



FILED

APR 10 2025

**GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY**

A G E N D A

COMMON COUNCIL – IN PERSON - REGULAR MEETING

Tuesday, April 15, 2025

Meeting to be held at **6:30 p.m.**, local time,
in the Council Chambers, City Hall 100 E. Michigan Blvd.
and Hosted by "Hybrid/Zoom" and streaming live on the
Access LaPorte County Facebook page
See attached to connect to "Hybrid/Zoom."

CALL TO ORDER BY COUNCIL PRESIDENT

PLEDGE OF ALLEGIANCE TO THE FLAG and PRAYER

ROLL CALL

APPROVAL OF MINUTES

Regular Council (Hybrid/Zoom) April 1, 2025

REPORTS OF STANDING COMMITTEES

FINANCE COMMITTEE MEETING

CLAIMS DOCKET

April 15, 2025

Fund #2235 – Riverboat – Claims -	\$	18,899.93
EFT	\$	0.00
Fund #2504 – Boyd Development -	\$	0.00
EFT	\$	0.00
TOTAL CLAIMS	\$	18,899.93

REPORTS FROM BOARDS AND COMMISSIONS

- Tristan Smith, President- Urban Enterprise Zone Association- 2025 Annual Report
- Clearance Hulse, EDCMC Director- Economic Development- 2025 Annual Report
- Bakertilly Municipal Advisor- Presentation of the 2024 Michigan City Redevelopment Commission TIF Management Report

REPORTS OF SPECIAL or SELECT COMMITTEES

REPORTS from MAYOR OR OTHER CITY OFFICERS AND DEPARTMENTS

PETITIONS

PETITION P-100-25: REZONING R1B TO R2B AND R3A SOUTH SIDE OF TYRON ROAD (1/4 MILE W. OF ROYAL RD/TRYON RD AND ½ MILE E OF S. KARWICK RD/ TYRON RD) 46-01-26-126-008.000-022, 46-01-26-126-006.000-022, 46-01-26-126-009.000-022 MICHIGAN CITY, INDIANA

COMMUNICATIONS

Correspondence was received in the Clerk's Office on April 7, 2025, from Harris Law Firm regarding MCPD FOP Dunes Lodge 75, 2026 collective bargaining negotiations.

Correspondence was received in the Clerk's Office on April 7, 2025, from Dakota Euler, regarding MCUEA 2025 grant cycle.

RESOLUTIONS

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA, OPPOSING SENATE BILL 1 AND ITS AMENDMENTS

Introduced by: Tracie Tillman
Don Przybylinski
Nancy Moldenhauer
Joseph Nelson

ORDINANCES

1st Reading AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE REAL PROPERTY LOCATED SOUTH OF TRYON ROAD APPROXIMATELY ¼ MILE WEST OF THE INTERSECTION OF ROYAL ROAD AND TRYON ROAD, AND ½ MILE EAST OF THE INTERSECTION OF SOUTH KARWICK ROAD AND TRYON ROAD FROM THE R1B (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT CLASSIFICATIONS TO R2B (TOWNHOUSE) AND R3A (LOW RISE MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT CLASSIFICATIONS

Introduced by: Bryant Dabney

**Advertised in the
Herald Dispatch
February 15, 2025 &
March 19, 2025**

**Formal Public
Hearing was held
By Planning Commission
March 25, 2025**

**ORDINANCE APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
2nd Reading GENERAL FUND #0101 FOR THE VECTOR CONTROL DEPARTMENT**

**Introduced by: Nancy Moldenhauer
Don Przybylinski
Tracie Tillman**

**(DECREASE- General Fund #0101 \$ 95,000.00 Unappropriated balance
INCREASE ACCOUNT #1101.401.014 \$75,000.00. Seasonal/Salaries & Wages
INCREASE ACCOUNT #1101.401.413.001 \$5,000.00 FICA. INCREASE
ACCOUNT #1101.401.423.021 \$ 5,000.00 Supplies Repair Parts. INCREASE
ACCOUNT #1101.401.423.031. \$10,000.00 Small Tools and Minor Equipment)**

**Advertised in the
Herald Dispatch
April 2, 2025**

**Formal Public
Hearing will be held
April 15, 2025**

**ORDINANCE
2nd Reading**

**AMENDING SEC. 102-1 IN THE MICHIGAN CITY MUNICIPAL CODE
TO COMMONLY KNOWN "REMOVAL OF WEEDS, GRASS, AND
RANK VEGETATION"**

