal description is categorized as "LEGALDESCR."

Tax key number (more information about tax key numbers can be found below):

71-03-34-407-019.000-026 & 71-03-34-407-020.000-026

The tax key(s)/parcel ID(s) can be found by visiting this [map](#) and typing in the address for the property. In the "Parcel" layer, the tax key/parcel ID is categorized as "PARCELID."

Will someone other than the property owner be the main point of contact and representative for this petition?

No

Mailing address:

1737 O Brien Street
South Bend, Indiana, 46628

Variance

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

Special Exception

For what use are you requesting a Special Exception?

Two "2-unit dwellings" (duplexes) in the Urban Neighborhood 1 (U1) zoning district.

Project Summary:

The applicant is requesting a Special Exception to construct two "2-unit dwellings" (stacked duplexes) on two adjacent standard-sized lots at 1737 O'Brien Street. The proposed development will consist of one duplex on Lot 1 and one duplex on Lot 2, providing a total of four residential units. Both buildings will utilize South Bend's pre-approved standard building designs to ensure architectural compatibility and high-quality construction that fits naturally within the neighborhood. Each duplex will feature a dedicated two-car parking pad located at the rear of the property with direct access from the alley, keeping the front streetscape clean, green, and highly walkable.

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria:

The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare, because:

The proposed development is purely residential in nature and replaces vacant land with high-quality housing. By utilizing the City of South Bend's pre-approved building designs, the structures are guaranteed to meet all modern building, safety, and energy codes. Additionally, providing dedicated off-street parking pads at the rear off the alley prevents street parking congestion on O'Brien Street, ensuring pedestrian safety and public convenience.

The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because:

The construction of two attractive, newly built residential duplexes will turn currently vacant parcels into a well-maintained, cohesive neighborhood asset, which historically stabilizes and improves surrounding property values. The layout respects all standard side-yard and front setbacks, ensuring that adjacent properties retain their privacy, access to natural light, and quiet enjoyment.

The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein, because:

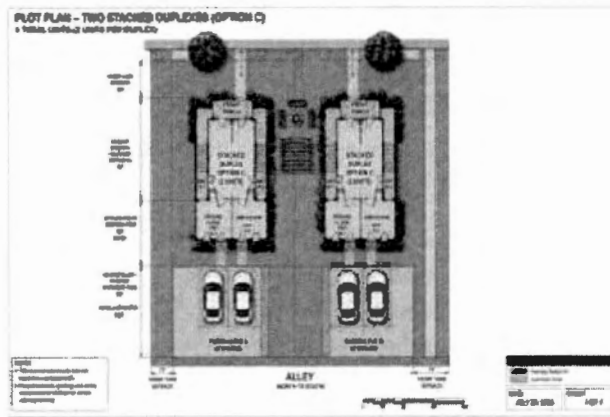
The property is situated within the Urban Neighborhood 1 (U1) zoning district, which is explicitly designed to accommodate diverse, low-to-moderate density residential options. Two-unit dwellings (duplexes) are standard residential structures that fit seamlessly into the existing fabric of South Bend's neighborhoods. The building scale, height, and footprints are architecturally compatible with the surrounding homes.

The proposed use is compatible with the recommendations of the Comprehensive Plan, because:

The City of South Bend's Comprehensive Plan strongly advocates for sustainable urban infill, the utilization of vacant lots, and the expansion of diverse, accessible housing options. This project directly advances those goals by adding four high-quality residential units on existing infill lots. Furthermore, using the city's

own pre-approved plans perfectly aligns with local initiatives to streamline high-quality, context-sensitive neighborhood development.

Upload a site plan to scale indicating scale used (for example 1in. on printer paper = 20ft. in real life or 1 square on graph paper = 5ft. in real life). Include property lines and all structures.



Rezoning

Subdivison

Annexation

Use Variance

A Use Variance may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria:

Terms and Conditions

Terms and Conditions

Accepted

Terms and Conditions

Accepted

Terms and Conditions

Accepted

By typing my name in the boxes below, I agree that I'm electronically signing this form. I affirm that the information that I've provided is accurate and true to the best of my knowledge. I understand that my electronic signature is legally binding and equivalent to my handwritten signature.

