



TOWN OF FORTVILLE



714 E. Broadway, Fortville, IN 46040
(317) 485-4044 | www.Fortville.IN.gov

Town Council Agenda Monday, December 15th, 2025 | 6:30 p.m.

Elected Officials

1st District

- Tonya Davis, 1/1/24-12/31/27
- Sean Morgan, 9/23/2025-12/31/27

2nd District

- Ryan Rummell, 1/1/23-12/31/26
- Libby Wyatt, 1/1/24-12/31/27

At-Large

- Fred "Fritz" Fentz, 1/1/23-12/31/26

Clerk-Treasurer

- Melissa Glazier, 1/1/24-12/31/27

Town Staff Members

- Joe Renner, *Town Manager*
- Patrick Bratton, *Police Chief*
- Alex Intermill, *Town Attorney*

Livestream via Zoom

- Call-In Number: 1-305-224-1968
- Meeting ID: 845 0835 1713
- <https://us02web.zoom.us/j/84508351713>
- Meeting recording available the next business day on YouTube, @townoffortville1865

Upcoming Meetings

- Mon. Dec. 29: Plan Commission
- Tue. Dec. 30: Board of Zoning Appeals
- Mon. Jan. 5: Town Council
- Wed. Jan. 7: Police Commission
- Thurs. Jan 15: Redevelopment Commission

All meetings begin at 6:30 pm

ADA Accommodations Notice

In accordance with the Americans with Disabilities Act (ADA), the Town of Fortville will provide reasonable accommodations or assistance to ensure individuals with disabilities can participate effectively in public meetings.

To request support, please contact Andy Williams, Office Manager, at (317) 482-4048 or awilliams@fortville.in.gov at least 48 hours before the scheduled meeting.

1. Meeting Opening

- Call Meeting to Order
- Pledge of Allegiance
- Roll Call
- Declaration of Quorum
- The Council will **consider approval of, or any changes to, the evening's meeting agenda.**
- The Council will **consider approval of the minutes** of the previous meeting:
 - November 17th, 2025

2. Old Business

- The Council will **consider the 2nd Reading of Ordinance 2025-11B**, a Rezone from R3.5 to PUD of approximately 45.15 acres between 200 West and Fortville Pike, north of Fortville Elementary School. Request by M/I Homes (L&M Wilson Property).
- The Council will **consider the 2nd Reading of Ordinance No. 2025-11C, the 2026 Salary Ordinance.** Joe Renner will present.

3. New Business

- The Council will **consider the 1st Reading of Ordinance No. 2025-12_**, a voluntary Annexation of four (4) parcels totaling approximately 138.16 acres west of Deaton's Business Park, south side of 1000 North / 96th Street, north side of railroad tracks along US 36 (Singh-Wright-Petty Properties). Presented by Adam Zaklikowski.
- The Council will **consider the 1st Reading of Ordinance 2025-12_**, a voluntary Annexation of three (3) parcels totaling approximately 6.63 acres at 610, 620, and 630 W. Ohio Street (Huck Minor Subdivision). Presented by Adam Zaklikowski.
- The Council will **consider the 1st Reading of Ordinance 2025-12_**, a voluntary Annexation of one (1) parcel of approximately 0.06 acres along the west side of Fortville Pike, south of Mt. Carmel Primitive Baptist Church (Rice-Ross Property).
- The Council will **recess the regular Council meeting and open a Public Hearing to discuss the three (3) voluntary annexations.**
- The Council will **close the Public Hearing and reconvene the regular Council meeting.**
- The Council will **consider a proposed policy on rental restrictions and registration.** Presented by Jerry Santen, Code Enforcement Official / Building Inspector.
- The Council will **consider an urgent request for funds to replace a control panel at the Wastewater Treatment Plant, as well as funds for cleaning & repairing the North Water Tower.** Presented by David Thompson, Water Plant Superintendent.

4. Department Reports

- Town - Joe Renner, *Town Manager*
- Planning & Building - Adam Zaklikowski, *Director*
- Parks & Recreation - Heath Luther, *Manager*
- Police - Chief Patrick Bratton
- Clerk-Treasurer - Missy Glazier
- Legal - Alex Intermill | *Bose, McKinney, & Evans LLP*

5. Public Comments - 2 minutes per person

6. Council Member Comments

7. Meeting Closure

- The Council will **consider approving & signing the accounts payable vouchers.**
- The Council will **consider adjourning the meeting.**



**ADVISORY PLAN COMMISSION
EST. 2020**

Members of the Fortville Town Council:

In accordance with Indiana Code § 36-7-4-605 (3), the Fortville Advisory Plan Commission hereby certifies to you, the legislative body, that a FAVORABLE Recommendation was issued on November 25, 2025 for Ordinance No. 2025-1B "Change of Zoning Classification – Vernon Woods PUD (L&M Wilson Property)" to change the zoning from Residential: 3.5 (R3.5) to Planned Unit Development (PUD) as presented. A Public Hearing was conducted in accordance with Indiana Code.