Introduced by: Nancy Moldenhauer

**(NOTE: This proposed ordinance was TABLED on second reading at
the April 1, 2025 Council meeting until April 15, 2025 Council
meeting)**

NEW BUSINESS

UNFINISHED BUSINESS

NOMINATION: The Council has one (1) appointment to Michigan City
Commission on Sustainability – Incumbent Andrea Jahn Davis
term expires May 1, 2025

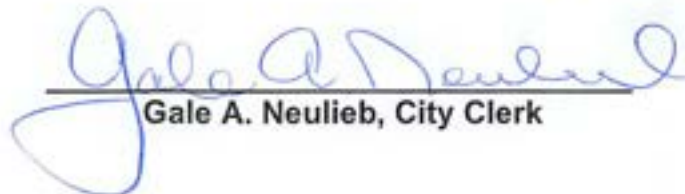
Applications Received

- Kameesha Williams
- Eileen Mark
- Julie Smith

COMMENTS FROM THE PUBLIC

COMMENTS FROM THE COUNCIL

ADJOURNMENT



Gale A. Neulieb, City Clerk

You are invited to a Zoom webinar.

When: **Tuesday, April 15, 2025, 6:30 PM** Central Time (US and Canada)

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84298000057?pwd=RXVRUkhobXI2aVE2R1UUR0VEVTI3dz09>

Passcode : 463601

Webinar ID: 842 9800 0057 Passcode: 463601 Or One tap mobile:

MICHIGAN CITY COMMON COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY,
INDIANA, OPPOSING SENATE BILL 1 AND ITS AMENDMENTS**

WHEREAS, the Common Council of the City of Michigan City, Indiana recognizes and supports efforts to provide meaningful property tax relief to homeowners in Indiana; and

WHEREAS, the amendments to Senate Bill 1 (SB1), particularly the phased elimination of the Business Personal Property Tax (BPPT), pose a significant threat to the financial stability of local governments across Indiana, including Michigan City; and

WHEREAS, the BPPT is a vital source of funding for essential municipal services such as police, fire protection, public works, and parks, and its elimination—even over a ten-year period—would result in devastating consequences for cities and towns; and

WHEREAS, the proposed phase-out jeopardizes long-term economic development efforts that rely on the issuance of 25-year bonds backed by BPPT revenues, essentially halting infrastructure improvements and new development projects; and

WHEREAS, the amendments fail to include safeguards to protect against default on existing debt obligations, increasing the risk of costly litigation and negatively impacting municipal credit ratings; and

WHEREAS, the proposed expansion of the homestead credit offers only temporary relief to homeowners and is likely to accelerate their advancement toward the property tax caps, thereby triggering increased tax rates over time; and

WHEREAS, the proposed elimination of Excess Levy Appeals would unfairly penalize growing communities and limit their ability to respond to rapid growth and increased service demands, despite data showing these appeals comprise only 2% of taxing districts; and

WHEREAS, more than 70% of Hoosiers reside in cities and towns that rely heavily on property tax revenue to meet resident expectations for high-quality services and infrastructure; and

WHEREAS, the Common Council believes that the unintended consequences of SB1's amendments will result in long-term financial harm to municipalities without delivering sustainable or meaningful tax relief to homeowners; and

WHEREAS, according to the information provided by AIM, the four (4) key points to SB1 as amended in the Ways and Means Committee on April 7, 2025 is as follows:

- “1. This bill **ELIMINATES** the business personal property tax over the next TEN years. The fiscal note provided by LSA does NOT cover the elimination beyond the next THREE years. Full elimination means more than \$1.5 billion annually in revenue loss to local units;*
- 2. BPPT elimination and broad expansion of the homestead credit will shift the burden of this corporate tax break to other taxpayers and increase tax rates, driving homeowners to the cap quicker.*
- 3. Economic development as we know it today will **HALT** instantly upon the passage of this bill. Projects requiring borrowing for infrastructure improvements will not have the backing of BPPT dollars. Also, TIF protections in the bill are wholly inadequate to avoid defaults and bondholder lawsuits.*
- 4. Ending excess levy appeals artificially penalizes fast growing communities. There are about 3,200 local taxing units in Indiana and only 70 excess levy appeals last year. Excess levy appeals are not a problem in Indiana.”*

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

Section 1. The Council hereby expresses its strong opposition to Senate Bill 1 and its amendments due to their potential to undermine the fiscal stability of municipalities and hinder economic development.