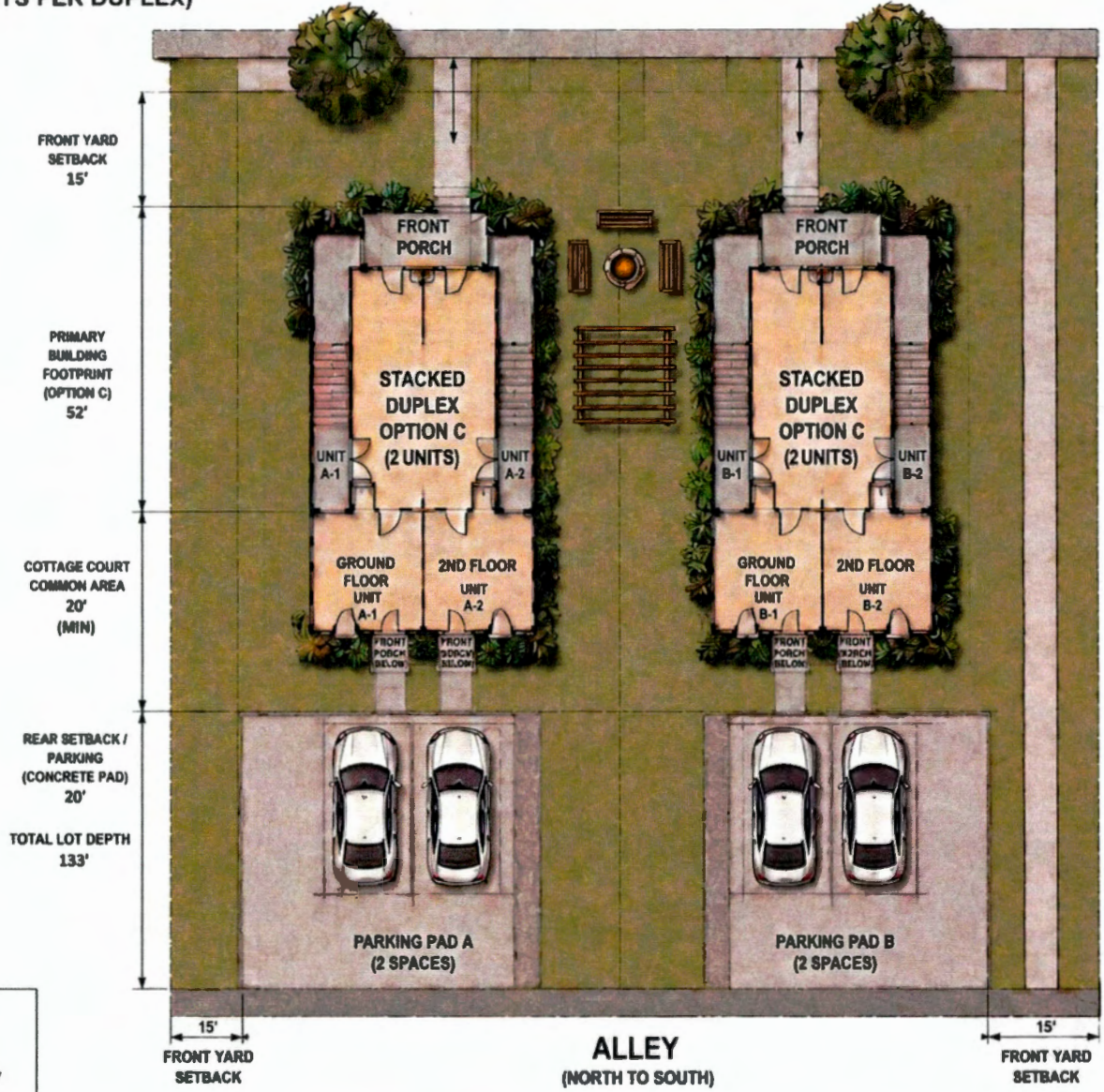
Name:

Victor Castro

Date

Wednesday, July 15, 2026

PLOT PLAN – TWO STACKED DUPLEXES (OPTION C)
4 TOTAL UNITS (2 UNITS PER DUPLEX)



NOTES:

- This is a conceptual plat plan for illustrative purposes only.
- Final dimensions, grading, and utility locations to be verified by survey and engineering.

LEGEND

- Parking footprint
- Common Area

DATE: JULY 20, 2026

SHEET: 1 OF 1





**CITY OF SOUTH BEND
AND ST. JOSEPH COUNTY**
HISTORIC PRESERVATION COMMISSION



July 15, 2026

South Bend Common Council
215 S Dr Martin Luther King Jr Blvd
South Bend, IN 46601

Filed in Clerk's Office

Jul 17, 2026

Bianca Tirado
City Clerk, South Bend, IN

Dear Council Members,

At its meeting on June 15, 2026, the Historic Preservation Commission of South Bend and St. Joseph County, the Commission conducted a public hearing on the proposed ordinance which will designate the property located at 310 West Monroe Street in South Bend as an Historic Landmark.

The property, including, the extant structure is the original location of the Olivet AME Church, the first African American congregation in South Bend, and currently the Zion Hill Missionary Baptist Church. The congregation of the Zion Hill Missionary Baptist applied to the Historic Preservation Commission requesting the property be designated an Historic Landmark.

At the public hearing, representatives of the Zion Hill Missionary Baptist Church, Olivet AME Church, and the Civil Rights Heritage Center spoke in favor of the proposed ordinance. None spoke in opposition. Following discussion by the Historic Preservation Commission, Commissioner Michael Skaggs introduced a motion to favorably recommend the proposed ordinance to the Common Council. The motion passed unanimously 6-0.

Accordingly, the Historic Preservation Commission of South Bend and St. Joseph County favorably recommends this proposed Ordinance to the Common Council. A copy of the favorable staff report presented at the June 15 public hearing is enclosed. Staff to the Commission remain available to answer any questions that may arise.

Sincerely,

Ross Van Overberghe
Historic Preservation Administrator
rvoverberghe@southbendin.gov

SARAH ANDREWS
PRESIDENT

A CERTIFIED LOCAL GOVERNMENT
OF THE NATIONAL PARK SERVICE

ROSS VAN OVERBERGHE
HISTORIC PRESERVATION ADMINISTRATOR

Jul 17, 2026

BILL NO. 48-26

Bianca Tirado
City Clerk, South Bend, IN

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND ESTABLISHING HISTORIC LANDMARK STATUS FOR THE STRUCTURE AND REAL PROPERTY KNOWN AS THE OLIVET AME/ZION HILL MISSIONARY BAPTIST CHURCH LOCATED AT 310 WEST MONROE STREET IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

The building and ground located at 310 West Monroe Street (the "Property") in the City of South Bend, Indiana, currently known as the Zion Hill Missionary Baptist Church, and formerly as the Olivet African Methodist Episcopal Church, played a unique role in the history of South Bend.

The current owner of the property has petitioned the Historic Preservation Commission of South Bend and St. Joseph County (the "Commission") to have the Property designated as a Historic Landmark pursuant to City Ordinance No. 9989-00, as amended.

The structure was rated as Significant/Notable in the latest summary report of the Indiana Historic Sites and Structures Inventory (2005) which described it as being unaltered and in good condition. The site is a publicly accessible surviving structure from the first African-American church congregation organized in South Bend and associated with numerous persons of stature in the African-American community of South Bend and is suitable for preservation for its unaltered condition, integrity and continued use.

The Commission's Staff prepared a report and recommendation for the Commission, which was approved by the Commission at the meeting held June 15, 2026. At that time public hearing was held and the Commission unanimously approved a Resolution recommending that this Council designate 310 West Monroe Street as a Local Historic Landmark.