Additional Conditions Issued:

On the Recommendation, 7 Members voted I, 0 Members voted Nay, and 0 Members Abstained or were not present.

Nathan Sturdevant, President

ATTEST:

Sarah Waldron
Sarah Waldron, Recording Secretary

TOWN OF FORTVILLE

ORDINANCE NO. 2025-11B

Change of Zoning Classification – Vernon Woods PUD (L&M Wilson Property)

RECITALS

1. Pursuant to Indiana Code §§ 36-7-4-600 *et seq.*, the Town Council of the Town of Fortville (“Council” and “Town,” respectively) has lawfully adopted a Zoning Ordinance, the terms of which are applicable to the geographic area consisting of the incorporated area of the Town, and which Zoning Ordinance has been codified in the Town’s Code of Ordinances.
2. Pursuant to Indiana Code § 36-7-4-602, the Council is authorized to amend the map that is part of the Zoning Ordinance.
3. The Town of Fortville Plan Commission (“Plan Commission”) rendered a Favorable Recommendation after conducting a Public Hearing at their meeting on November 25, 2025 regarding a request to Rezone certain real property of approximately 45 acres from Residential 3.5 (R3.5) to Planned Unit Development (PUD) as depicted in attached Exhibit A (Planned Unit Development Standards), Exhibit B (Concept Plan/Map), and Exhibit C (Legal Description).
4. In accordance with Indiana Code § 36-7-4-605, the Plan Commission certified its recommendation regarding the Rezone to the Town Council.
5. The Council has considered the Plan Commission’s recommendation and, in accordance with Indiana Code § 36-7-4-608, desires to adopt the proposed change in zoning for the Real Estate.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council as follows:

SECTION 1. The official Zoning Map accompanying and made part of the Zoning Ordinance is hereby amended to change the zoning classification of the Real Estate from Residential 3.5 (R3.5) to Planned Unit Development (PUD), with **Exhibit A, Planned Unit Development Standards** describing the development standards applicable to the property.

SECTION 2. All housing elevations shall be submitted for review and approval by the Town's Planning & Building Director prior to submittal of building permits. The Planning & Building Director shall determine the compatibility and consistency with the intended quality, character, and development standards of this PUD.

SECTION 3. The Town's Planning & Building Director shall have the discretion and flexibility to consider and approve minor modifications pertaining to any development and architectural standards and concept layout established by this Ordinance if the Planning & Building Director determines such modifications are consistent with the intent of this Ordinance and consistent with the quality and character represented in this Ordinance. All such modifications shall be made in writing with an explanation supporting the change.

SECTION 4. A Preliminary Development Plan (Primary Plat) must be formally submitted within five (5) years following the date of zoning approval. Failure to do so will result in automatic termination of the PUD development standards and new PUD development standards shall be reviewed and approved following the same process as a Rezone. All Final Development Plans (Secondary Plats) must be formally submitted in compliance with applicable Indiana Code.

SECTION 5. The petitioner shall conduct a Traffic Impact Analysis and shall implement the findings of the study based on approval from the Town's Planning & Building Director.

SECTION 6. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

SECTION 7. This Ordinance shall be in full force and effect upon adoption.

[Signature Page Follows]

Duly ordained and passed this ___ day of _____, 2025 by the Town Council of the Town of Fortville, Hancock County, Indiana, having been passed by a vote of ___ in favor and ___ opposed.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Tonya Davis, President

Tonya Davis, President

Ryan Rummell, Vice President

Ryan Rummell, Vice President

Fred (Fritz) Fentz

Fred (Fritz) Fentz

Libby Wyatt

Libby Wyatt

Sean Morgan

Sean Morgan

ATTEST:

Melissa Glazier, Clerk-Treasurer

Approved as to Form:

Alex Intermill, Town Attorney
Bose McKinney & Evans LLP

EXHIBIT A - Planned Unit Development Standards

[See following pages.]

I. Statement of Intent

A. M/I Homes has worked with town officials to express the intent of developing a new single-family residential community located south of downtown Fortville and adjacent to the new Fortville Elementary School. The proposed development will offer a high-quality and family-oriented neighborhood that will continue the growth of the Mt. Vernon School District.

B. This document provides the Development Standards using the town's Residential Planned Unit Development (PUD) Standards template per Ordinance 2017-4A as a base for adopted modifications below. The PUD standards written below shall supersede Fortville's Zoning Ordinance and Subdivision Control Ordinance permanently, unless these PUD standards are amended. However, for any topic not mentioned in this document, the Zoning Ordinance and Subdivision Control Ordinance, as may be amended from time to time, may apply.

II. Residential Planned Unit Development (PUD) Standards

A. Lot Sizes / Density

1. Density. The maximum number of dwellings shall be 99.
2. Impervious Space. The maximum percentage of impervious space per lot shall be 50%.
3. Width. The minimum width shall be sixty-two (62) feet as measured at the front yard setback line.
4. Depth. The minimum depth shall be 125 feet. Lots adjacent to Jackson Ditch can be reduced to 115 feet.