Section 2. The Council urges the Indiana General Assembly to reconsider the provisions of SB1 and to work collaboratively with municipal leaders to develop targeted, equitable, and fiscally responsible solutions that preserve local control and ensure the continued delivery of essential services.

Section 3. The full elimination of the business personal property tax must be removed from the bill; and the excess levy appeals must be restored.

Section 4. The Council directs the Clerk to send a certified copy of this resolution to the following:

- A. Governor Mike Braun
- B. Authors of the Bill: Senator Travis Holdman, Chris Garten, and Scott Baldwin
- C. Sponsors of the Bill: Representative, Jeffrey Thompson
- D. State Senator Rodney Pol Jr.
- E. State Senator Michael Bohacek
- F. State Representative Pat Boy
- G. State Representative Jim Pressel
- H. The Indiana House Ways and Means Committee
- I. Accelerate Indiana Municipalities (Aim).

This Resolution shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor.

INTRODUCED BY: _____
Tracie Tillman, President
Michigan City Common Council

Don Przybylinski, Member
Michigan City Common Council

Nancy Moldenhauer, Member
Michigan City Common Council

Joseph Nelson, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this _____
day of _____, 2025.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (*circle action taken*) by me, this _____ day of _____,
2025.

Angie Nelson Deutch, Mayor
Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

AMENDING THE ZONING MAP OF THE CITY OF MICHIGAN CITY, LAPORTE COUNTY, INDIANA TO REZONE REAL PROPERTY LOCATED SOUTH OF TRYON ROAD APPROXIMATELY ¼ MILE WEST OF THE INTERSECTION OF ROYAL ROAD AND TRYON ROAD, AND ½ MILE EAST OF THE INTERSECTION OF SOUTH KARWICK ROAD AND TRYON ROAD FROM THE R1B (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT CLASSIFICATIONS TO R2B (TOWNHOUSE) AND R3A (LOW RISE MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT CLASSIFICATIONS

WHEREAS, on March 25, 2025, Tryon Meadow LLC ("Property Owner" and "Petitioner") filed a Rezoning Application ("Application") and a Petition for Public Hearing (together the "Petition"), with the Plan Commission ("Commission") of the City of Michigan City, LaPorte County, Indiana ("City") to seek an amendment to the Zoning Map of the City for certain real property located at South of Tryon Road approximately ¼ mile west of the intersections of Royal Road and Tryon Road, and ½ mile east of the intersection of South Karwick Road and Tryon Road, with property identification numbers (PIN) of 46-01-26-126-006.000-022, 46-01-26-126-008.000-022, and 46-01-26-126-009.000-022, and as described in Exhibit A attached hereto and referred to as the "Real Estate"; the Petition seeks to rezone said Real Estate from its current R1B (Single Family Residential) Zoning District classification to R2B (Townhouse) and R3A (Low Rise Multiple Family Residential) Zoning District classifications; and,

WHEREAS, the Plan Commission assigned the Petition as filed as **Petition # P-100-25** and scheduled a public hearing on the Petition for March 25, 2025; and,

WHEREAS, the Commission found that the Petitioner properly provided the necessary notice to the persons, organizations, or entities via USPS certified mail/return receipt: (i) who own property within a 300 foot radius of the Real Estate (the "Affected Parties") which the Petitioner requested to be rezoned and (ii) who were required to be given notice of the filing of the Petition pursuant to the Plan Commission's Application for Public Hearing with such notice identifying the date and time of the hearing thereon pursuant to I.C. 5-3-1-1 et seq., upon submission of the Petitioner's Affidavit of Service as notarized and the USPS return receipts; and

WHEREAS, prior to the public hearing, the Commission found that the Petitioner properly gave the necessary notice of the filing of the Petition and of the date and time of the public hearing thereon by publication in the LaPorte County Herald-Dispatch two times (on February 15, 2025 and March 19, 2025) in the manner prescribed by the Plan Commission's Application for a Public Hearing and I.C. 5-3-1-1 et seq.; and,