Historical and Cultural Significance

The Olivet African Methodist Episcopal Church was organized in the City of South Bend in 1870 under the direction of Reverend John Bundy and nine charter members. The Organization became a legal entity by Articles of Association dated March 16, 1871 under the name of "Olivet Chapel Society of the African Methodist Episcopal Church of South Bend". Said articles of association were signed by James Hurst, Pharoah (A.K.A. Pharoah and Farrow) Powell, J. H. Jackson, Catherine Wilson and Alice Fowler. The Church placed great emphasis on the religious and social improvement of local residents of African descent. For many years, it was the only center of the social, religious, and political life of the city's African-American community. This congregation is

found to be variously referred to as Olivet, Mount Olive and simply Olivet A.M.E. in the historical sources.

Among the other early charter members of the Olivet A.M.E. Church were Mrs. Pharoah Powell, Mrs. James Jackson, Mr. and Mrs. Jesse Birdgeman, Mr. J. B. Lott, and Mr. John Powell. The first trustees, Pharoah Powell, James Jackson, and Jaynes Hurst purchased this site in 1871. Shortly thereafter, the first church was erected on this site in the late 1870's under the direction of Rev. Bundy. This structure was remodeled under the leadership of Rev. George W. Benson. Late in 1915 plans were made for a new church during the administration of Reverend C. Emery Allen. Construction work on the present structure was completed in 1917. On February 4, 1917 the new church was dedicated during the Michigan Annual Conference, by Right Reverend C. S. Smith, Presiding Bishop. The pipe organ was unveiled October 23, 1917 under the pastorate of Rev. A. T. Reading. In 1969, the Olivet A.M.E. Church purchased the former Lowell Heights Methodist Church at 719 N. Notre Dame Avenue. They sold this building to James and Bonnie Baxter at that time. The Baxters converted the Church into a center for dance instruction and performance. The building was restored to a place of worship in the latter part of 1981 when the Southhold Dancecenter Inc. sold it to the Greater Tabernacle Christian Church. In April of 1986, South Bend's Department of Redevelopment purchased the structure as part of the land acquisitions related to the development of Coveleski Stadium. The Reverend Robert H. Derrickson leased the structure for eight years as the sanctuary of Zion Hill Missionary Baptist Church. In 1994, Zion Hill purchased the structure. Reverend Derrickson served as pastor for nineteen years until his passing in 2005. Zion Hill continued to hold services and care for the structure. In 2017, in a sign of the warm relationship between Olivet, the oldest African American congregation, and Zion Hill as the caretakers of the former Olivet sanctuary, Zion Hill hosted a 100th anniversary celebration for the building. Olivet's pastor, the Reverend Rick Jackson, spoke at the celebration.

Suitability for Preservation

The structure is constructed in a very functional rendition of the Gothic Revival style including a high pitched roof (approximately 12/12 pitch), stained glass windows with pointed arches, water table, a crenelated tower at the northwest front corner and a circular window located in the pediment of the front facade. The construction is of stretcher bond wire cut brick with cut and dressed stone articulating such elements as the water table string course, window sills, the surround of the circular window, the keystone over the main entry door, and the parapet coping over the entry and at the crenelations of the tower.

In plan the structure is composed of a main rectangular body with high pitched vaulted ceiling which shelters the sanctuary of the church and a large room directly below the sanctuary in the basement. Additional one story extensions enclose a narthex entry at the front with a quarter-hip roof, choir storage at the southeast corner, and office space at the southwest corner with shed extensions from the upper roof. Vertical accessibility is accommodated by stairway in the tower. The main floor is raised significantly from ground level and articulated by a stone string course often referred to as the water table. Entry is accomplished by concrete steps with metal railings located at the center of the front facade which approach a double set of doors which together have a Tudor arched head. Secondary entry and egress is provided by a door located at the office appendage.

Educational Value

The Olivet AME/Zion Hill Baptist Church possesses high educational value as a single, intact site through which multiple themes central to South Bend and St. Joseph County history can be interpreted. The property illustrates the location of the first religious institution established in South Bend by a congregation of African-American descent. The extant structure was constructed by that same congregation at this same site at a later date which has since accrued historical merit. The building is an example of the design, plan, detail, and materials of the early twentieth century church construction.

The Commission conducted a public hearing on June 15, 2026 for the purposes of hearing comments on the designation of the Property as a Historic Landmark and for delivering a recommendation to the Common Council. Following the public hearing, the Commission gave its favorable recommendation to the Common Council of the City of South Bend to designate the Property as a Historic Landmark Pursuant to Ordinance 9989-00, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL FO THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section 1. The building now known as the Zion Hill Missionary Baptist Church, and formerly as the Olivet African Methodist Episcopal Church, located at 310 West Monroe Street, with its surrounding grounds and structures, but excluding the parking lot, is hereby designated and established as a Historic Landmark of the City of South Bend, Indiana, pursuant to Ordinance 9989-00.

Section 2. This Ordinance shall take effect upon its adoption by the Common Council, signature by the Mayor, and any publication required by law.

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at _____ o'clock .m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2026, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend, Indiana

STAFF REPORT
CONCERNING AN ORDINANCE OF THE COMMON COUNCIL
HISTORIC LANDMARK DESIGNATION



Date: May 21, 2026

Property Location: 310 West Monroe Street

Architectural Style/Date/Architect or Builder:
Gothic Revival / 1917

Property Owner:

Legal Description: Lot 67 Martins W End & S 1/2 VAC Monroe
St N & adj 20/21 VAC ORD #10508-17 04/20/170

Rating: Notable

EXECUTIVE SUMMARY: The Olivet AME/Zion Hill Missionary Baptist Church property meets the criteria for landmark designation in at least four areas.

- 1) Its character, interest, or value as part of the development, heritage, or culture of the City of South Bend or St. Joseph County, the State of Indiana, or the United States;
- 2) Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represents an architectural characteristic or innovation;
- 3) Its educational value;
- 4) Its suitability for preservation;

The property fulfills criteria #1 as the location of the first religious institution established in South Bend by a congregation of African-American descent. The extant structure was constructed by that same congregation at this same site at a later date which has since accrued historical merit.