B. Floor area. All single-family homes shall have a minimum of sixteen hundred (1,600) square feet of living space above grade if a single-story structure; and a minimum of eighteen hundred (1,800) square feet of living space for a two-story structure above grade.

C. Driveways. Driveways and parking areas shall not extend in width past the width of the face of the garage.

D. Concrete Walks. Concrete walks leading from the driveway to any point of egress on the home shall be at least three (3) feet in width.

E. Mechanical and Equipment Locations. No electrical meters, air conditioning equipment, generators, or any other mechanical equipment, including solar panels, shall be permitted on the front elevation of the home.

F. Setbacks. As measured from the property line to the foundation. Eaves and masonry may encroach into the setback areas.

1. Front Yard Setback. The minimum front yard setback for the structure shall be twenty-five (25) feet from the edge of right-of-way.
2. Side Yard Setback. The minimum side yard setbacks for single-family lots shall be seven (7) feet. However, a 3rd car front-loaded garage may have a side yard setback of five (5) feet on the garage side. Homes with masonry on the side elevations may encroach into the side setback up to eight (8) inches on each side.
3. Rear Yard Setback. The minimum rear yard setback shall be thirty (30) feet.

G. Public Safety/Streets.

1. Right-of-Way (ROW) Width. All streets within the PUD shall be designed with a minimum ROW width of fifty-five (55) feet consistent with the Town's Thoroughfare Plan (2017) for local streets.
2. Block length can be 1340 feet and consistent with the conceptual development plan.
3. Street Width. All streets within the PUD shall have a minimum street width of twenty-nine (29) feet from back of curb to back of curb.
4. Curbs. Chairback curbs are required.
5. Street Trees. Required between the sidewalk and the curb, the minimum planting area shall be seven and a half (7.5) feet.
6. On-Street Parking. Shall be restricted to one side of the street.
7. Flock cameras. At the discretion of the Police Department, the developer shall install a flock camera at the 200 West entrance and Fortville Pike entrance.

H. Garages.

1. Minimum. A minimum of a two (2)-car garage is required. A minimum of 10 lots shall have a three (3)-car garage.
2. Types. Garages may be front-loading.
3. Doors. Garages shall have decorative windows similar to the exhibit below. Front-loading 2-car garage doors shall not exceed fifty (50) percent of the width of the front elevation.
4. Location. Garages shall not protrude more than 10' in front of the living area or front porch of the home.



Garage Window Example

5. A third car bay shall be separated by a minimum 2' plane recess.

I. Exterior Cladding.

1. Materials. Cellular PVC (ex: Azek, Klear, or like), fiber cement (ex: James Hardie, or like), composite stock (ex: LP Smart Trim, Miratec, or like), masonry, and painted/stained/sealed cedar are acceptable exterior trim materials.
2. Masonry. Some brick or stone is required on the front of each home.
3. Panels. Preformed masonry panels are not permitted.
4. Vinyl.
 - a) No vinyl siding, shake, or panel siding is permitted.
 - b) Vinyl soffits are permitted.
 - c) Vinyl architectural details (gable vents, shutters, etc.) are permitted.

5. Aluminum.

- a) No aluminum siding, shake, panel siding is permitted.
- b) Aluminum soffits are permitted.

J. Exterior Trim.

1. Surrounds. A nominal one (1) by four (4) inch trim around all windows and doors is required, unless set into a masonry plane.
2. Detailing. Fypon and other like products are permitted for architectural detailing. A frieze board shall be provided below the soffit around the entire home.
3. Decking. Treated pine, cedar, and composite (ex: Trex, Timber Tech) are all acceptable wood decking materials.

K. Special Design Considerations.

1. Entryways: Entryways shall be clearly defined, visible, and a dominant feature of the façade.
2. Corner Lots
 - a) Architectural Features. Shutters, if used on the front elevation, shall be provided on side windows.
 - b) Masonry wainscot. Minimum of 24 inches or no higher than the bottom of the first floor windows shall be required around the entire home for corner lots and for lots with a side yard abutting common area.
3. Chimneys. If external, shall not be cantilevered.

L. Windows & Doors.

1. Window Distribution. A minimum of 2 windows shall be required on every elevation except on the garage side of the house, other than when the garage faces a corner where 2 windows will be installed. Two windows mullied together shall meet this requirement, except on the corner side.
2. Installation. All windows shall be installed using flashing tape on the sill of the rough opening followed by a bead of silicone. Window tape shall be applied after installation of the window.
3. Window Wells. No preformed corrugated or block window wells shall be permitted. Rockwell window wells shall be allowed. Poured concrete and timber wells are permitted.
4. Cladding. Windows shall be vinyl, fiberglass, wood, vinyl clad, or aluminum clad.
5. Window Grids. Double and single hung, awning, and sliding windows on the front elevation and corner lots shall have grids.
6. Front doors. All front doors shall have a transom window above, or a sidelight window beside, or glass within the door.
7. Shutters. Shall be sized with proper width to appear as if they could close and completely over a window. Shutters shall abut the frame of the window, not trim.