WHEREAS, upon proper notification and publication the Plan Commission conducted the public hearing on the Petition to rezone the Real Estate pursuant to the Petition, and following said public hearing, determined that an amendment to the Zoning Map is appropriate for the Real Estate as described in Exhibit A to be rezoned from the current R1B zoning classification to R2B and R3A zoning classifications, all as permitted by the Joint Zoning Ordinance and Indiana law; and, on March 25, 2025, the Plan Commission certified the Commission's findings and determinations, including those required by IC 36-7-4-603, and this proposed Ordinance to the City's Common Council with a favorable recommendation for passage; and

WHEREAS, the City Clerk, on behalf of the City's Common Council, provided the necessary public notice of the Council's intention to consider the proposed change to the Zoning Map as required by IC 5-14-1.5-5; and

WHEREAS, the City's Common Council has paid reasonable regard, consideration, and attention to the recommendation of the Plan Commission, to the documentation and other evidence presented to the Common Council regarding the proposed zoning and zoning district classification amendment and change, and to the legal requirements applicable to the Common Council's decision, including, as required by IC 36-7-4-603, the City's comprehensive plan; the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth.

NOW, THEREFORE, BE IT ORDAINED by the City of Michigan City Common Council, pursuant to applicable laws, including IC 36-7-4-608, that:

1. The Common Council finds, based on all the evidence presented before it, that:
 - A. The requested amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A is compatible with the City's comprehensive plan, the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the City; and responsible development and growth; and
 - B. The requested amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A will provide for the most reasonable use of land for which the Real Estate is adapted, and the proposed land use will not have an adverse effect on surrounding land; and

- C. The amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A will not be injurious or detrimental to the surrounding property values and will further the conservation of property values throughout the City; and
 - D. The amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A will promote orderly and responsible community growth and development and will not adversely affect the community; and
 - E. The topography, soil condition, and other physical features of the Real Estate are suitable for the proposed land use and the amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A; and
 - F. The amendment to the Zoning Map and the change in zoning district classification for the Real Estate described in Exhibit A is not "spot zoning" which will confer a special benefit on a relatively small tract without commensurate benefit to the community; and
 - G. The amendment to the Zoning Map and the change in zoning district classification will not disrupt or destroy any official neighborhood plan of the Plan Commission.
- 2. The Common Council finds and determines that it is in the best interests of the City and its citizens that the Common Council accept and approve the recommendation of the Plan Commission that the Petitioner's request for an amendment to the Zoning Map and the change in zoning district classification be approved by the Common Council.
 - 3. The zoning district classification for the Real Estate (located in the City of Michigan City, LaPorte County, State of Indiana, commonly known as south of Tryon Road approximately ¼ mile west of the intersection of Royal Road and Tryon Road, and ¼ mile east of the intersection of South Karwick Road and Tryon Road with PINs of 46-01-26-126-006.000-022, 46-01-26-126-008.000-022, and 46-01-26-126-009.000-022, be changed from its current R1B zoning district classification to R2B and R3A zoning district classifications.
 - 4. And further, that the official Zoning Map of the City shall be amended to reflect this change in the zoning district classification for the Real Estate; and the amended zoning map shall hereafter be available in the office of the Plan Commission and the City Clerk for public inspection, review and copying.
 - 5. The City Clerk shall furnish a certified copy of this Ordinance to the LaPorte County Recorder in order that the same may be placed of record in the records of the Recorder's Office.

Introduced by: _____
Bryant Dabney, Member
City of Michigan City Common Council

ADOPTED by a majority vote of the members of Common Council the _____
day of _____, 2025.

Tracie Tillman, President
City of Michigan City Common
Counsel

Approved/Vetoed by me, this _____ day of _____, 2025.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, City Clerk
City of Michigan City, Indiana

EXHIBIT A
PETITION P-100-25
LEGAL DESCRIPTION

The entire parcel, now zoned R1B, is described as follows (in three sections describing the new zoning:

SOUTHEAST R3A

Commencing at the Northeast corner of the Northwest Quarter of Section 26, Township 38 North, Range 4 West, Second Principal Meridian, LaPorte County, Indiana; thence South 02 degrees 17 minutes East, 1327 feet along the East line of said Northwest Quarter and being the point of beginning of this description; thence North 87 degrees 18 minutes West, 175 feet; thence North 02 degrees 17 minutes East, 6 feet; thence North 88 degrees 03 minutes West, 189 feet; thence South 52 degrees 43 minutes West, 152 feet; thence South 02 degrees 00 minutes East, 127 feet; thence North 86 degrees 41 minutes East, 12 feet; thence South 02 degrees 17 minutes East, 49 feet; thence South 02 degrees 37 minutes East, 167 feet; thence North 89 degrees 32 minutes East, 475 feet along the south line of the parent tract; thence North 02 degrees 17 minutes West, 410 feet along said East line to the point of beginning, containing 4.6 acres more or less.