The property fulfills criteria #2 as an example of the design, plan, detail, and materials of the early twentieth century church construction. The structure was rated as Significant (11) in the latest summary report of the Indiana Historic Sites and Structures Inventory (1993) which described it as being unaltered and in good condition.

The property fulfills criteria #3 as a publicly accessible surviving structure from the first African-American church congregation organized in South Bend and associated with numerous persons of stature in the African-American community of South Bend.

The property fulfills criteria #4 by its unaltered condition, integrity, and continued use.

The Olivet African Methodist Episcopal Church was organized in the City of South Bend in 1870 under the direction of Reverend John Bundy and nine charter members. The Organization became a legal entity by Articles of Association dated March 16, 1871 under the name of "Olivet Chapel Society of the African Methodist Episcopal Church of South Bend". Said articles of association were signed by James Hurst, Pharoah (A.K.A. Pharoh and Farrow) Powell, J. H. Jackson, Catherine Wilson and Alice Fowler [2]. The Church placed great emphasis on the religious and social improvement of local residents of African descent. For many years, it was the only center of the social, religious, and political life of the city's African-American community. This congregation is found to be variously referred to as Olivet, Mount Olive [3] and simply Olivet A.M.E. [4] in the historical sources.

HISTORIC PRESERVATION COMMISSION OF SOUTH BEND AND ST. JOSEPH COUNTY

Among the other early charter members of the Olivet A.M.E. Church were Mrs. Pharoah Powell, Mrs. James Jackson, Mr. and Mrs. Jesse Birdgeman, Mr. J. B. Lott, and Mr. John Powell.

The first trustees, Pharoah Powell, James Jackson, and Jaynes Hurst purchased this site in 1871. Shortly thereafter, the first church was erected on this site in the late 1870's under the direction of Rev. Bundy. This structure was remodeled under the leadership of Rev. George W. Benson. Late in 1915 plans were made for a new church during the administration of Reverend C. Emery Allen. Construction work on the present structure was completed in 1917. On February 4, 1917 the new church was dedicated during the Michigan Annual Conference, by Right Reverend C. S. Smith, Presiding Bishop. The pipe organ was unveiled October 23, 1917 under the pastorate of Rev. A. T. Reading.[5]

In 1969, the Olivet A.M.E. Church purchased the former Lowell Heights Methodist Church at 719 N. Notre Dame Avenue. They sold this building to James and Bonnie Baxter at that time. The Baxters converted the Church into a center for dance instruction and performance.

The building was restored to a place of worship in the latter part of 1981 when the Southhold Dancecenter inc. sold it to the Greater Tabernacle Christian Church. In April of 1986. South Bend's Department of Redevelopment purchased the structure as part of the land acquisitions related to the development of Coveleski Stadium. The Reverend Robert H. Derrickson leased the structure for eight years as the sanctuary of Zion Hill Missionary Baptist Church. In 1994, Zion Hill purchased the structure. Reverend Derrickson served as pastor for nineteen years until his passing in 2005. Zion Hill continued to hold services and care for the structure. In 2017, in a sign of the warm relationship between Olivet, the oldest African American congregation, and Zion Hill as the caretakers of the former Olivet sanctuary, Zion Hill hosted a 100th anniversary celebration for the building. Olivet's pastor, the Reverend Rick Jackson, spoke at the celebration.[6]

NOTES

2. Olivet A.M.E. Church; Program - 100th Anniversary Banquet 3. Howard, Timothy Edward; A History of Saint Joseph County, Indiana; pg. 413 4. Sanborn Map Company; Saint Joseph County, Indiana, 1917; pg. 47 5. Olivet A.M.E. Church; Program - 100th Anniversary Banquet 6. "Zion Hill Missionary Baptist Church," South Bend Civil Rights History Encyclopedia (to be published), Indiana University South Bend Civil Rights Heritage Center, 2026.

The section on Historic Development relies partially on the information gathered for the Indiana Historic Sites and Structures Survey, this document credits the following sources: Deed Book (St. Joseph County) pg. 189; So. Bend Tribune - Dec. 1, 1985, pg. c3; Assessment Card (St. Joseph County) 1979; So. Bend Tribune - Dec. 21, 1971.

DESCRIPTION OF STRUCTURE/SITE: The structure is constructed in a very functional rendition of the Gothic Revival style including a high pitched roof (approximately 12/12 pitch), stained glass windows with pointed arches, water table, a crenelated tower at the northwest front corner and a circular window located in the pediment of the front facade. The construction is of stretcher bond wire cut brick with cut and dressed stone articulating such elements as the water table string course, window sills, the surround of the circular window, the keystone over the main entry door, and the parapet coping over the entry and at the crenelations of the tower.