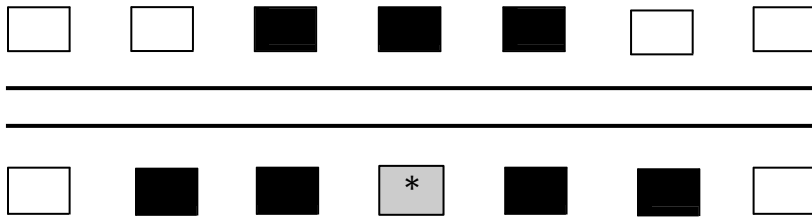
M. Roofing and Framing.

1. Height. Minimum eight (8) foot wall heights are permitted on second and third floors. Eight (8) foot first floor wall heights are permitted.
2. Shingles. Standard 3-tab shingles are not permitted (ex: Owens Corning Supreme or like). Dimensional shingles and/or standing seam metal is required.
3. Pitch.

- a) Front to Back Slopes. Minimum 5/12 roof pitch on front to back slopes. The Planning Director may approve lower roof pitches in keeping with certain historic architectural styles (craftsman, prairie, etc.).
 - b) Gables or Dormers. Minimum 3/12 roof pitch on gables or dormers.
 - c) Shed Dormers. Minimum 3/12 roof pitch on shed dormers.
4. Overhangs. All homes shall have a minimum twelve (12) inch roof overhang on the entire roof perimeter, as measured from the framing and not including gutter systems.
5. Ice and Water Shield. Ice and water shield shall be used pursuant to code.
6. Felt Paper. Felt paper to be used on field of roof pursuant to code.
7. Roof Vents. Box-style (slantback) roof vents are not permitted except for on a full hip roof to meet ventilation requirements.
8. Wraps and Sheathing.
- a) Wrap. House wrap (Tyvar, Tyvek, or like) is required on all wall sheathing.
 - b) Sheathing. Coated sheathing (Zip System or like) can be used in lieu of traditional OSB or plywood sheathing and house wrap combination.
 - c) Joints/Seams. Coated sheathing shall have all joints/seams taped.
9. Framing. Minimum 2" x 4" studs 16" o.c. with insulation board on all exterior and load bearing walls. Interior non-load bearing walls shall be 24" o.c. pursuant to code.

N. Anti-Monotony.

Single Family Monotony Code Depiction



Subject lot indicated with an asterisk () shall not have the same elevation as adjacent homes indicated with shade.*

O. Landscaping

1. Community Perimeter Landscaping.

- a) Landscaping along Fortville Pike and CR 200 W frontages shall provide a minimum twenty-five (25) foot landscape buffer to include for every one hundred (100) feet of frontage: Mounds; two two-(2) inch caliper shade trees of a minimum variety of three species; two two-(2) inch caliper ornamental trees of a minimum variety of five species; two six-(6) foot tall evergreen trees; and ten twenty four-(24) inch shrubs/bushes.
- b) Low Impact Design (LID) Considerations. Perennial ornamental grasses with a mature height of no more than six (6) feet, may be substituted for shrubs where necessary. The minimum container size for planting shall be one gallon.

- c) Tree preservation. Along the north and south property lines, existing tree lines shall be preserved within a Tree Preservation Easement. Only dead or diseased trees and foliage may be removed.

2. Single-Family Home Lot Landscaping.

- a) Trees. All homes shall include at least one (1) street tree between the curb and sidewalk with a minimum of two (2)-inch caliper at time of planting and selected from a minimum variety of five (5) species. Corner lots shall have two (2) additional street trees along side streets between the curb and sidewalk.
- b) Planting. Additional front and side yard trees, if provided, shall be planted a minimum of ten (10) feet behind the sidewalk. No side yard or front yard trees shall be required.
- c) Sodding and Seeding. All front yards shall be established through sodding. For purposes of sodding, corner lots shall be considered to have two (2) front yards. Future repairs and improvements can be made by seeding, providing no bare soil remains for a prolonged period of time. Rear and side yards are also preferred to be sodded, however, seeding is acceptable as the minimum requirement. All front, rear, and side yards shall be properly graded and will use starter fertilizer when sodding and/or seeding.
- d) Additional Landscaping. All homes shall include a minimum of eight (8) shrubs in the front foundation planting bed and all shrubs shall be at least eighteen (18) inches in height at time of planting. Corner lots require an additional eight (8) shrubs on the corner side.
- e) Irrigation. Where irrigation is installed, the use of innovative, water efficient irrigation systems is strongly encouraged and recommended. All irrigation systems are to be below ground, fully automated systems in compliance with all applicable building code requirements. All backflow control devices are to be located or screened so that they are not visible from the streets.