CENTER R2B

Commencing at the Northeast corner of the Northwest Quarter of Section 26, Township 38 North, Range 4 West, Second Principal Meridian, LaPorte County, Indiana; thence South 02 degrees 17 minutes East, 40 feet along the East line of said Northwest Quarter and being the point of beginning of this description; thence continuing South 02 degrees 17 minutes East, 1287 feet along said East line; thence North 87 degrees 18 minutes West, 175 feet; thence North 02 degrees 17 minutes East, 6 feet; thence North 88 degrees 03 minutes West, 189 feet; thence South 52 degrees 43 minutes West, 152 feet; thence South 02 degrees 00 minutes East, 127 feet; thence North 86 degrees 41 minutes East, 12 feet; thence South 02 degrees 17 minutes East, 49 feet; thence South 02 degrees 37 minutes East, 167 feet; thence South 89 degrees 31 minutes West, 531 feet along the south line of the parent tract; thence North 02 degrees 17 minutes West, 998 feet along the west line of said parent tract; thence North 52 degrees 47 minutes East, 565 feet; thence North 73 degrees 37 minutes East, 235 feet; thence North 20 degrees 55 minutes East, 124 feet; thence North 02 degrees 31 minutes West, 181 feet; thence North 89 degrees 25 minutes East, 267 feet along the north line of the parent tract to the point of beginning, containing 27.0 acres more or less.

NORTHWEST R3A

Commencing at the Northeast corner of the Northwest Quarter of Section 26, Township 38 North, Range 4 West, Second Principal Meridian, LaPorte County, Indiana; thence South 02 degrees 17 minutes East, 40 feet along the East line of said Northwest Quarter; thence South 89 degrees 25 minutes West, 267 feet along the north line of the parent tract and being point of beginning of this description; thence continuing South 89 degrees 25 minutes West, 739 feet along said north line; thence South 02 degrees 17 minutes East, 697 feet along the west line of the parent tract; thence North 52 degrees 47 minutes East, 565 feet; thence North 73 degrees 37 minutes East, 235 feet; thence North 20 degrees 55 minutes East, 124 feet; thence North 02 degrees 31 minutes West, 181 feet to the point of beginning, containing 7.6 acres more or less.

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

APPROVING ADDITIONAL APPROPRIATION IN THE BUDGET OF THE
GENERAL FUND #0101 FOR THE VECTOR CONTROL DEPARTMENT

WHEREAS, the Michigan City Redevelopment Commission (hereinafter referred to as "Commission") has entered into an Agreement with the City to pay the City for the Vector Control Department to mow and maintain various parcels of properties owned by the Commission and pay the City \$95,000.00 for said service (A copy of the proposed Agreement is attached hereto and incorporated herein as "Exhibit A"); and

WHEREAS, it has been demonstrated to the Common Council of the City of Michigan City that it is necessary to appropriate more money than was appropriated in the 2025 Annual Budget for the General Fund #0101 for additional salaries & wages and equipment & supplies for the Vector Control Department resulting from the aforementioned Agreement; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Michigan City, La Porte County, Indiana, that for the expenses of the City the following additional sums of money are hereby appropriated out of the fund named and for the purpose specified above, subject to the laws governing the same:

	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROPRIATED</u>
DECREASE- General Fund #0101 Unappropriated balance	\$ 95,000.00	
INCREASE ACCOUNT #1101.401.014 Seasonal/Salaries & Wages		\$75,000.00
INCREASE ACCOUNT #1101.401.413.001 FICA		\$ 5,000.00
INCREASE ACCOUNT #1101.401.423.021 Supplies Repair Parts		\$ 5,000.00
INCREASE ACCOUNT #1101.401.423.031 Small Tools and Minor Equipment		\$10,000.00
TOTAL FOR FUND	\$ 95,000.00	

This Ordinance to be effective upon passage by the Council, approval by the Mayor, any necessary publication, and any necessary approval by the Indiana Department of Local Government Finance.