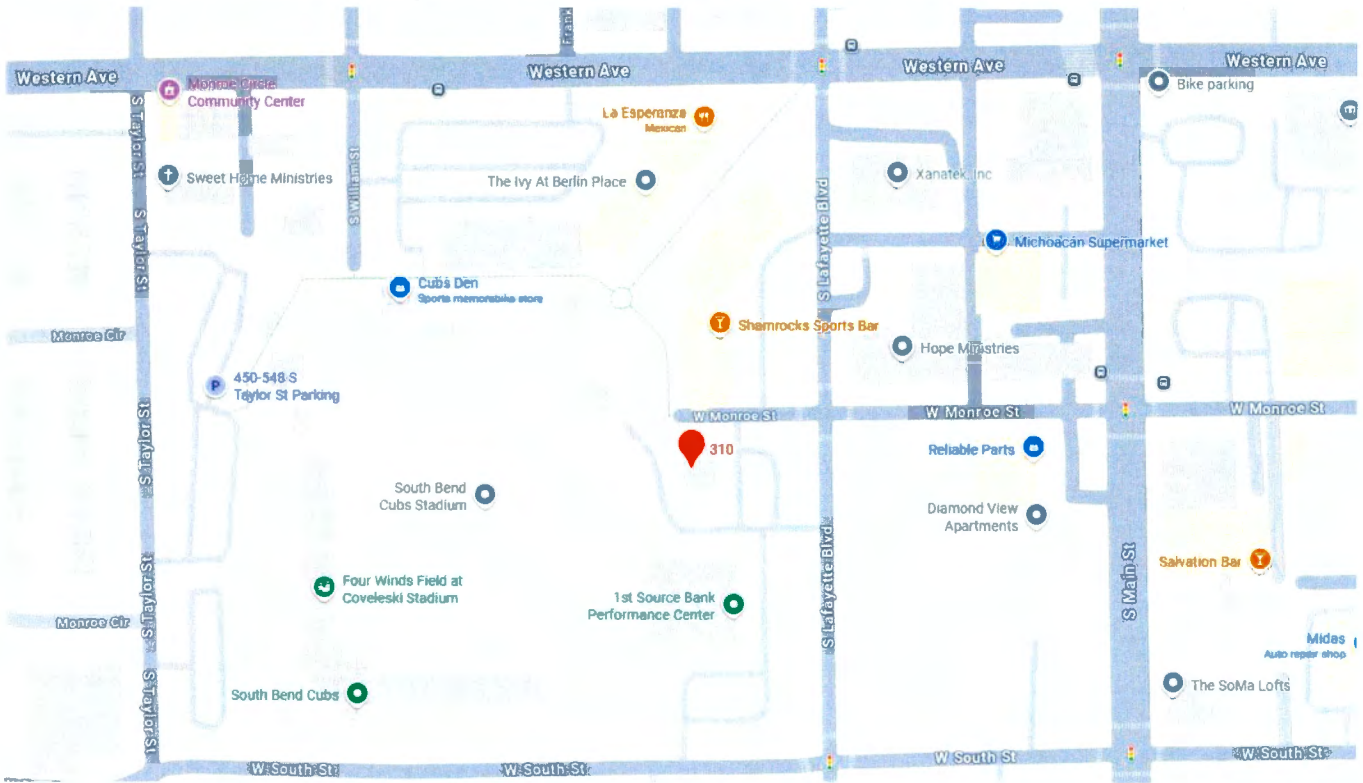
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STAFF RECOMMENDATION: The Olivet AME/Zion Hill Baptist Church possesses high educational value as a single, intact site through which multiple themes central to South Bend and St. Joseph County history can be interpreted. The property illustrates the location of the first religious institution established in South Bend by a congregation of African-American descent. The extant structure was constructed by that same congregation at this same site at a later date which has since accrued historical merit. The building is an example of the design, plan, detail, and materials of the early twentieth century church construction. The structure was rated as Significant/Notable (11) in the latest summary report of the Indiana Historic Sites and Structures Inventory (2005) which described it as being unaltered and in good condition. The site is a publicly accessible surviving structure from the first African-American church congregation organized in South Bend and associated with numerous persons of stature in the African-American community of South Bend and is suitable for preservation for its unaltered condition, integrity and continued use. **Based on the information provided prior to this public hearing, Staff make a FAVORABLE RECOMMENDATION for sending this petition to the Common Council of South Bend with a Favorable Recommendation for designation as a Local Historic Landmark.**

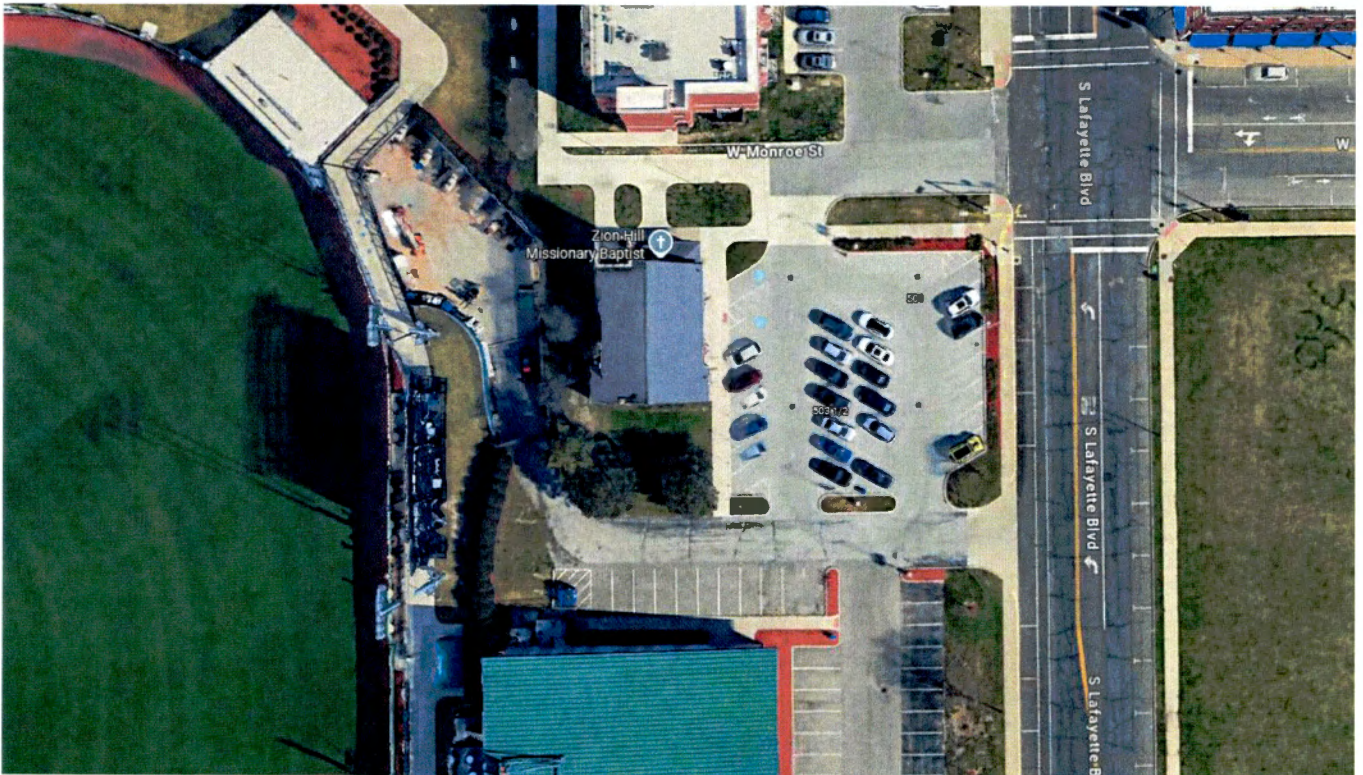
Prepared by

Ross Van Overberghe, Historic Preservation Administrator

MAP OF THE AREA — 310 West Monroe Street.