P. Green Space & Amenities.

1. An 8' wide asphalt path shall be provided along CR 200 West and along Fortville Pike.
2. An internal connection shall also be provided from the Development to the school grounds subject to approval by Mt Vernon School Corporation.
3. A donation of \$500 per lot shall be provided at the time of Secondary Plat approval to the Fortville Parks Department. The fee shall be used towards capital improvements to a possible Town-owned park in Mt. Vernon North. The donation must be expended by the Town within two (2) years of receipt or the developer may request a refund. Alternatively, the Town may elect for the funds to be transferred to the Mt Vernon School Cooperation for a recreational capital improvement on a school campus readily accessible for public use near the neighborhood. If neither option is available, a recreational facility of at least \$49,500 must be placed within the neighborhood.

- Q. Fences.
 1. Materials. If installed, all lot fencing shall be of the following materials: tan or white composite, tan or white PVC, or black metal (wrought-iron style).
 2. Chain Link. No chain linked fence shall be permitted.
 3. Height. The height of the fencing shall not exceed 6 feet above finished grade.
 4. Front Yard. No fencing shall extend beyond the front house line.
- R. Lighting.
 1. Street Lights. Streetlights of a uniform nature will be placed at each entry and at each interior street intersection and at intermediate locations between intersections not to exceed four hundred (400) feet.
 2. All homes in the community shall have dusk to dawn carriage lights on the garage or yard lights.
- S. Street Numbers. Street numbers shall be uniformly mounted on each single-family home.
- T. Mail Boxes. Uniform mailboxes and uniform street numbers within the PUD are required.
- U. Sheds, Out Buildings, and Pools.
 1. Pools. No above ground pools shall be permitted.
 2. Outbuildings. Outbuildings and sheds where installed shall be of uniform design to the main structure and shall not span over utility or drainage easements.
- V. Utility Installation. All utilities shall be trenched and located behind the curb.

III. Definitions and Exhibits

- a. Definitions (Note, it is intended that definitions, unless defined herein, default as defined in documents published by BAGI/IBA/NAHB, and including codes such as the Fortville Zoning Ordinance)
 - i. Accessibility standards. The Department of Justice’s revised regulations for Titles II and III of the Americans with Disabilities Act of 1990 (ADA) as published in the Federal Register.
 - ii. Alternatives. One of two or more available possibilities to be discussed in the context of limited deviations from these Standards, only upon discussion and explicit approval.
 - iii. Brick. A solid or hollow masonry unit of clay mixture with sand, and molded into a defined shape while in a plastic state, then baked in a kiln.
 - iv. Chair Back Curbs. As defined in the Town of Fortville Utility Street Standards.
 - v. Cladding. A covering, veneer, or coating on a structure.
 - vi. Compatibility. The forming by a combination of various elements, putting things into proper position to form a whole in terms of structure organization, and the manner in which these parts are combined or related to form a united whole. It includes site relationship, space, volume, texture, reflection, pattern, ornamentation, mass, form, transparency, harmony, depth, color, contrast, balance, and:
 1. Articulation. Street frontage design elements, both horizontal and vertical, that help create a streetscape and PUD of interest.
 2. Proportion. The general size of multiple objects without information regarding their actual sizes (or scales); a truly relative design component requiring an understanding of the interactions between

- design objects.
3. Rhythm. Leading the eye from one point to another, creating motion by repetition, gradation, radiation, opposition and transition.
 4. Scale. The relationship between two or more objects, one that has a commonly known size such as human height.
 5. Sustainability. Increasing the quality of the built environment.
- vii. Connectivity. The direct links or associations between multiple things; the links between different parts of Fortville that provide accessibility and easy transport from one area to another.
 - viii. Corner Lot. A lot located at the intersection of two roadways that has frontage on each roadway.
 - ix. Cul-De-Sacs. A reasonably short street with a bulbous end.
 - x. Density. Density shall be defined as the maximum dwelling units allowed per acre.
 - xi. (blank)
 - xii. Elevation. A scaled-drawing of any side of a building or structure.
 - xiii. Façade. The main exterior of a building usually characterized by elaboration of stylistic details and containing an entrance.
 - xiv. Frontage Road. A subsidiary road within a PUD or running parallel to a main road or highway and giving access to houses and businesses.
- xv. Green space. Public or private land and aquatic areas which are managed to protect the natural environment; provide recreational opportunities; shape the pattern of development; or any combination thereof, including yards, common areas and elements, but excluding there from buildings.
 - xvi. Living space. An enclosed area in a house that is suitable for year-round use; embodying walls, floors, and ceilings; suitable for year-round living; requires permanently a installed continuous power source; excluding garages.
 - xvii. Masonry. Includes all brick, stone, and manufactured stone products.
 - xviii. Nominal. Not actual; as used herein regarding lumber, a variant in measurement given the industry standard in terminology.
 - xix. (blank)
 - xx. Overhang. The horizontal distance that the roof projects beyond the story immediately below.
 - xxi. Plane/Architectural Plane. A two-dimensional surface defined by width and length.
 - xxii. Stucco. A mixture of lime or gypsum, Portland cement and water to produce a paste-like material, which sets to form a hard surface; to exclude EIFS.
 - xxiii. Trails. As defined in the Town of Fortville Utility and Street Standards, but consistent with these PUD standards.
 - xxiv. Trim. Supplemental and separate decorative strips applied to the face of sides of a frame.