INTRODUCED BY: _____
Nancy Moldenhauer, Member
Michigan City Common Council

Don Przybylinski, Member
Michigan City Common Council

Tracie Tillman, President
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana, this _____
day of _____, 2025 by a vote of _____ to _____.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (circle choice) by me, this _____ day of _____
_____, 2025.

Angie Nelson Deutch, Mayor
City of Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

**AMENDING SEC. 102-1 IN THE MICHIGAN CITY MUNICIPAL CODE TO
COMMONLY KNOWN "REMOVAL OF WEEDS, GRASS, AND RANK VEGETATION"**

WHEREAS, I.C. 36-7-10.1-3 allows a legislative body of a municipality to adopt an ordinance to require the owners of real property located within the municipality to cut and remove weeds and other rank vegetation growing on the property; and

WHEREAS, by virtue of the authority provided by I.C. 36-7-10.1-3, the City has established Sec. 102-1 entitled "Removal of Weeds, Grass, and Rank Vegetation" in the Michigan City Municipal Code; and

WHEREAS, before the City can enter property of another and remove weeds, grass, or rank vegetation over six (6) inches in height, Sec. 102-1 requires the City to provide the property owner with a written Notice & Order to abate the nuisance within ten (10) days; and

WHEREAS, the Vector Control Department and the City Forester reasonably believe that Sec. 102-1 needs to be amended to reduce the time frame for a property owner to abate weeds, grass, or rank vegetation on their property from ten (10) days to five (5) days (A joint letter from the Vector Control Department and City Forester is attached hereto and incorporated herein as "Exhibit A"); and

WHEREAS, the Common Council reasonably believes that the aforementioned recommendation of the Vector Control Department and the City Forester are in the best interest of the City and residents herein.

THEREFORE, BE IT ORDAINED by the Common Council for the City of Michigan City, Indiana that Sec. 102-1(d)(1) and Sec. 102-1(f)(1) are hereby amended in the Michigan City Municipal Code and shall read as follows:

1. Sec. 102-1(d)(1) of the Michigan City Municipal Code is hereby amended to now read as follows:

(d) Notice of violation.

- (1) *Initial notice to owner/content.* For any property found to be in violation of this section, the department shall issue an initial notice to the owner to cut, remove, and/or dispose of weeds, grass, and/or rank vegetation within five (5) calendar days of service of the notice. The notice is final when given unless the owner makes a written request for a hearing before the Michigan City Board of Public Works and Safety regarding the notice and the written request is delivered to the department and the clerk for the board of public works and safety's office before the end of the (five) day period.

2. Sec. 102-1(f)(1) in the Michigan City Municipal Code is hereby amended to now read as follows:

(f) Bill for costs incurred to abate the violation.

- (1) The department shall issue a bill to the owner of the real property for the costs incurred by the department in bringing the property into compliance with this section, including administrative costs and abatement costs. The expenses incurred by the department to bring compliance constitute a lien against the property. The person to whom the bill is issued may appeal that determination to the board of public works and safety within five (5) days from the date said bill was mailed.

The only grounds for an appeal which the board of public works and safety may consider are as follows:

- a. The work was not performed on the noticed property;
- b. Work was performed before the five (5) days' notice had expired; or

c. The owner was not served legal notice of the violation.

The board of public works and safety shall consider such appeals and may adjust or waive said costs as individual circumstances may warrant. The decision of the board of public works and safety is final.

3. Sec. 102-1(g) is hereby created in the Michigan City Municipal Code and shall read as follows:

(g) Penalty. Nothing in this section shall prohibit the City from also assessing a fine in an amount established in Sec. 1-7 (General Penalty; Continuing Violations) to a property owner for allowing the weeds, grass, and rank/vegetation to exceed the height requirement imposed by subsection (c) above.

This Ordinance shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor.

INTRODUCED BY: _____
Nancy Moldenhauer, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this _____
day of _____, 2025.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (*circle action taken*) by me, this _____ day of _____,
2025.

Angie Nelson Deutch, Mayor
Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request