SATELLITE IMAGERY — Imagery from 2025.



IMAGERY — East facade.



IMAGERY — Window Detail



IMAGERY — Front (North) facade.



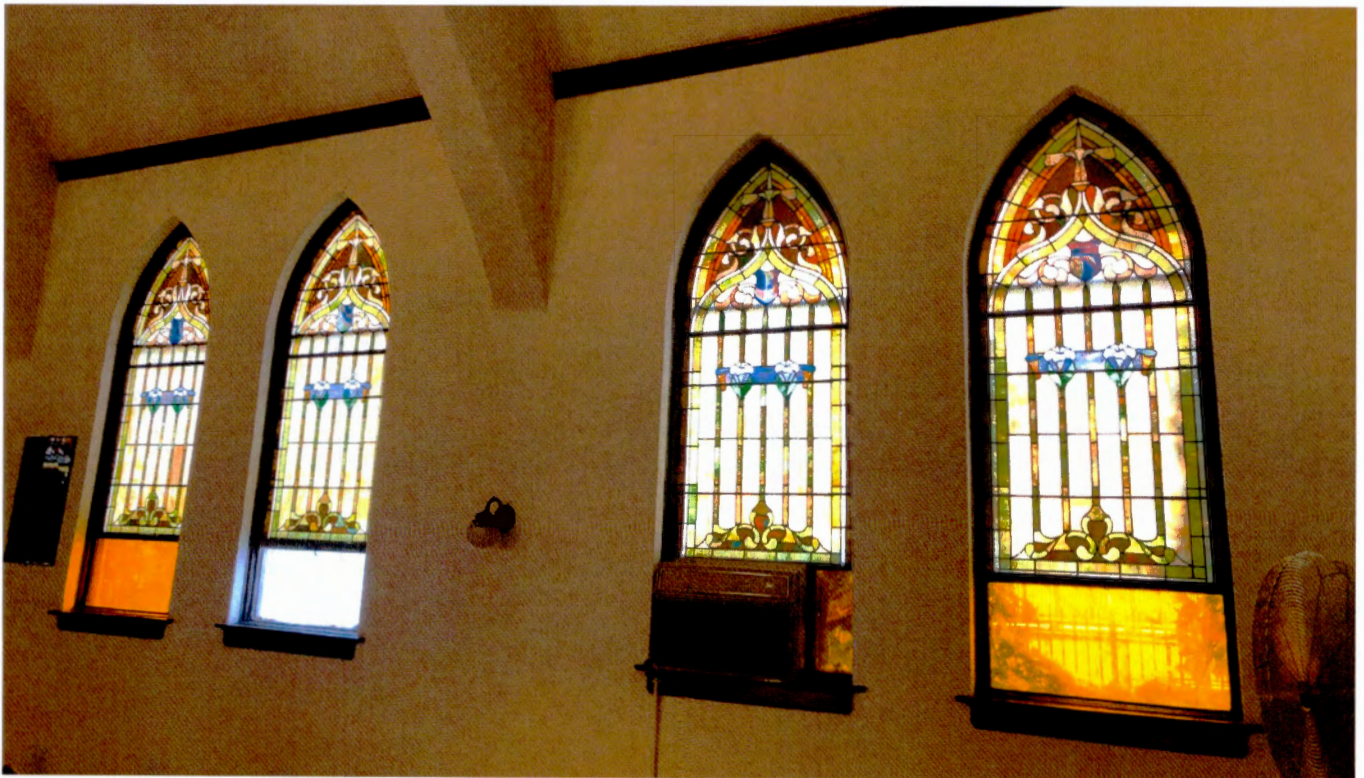
IMAGERY — Window Detail



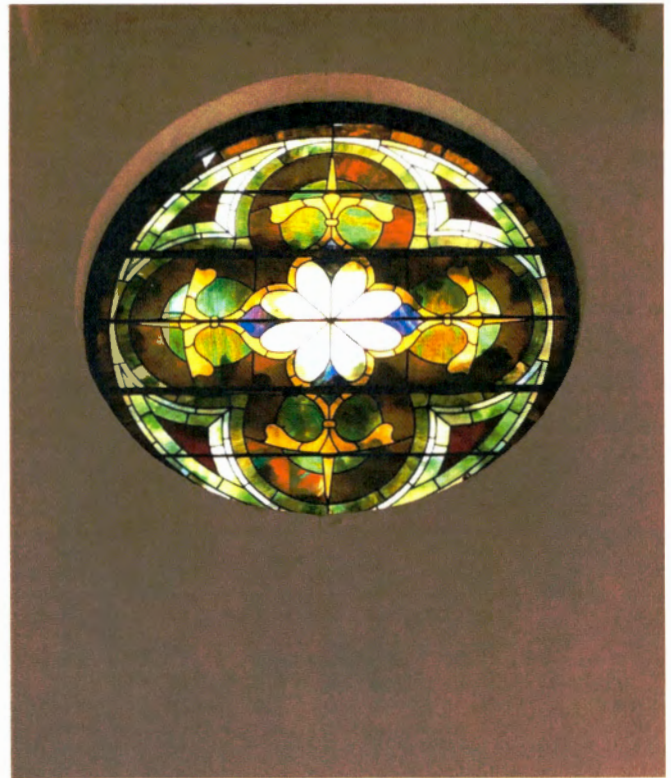
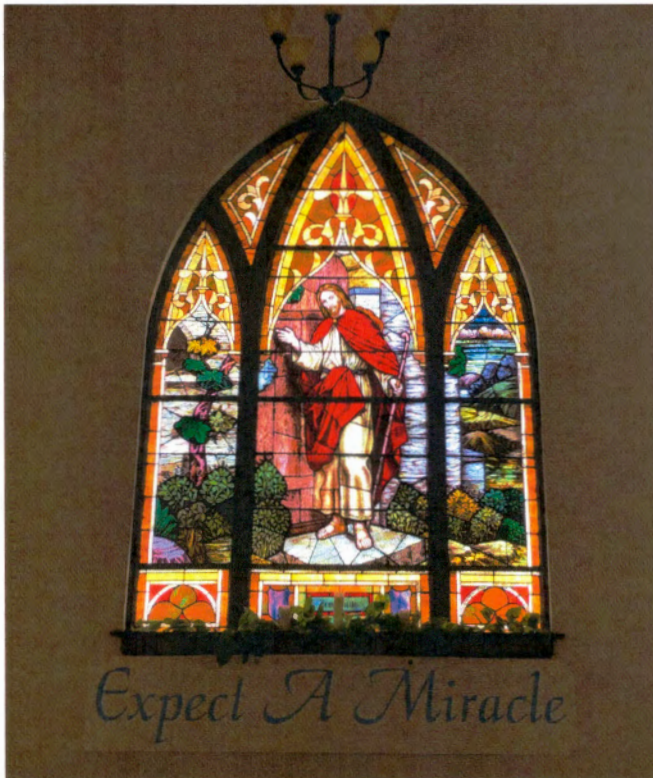
IMAGERY — Sanctuary