Elevations shown are for illustrative purposes only. Final elevations will conform to applicable zoning & design guidelines.

SINGLE FAMILY





EXHIBIT B
Neighborhood Concept Plan

[See following page.]



M/I HOMES

**MT VERNON
NORTH SEC 1A
NATURE AREA**

Winn Ct

SHERMAN ST

Pritchett St

FORTVILLE PIKE COLLECTOR ROW 80 FT

Georgina St

**BEYERS
ESTATES**

**MT VERNON NORTH SEC 4B
DR HORTON 65' WIDE LOTS**

CR 200 W (PRIMARY ARTERIAL 100 FT ROW)



**FORTVILLE ELEMENTARY SCHOOL
ZONING: INSTITUTIONAL**

Kimley»Horn

WILSON SITE - 99 LOTS

CONCEPT EXHIBIT
FORTVILLE, IN
October 6, 2025



EXHIBIT C
LEGAL DESCRIPTION

SURVEYED LAND DESCRIPTION

PART OF THE NORTH HALF OF THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 22, TOWNSHIP 17 NORTH, RANGE 6 EAST IN FORTVILLE, VERNON TOWNSHIP, HANCOCK COUNTY, INDIANA, THE FOLLOWING DESCRIPTION BEING WRITTEN BY KAREN SUTTON, INDIANA PLS #21200013, FOR A KUHN & GUSTAFSON LAND SURVEYING PROJECT NUMBER 250234, LAST REVISED _____, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER SECTION NORTH 89 DEGREES 18 MINUTES 01 SECONDS EAST 2616.19 FEET TO THE NORTHWEST CORNER OF PROPERTY RECORDED IN INSTRUMENT NUMBER 920012357, BEING WITNESSED BY A 1/2 INCH REBAR LYING 0.36 FEET NORTH, THE FOLLOWING TWO (2) CALLS BEING ALONG THE PERIMETER OF SAID PROPERTY; 1) THENCE SOUTH 00 DEGREES 13 MINUTES 33 SECONDS EAST 192.58 FEET TO A 1/2 INCH REBAR; 2) THENCE NORTH 89 DEGREES 44 MINUTES 32 SECONDS EAST 30.20 FEET TO A 5/8 INCH REBAR AT THE SOUTHWEST CORNER OF ALAN KENDREX MINOR SUBDIVISION RECORDED IN INSTRUMENT NO. 887249; THENCE ALONG THE SOUTH LINE OF SAID MINOR SUBDIVISION AND PASSING INTO THE SOUTHEAST QUARTER OF SAID SECTION 22 NORTH 89 DEGREES 20 MINUTES 44 SECONDS EAST 378.60 FEET TO THE CENTERLINE OF FORTVILLE PIKE, PASSING THROUGH A REBAR WITH A CAP STAMPED 'K&G LS FIRM 0141' AT 334.08 FEET; THENCE ALONG SAID CENTERLINE OF FORTVILLE PIKE SOUTH 26 DEGREES 44 MINUTES 13 SECONDS EAST 524.07 FEET TO THE NORTH LINE OF LARRY PROFITT MINOR SUBDIVISION RECORDED IN INSTRUMENT NUMBER 891774; THENCE ALONG THE NORTH LINE OF SAID MINOR SUBDIVISION SOUTH 89 DEGREES 22 MINUTES 48 SECONDS WEST 612.30 FEET TO A 5/8 INCH REBAR WITH NO CAP AT THE NORTHWEST CORNER OF SAID MINOR SUBDIVISION, ALSO BEING ON THE WEST LINE OF SAID SOUTHEAST QUARTER SECTION, PASSING THROUGH A 5/8 INCH REBAR WITH NO CAP AT 44.52 FEET; THENCE ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF SAID SOUTHWEST QUARTER SECTION SOUTH 89 DEGREES 16 MINUTES 04 SECONDS WEST 2644.36 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER SECTION, PASSING THROUGH A REBAR WITH A CAP STAMPED 'K&G LS FIRM 0141' AT 2614.36 FEET; THENCE ALONG SAID WEST QUARTER SECTION LINE NORTH 00 DEGREES 25 MINUTES 23 SECONDS WEST 664.65 FEET TO THE POINT OF BEGINNING.
CONTAINING 45.53 ACRES, MORE OR LESS.

ORDINANCE 2025-11C
2026 WAGE, POSITION AND SALARY ORDINANCE FOR THE
TOWN OF FORTVILLE

BE IT ORDAINED THAT THE FOLLOWING SHALL BE IN EFFECT FOR THE YEAR 2026 STARTING WITH THE FIRST PAY DATE BEING JANUARY 2, 2026.

Section I - Compensation

The following compensations shall be divided by the number of pays as listed on the table in Section VII of this ordinance and paid according to that table.

<u>Position</u>			<u>Annual</u>
Town Council President	Elected	Exempt	\$4,100.00
Town Council	Elected	Exempt	\$3,750.00
			<u>Bi-Weekly Pay</u>
Clerk-Treasurer	Elected	Exempt	\$1,871.82
			<u>Annual</u>
Redevelopment Commission (5) Appointed		Exempt	\$600.00
Board of Police Commissioners (5) Appointed		Exempt	(4) \$600.00
Council member appointee --			(1) \$ 0.00

Section II – Base Pay Compensation

The following base hourly amounts shall be paid each two weeks from the listed funds in Section VII of this ordinance with the first pay date being January 2, 2026.

<u>Position</u>		<u>Bi-Weekly Pay</u>
Town Manager	Exempt	\$3,634.93
Town Marshal/Chief	Exempt	\$3,408.28
Planning Director	Exempt	\$2,908.71

<u>Position</u>	<u>Hourly Pay</u>
Plant Utilities Superintendent	\$38.91
Plant Utilities Operator	\$28.63
Utility Clerks	\$24.86
Office Manager	\$24.86
Building Inspector/Code Enforcement Officer	\$28.70
Street & Utilities Superintendent	\$38.91
Street & Distribution Employee	\$28.63
Parks and Recreation Manager	\$28.70
Parks and Recreation Employee	\$25.16

Section III – Police Department
Base Pay Compensation for Non-Exempt Salary Employees

The following shall be considered as non-exempt salary employees and shall be paid each two weeks from the listed funds in Section VII of this ordinance with the first pay date being January 2, 2026.

<u>Position</u>	<u>Hourly Rate</u>
Patrolman non-PERF 77 fund– 1 st class-3 year	\$36.32
Patrolman – 1 st class-3 year	\$33.66
Patrolman – 2 nd class-2 year	\$31.95
Patrolman – 3 rd class-1 year	\$30.28
Probation with the academy	\$26.91
Probation without the academy	\$25.27

Section IV – Longevity Compensation

Longevity compensation is a benefit to be paid, at the discretion of the Town Council, to the Clerk Treasurer and full-time employees. It remains separate from the base salary amounts described in Sections I, II, and III of this ordinance.

The Clerk Treasurer and each full-time employee shall receive \$200.00 per year for each year of continuous service. This longevity will be calculated on completed years of service and received in the following year.

The following longevity amounts shall be divided by the number of pays as listed in Section VII of this ordinance and paid each two weeks from the listed funds in 2026 with the first pay date on January 2, 2026.

Section V – Additional Benefits

The Town Manager will be provided with unrestricted use of an automobile as part of his pay and will be subject to IRS rules for taxable income.

Every full-time employee shall receive a bonus of \$2,000 that will be disbursed in one lump sum. This same amount shall be contributed to the Clerk Treasurer’s HSA account by January 16, 2026.

The following additional benefits may be paid. The following additional benefit amounts shall be divided by the number of pays as listed in Section VII of this ordinance and paid each two weeks from the listed funds in 2026 with the first pay date being January 2, 2026.

<u>Position</u>	<u>Bi-Weekly Pay</u>
Lieutenant	\$192.30
Sergeant	\$115.38
Street & Distribution Foreman	\$230.77
Human Resources	\$57.70
MS4 Operator	\$153.85
Utilities Office Manager	\$153.85
Water Works Distribution Operator Certification	\$190.00

Wastewater Class II Certification (non- responsible charge).	\$200.00
Water Treatment WT3 Certification (non-responsible charge).	\$200.00
Registered Cross Connection Control Device Inspector	\$38.46
Commercial Driver’s License (CDL)	\$57.70
Pesticide Applicator License. Cat 8	\$19.23
Police Investigator	\$57.69
PD Specialty Pay \$250 per year. (Max two Specialties).	\$9.62

Section VI - Compensation (Hourly)

The following hourly rates may be paid for positions that are not considered full-time. As needed, the Town Manager will set the number of pays and the funds to draw the compensation from, unless designated otherwise.

<u>Position</u>	<u>Hourly Pay</u>
Building Inspector	\$26.62
Summer Employees	\$16.70
Temporary Laboratory Technician	\$13.88
Police Part-Time or Temporary	\$27.04
Police Part-Time Civilian	\$22.29
Other Part-Time or Temporary	\$16.70
Part-Time Deputy Clerk	\$22.29
Part-Time Planning and Building Admin.	\$22.29

Section VII – Number of Pays and Funds

The following table shows which funds, the hourly rate, longevity and additional pays are to be taken from. It shows the position, the number of pays provided annually and the fund or utility which the pay shall come from. Pays will be equal over the year. If an employee has two pays, they will receive their check each six months; four pays, they will receive their check each quarter; 27 pays, they will receive their check every two weeks.