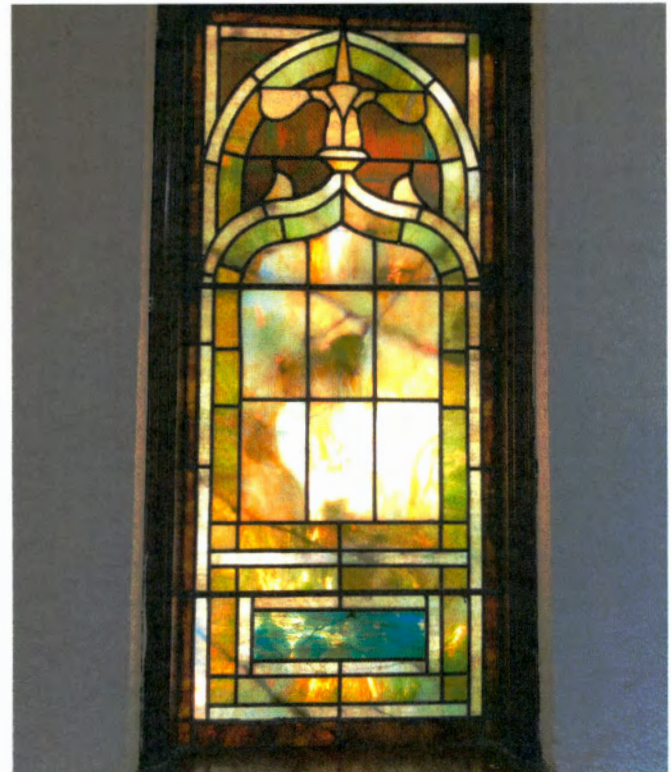
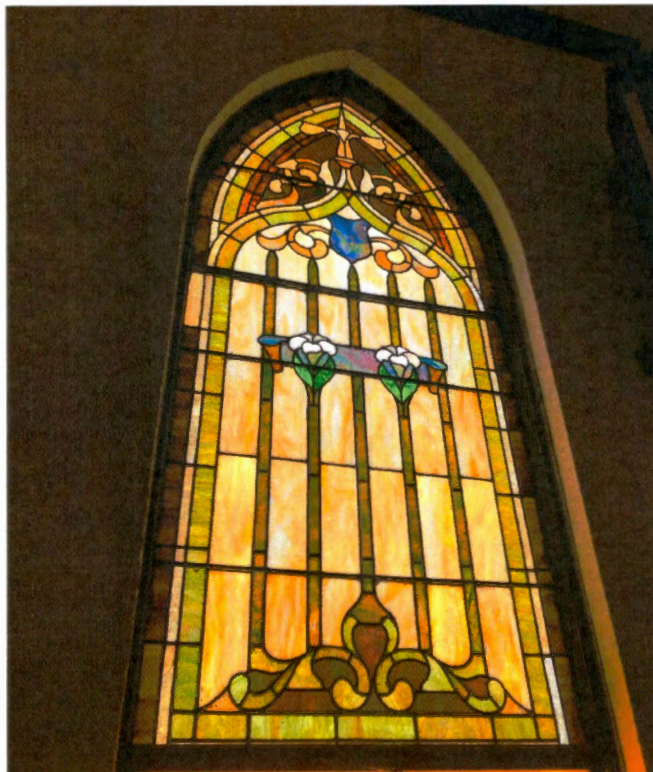
IMAGERY — Stained Glass Windows



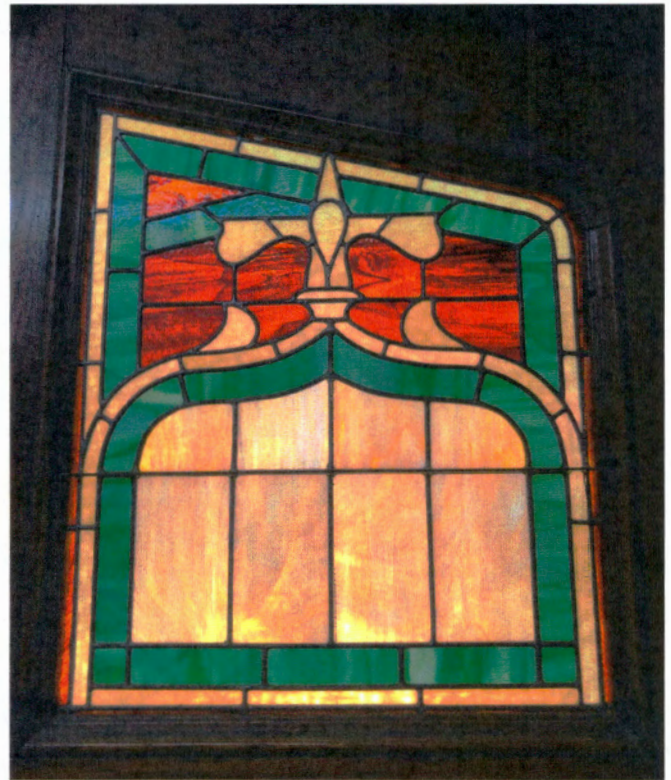
IMAGERY — Window detail



IMAGERY — Window Detail



IMAGERY — Door details



IMAGERY — Ceiling Detail



1222 S. MICHIGAN STREET
SOUTH BEND, INDIANA 46601-2821



PHONE 574 / 235-9255
FAX 574 / 235-9305

CITY OF SOUTH BEND JAMES MUELLER, MAYOR
SOUTH BEND FIRE DEPARTMENT
CARL R. BUCHANON
FIRE CHIEF

Filed in Clerk's Office

July 2026

Jul 21, 2026

Honorable Members of the South Bend Common Council
227 W. Jefferson Boulevard
South Bend, IN 46601

Bianca Tirado
City Clerk, South Bend, IN

Re: Mobile Integrated Healthcare Billing Ordinance

Dear Council Members:

Attached for your consideration is an ordinance amending Section 9-16 of the South Bend Municipal Code to establish billing rates for Mobile Integrated Healthcare (MIH) services provided by the South Bend Fire Department. In November 2021 the Department received State approval to operate an MIH program, and recent changes to Indiana law authorize reimbursement for eligible Mobile Integrated Healthcare services provided by approved EMS agencies.

The proposed ordinance establishes a fee schedule that will allow the City to bill and seek reimbursement for these services while expanding the Department's ability to provide preventative, post-discharge, behavioral health, and other non-emergency healthcare interventions that improve patient outcomes and reduce unnecessary emergency department utilization.

This ordinance does not create a new program; rather, it provides the billing framework necessary to support and sustain services already authorized under Indiana law and approved through the State's Mobile Integrated Healthcare program. We respectfully request the Council's support.

Please contact me if you have any questions or would like additional information.

Sincerely,

Todd S. Skwarcan
Assistant Chief
South Bend Fire Department

Jul 21, 2026

BILL NO. 49-26

Bianca Tirado
City Clerk, South Bend, IN

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING SECTION 9-16 OF THE SOUTH BEND MUNICIPAL CODE TO ESTABLISH RATES FOR MOBILE INTEGRATED HEALTH CARE VISITS

STATEMENT OF PURPOSE AND INTENT

The Indiana General Assembly established processes pursuant to Indiana Code 16-31-12 et seq. under which Emergency Medical Services (“EMS”) providers can seek approval for mobile integrated health programs. The City of South Bend Fire Department obtained approval for its mobile integrated health program on November 16, 2021.

Recent changes to Indiana law, specifically amendments to Indiana Code 27-8-6-8, require that a policy of accident and sickness insurance that provides coverage for emergency medical services must provide reimbursement for emergency medical services that are performed or provided as part of a mobile integrated healthcare program, regardless of whether the patient is transported. Indiana Code § 16-18-2-110 defines “emergency medical services” broadly to include care provided by certified EMS personnel within their scope of practice, which encompasses MIH activities when performed under an approved MIH program.

In order to provide for billing and subsequent reimbursement for these services, the South Bend Fire Department seeks to amend the South Bend Municipal Code to include billing rates for mobile integrated healthcare services.

These amendments are in the best interest of the City and residents of the City of South Bend.

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

SECTION I. Section 9-16 of the South Bend Municipal Code shall be amended as follows:

(b) The following fee schedule establishes the charges for all mobile integrated health services provided and billed by the City through its paramedic branch of the Fire Department:

	Type of Service Provided	Resident	Non-Resident
(1)	Home Visit New Patient – 30 minutes	\$150	\$250
(2)	Home Visit New Patient – 60 minutes	250	350
(3)	Home Visit Established Patient – 20 minutes	100	150

(4)	Home Visit Established Patient – 40 minutes	200	300
(5)	Home Visit Established Patient – 60 minutes	250	350
(6)	Telehealth Medical Consult	25	75

(c)

(d)

(e)

(f)

(g)

(h)

(i)

(j)

(k) The above fees shall take effect on September 1, 2019. The fees set forth in subsection (b) shall take effect upon passage.

(l) Hereafter, and in the event Medicare or other federal or State health care regulations require or allow an adjustment to ambulance/ medical user fees, the South Bend Fire Chief is authorized to and may amend once annually the user fees set out in subpart (a) and (b) of this Section by the same percentage as the Medicare Fee Schedule rates for such services have been adjusted. This adjustment shall be effective on the calendar date immediately following the date on which written notice of said fee rate adjustment is filed in the office of the City Clerk. At the time such notice is filed, a copy of the new rates shall be made available in paper form for public viewing in the South Bend Central Fire Station, and such new rates shall also be published promptly on the City's web site.

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

Duly passed and adopted on this _____ day of _____, 2026 by the Common Council of the City of South Bend, Indiana.

Canneth J. Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the ____ day of _____, 2026, at ____ o'clock __m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2026, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

BILL NUMBER [BLANK] _____

ORDINANCE NUMBER [BLANK] _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA AMENDING SECTION 9-16 OF THE SOUTH BEND MUNICIPAL CODE TO
ESTABLISH RATES FOR MOBILE INTEGRATED HEALTH CARE VISITS**

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

Duly passed and adopted on this [blank] ____ day of [blank] _____, 2026 by the Common Council of the City of South Bend, Indiana.

Canneth Lee, Council President
South Bend Common Council

Attest:

Bianca L. Tirado, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the [blank] _____ day of [blank] _____, 2026, at [blank] _____ o'clock [blank] _____. m.

Bianca L. Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the [blank] _____ day of [blank] _____, 2026, at [blank] ____ o'clock [blank] _____.m.

James Mueller, Mayor
City of South Bend, Indiana