Position	Number Of Pays	General Fund	MVH Fund	Water Utility	Sewer Utility	Park Fund	Storm
Town Council President	2	2					
Town Council	2		2				
Town Council	2			2			
Town Council	2				2		
Town Council	2					2	
Clerk Treasurer	27	27					
Part-Time Deputy Clerk	27	27					
Redevelopment Commission	1	1					
Board of Police Commissioners	1	1					
Police Part-Time Civilian	27	27					
Town Manager	27	2	8	7	8	2	
Utility Clerk (L.W.)	27			27	27		
Utility Clerk (A.R.)	27			27	27		
Utility Clerk (S.C.)	27			27	27		
Office Manager	27			27	27		
Planning Director	27	27					
Building Inspector/Code Enforcement Officer	27	27					
Part-Time Planning and Building Admin.	27	27					
Police Chief	27	27					
Police Officers	27	27					

Plant Utilities Superintendent (David)	27			27			
Plant Utilities Operator (Cidnee)	27			27			
Plant Utilities Operator (Chris)	27				27		
Plant Utilities Operator (Ryan)	27			27			
Street & Utility Superintendent (vacant)	27			27			
Dominic Bova	27			27			
Brian Scruggs	27			27			
(Open)	27			27			
Anthony Buechler	27		27				
Noah Nicklas	27		27				
Lion Brake	27		27				
Kenneth Cross	27						27
(Open)	27				27		
Kris Waller	27				27		
Pat Osborne	27				27		
Parks and Recreation Manager	27					27	
Park Employees (2)	27					27	
Hourly Employees	To be determined by Town Manager based on position						

Section VIII

This Ordinance shall be in full force and effect from and after its passage and publication as prescribed by law.

Section IX

Introduced and filed on the ___ day of November 2025.

Duly ordained and passed this ___ day of December 2025 by the Town Council of the Town of Fortville, Hancock County, Indiana, having been passed by a vote of __ in favor and __ opposed.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Tonya Davis

Tonya Davis

Ryan Rummell

Ryan Rummell

Fred Fentz

Fred Fentz

Libby Wyatt

Libby Wyatt

Sean Morgan

Sean Morgan

ATTEST:

Melissa Glazier
Clerk-Treasurer

ORDINANCE NO. 2025-_____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF FORTVILLE, INDIANA, ANNEXING CERTAIN
TERRITORY INTO THE TOWN OF FORTVILLE, INDIANA, PLACING
THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF
AND MAKING THE SAME A PART OF THE TOWN OF
FORTVILLE**

(SINGH-WRIGHT-PETTY ANNEXATION – W 1000 NORTH)

RECITALS

A. The Town Council of the Town of Fortville, Indiana (respectively, the “Council” and the “Town”) is in receipt of petitions (“Petitions”) requesting the annexation of certain territory, commonly known as the Singh-Wright-Petty Properties, west of Deaton’s Business Park, south side of W. 1000 North/96th Street, north side of railroad tracks along US 36 and more particularly described in attached Exhibit A (the “Annexation Territory”).

B. The Petitions have been signed by one hundred percent (100%) of the landowners of the Annexation Territory and are attached hereto as Exhibit B.

C. The Annexation Territory consists of four (4) tax parcels totaling approximately 138.16 acres and the Annexation Territory is contiguous to the existing Town boundaries.

D. Responsible planning and state law require adoption of a fiscal plan and a definite policy for the provision of certain services to any annexed areas.

E. Prior to adoption of this Ordinance, this Council by resolution will adopt a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory.

F. The written fiscal plan and definite policy adopted by resolution will provide for the provision of services of a non-capital nature (including police protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries of the Town) to Annexation Territory within one (1) year after the effective date of this annexation in a manner equivalent in standard and scope to those non-capital services provided

to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density.

G. The written fiscal plan and definite policy adopted by resolution will also provide for the provision of services of a capital nature (including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities) to the Annexation Territory within three (3) years after the effective date of this annexation in the same manner those services are provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures, and planning criteria.

H. The terms and conditions of this annexation, including the written fiscal plan and definite policy, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the Town.

I. Prior to the final adoption of this Ordinance, the Town will have conducted a public hearing pursuant to proper notice issued as required by law.

J. The Council finds that the Annexation Territory, pursuant to the terms of this Ordinance, is fair and equitable and should be accomplished.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fortville, Indiana, as follows:

Section 1. The above recitals are incorporated herein by this reference as though fully set forth herein below.

Section 2. In accordance with I.C. § 36-4-3-5.1, the Annexation Territory is hereby annexed to the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.

Section 3. The Annexation Territory is assigned to Council District No. 2.

Section 4. The Annexation Territory shall be zoned at a later date based upon a review by the Plan Commission.

Section 5. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentences, and words of this ordinance are separable, and if a court of competent jurisdiction hereof declares any portion unconstitutional, invalid or unenforceable, such declaration shall not affect the remaining portions of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after the date of its adoption and such publication and recordation as is required by law.

[Signature Page Follows]

Duly ordained and passed this ____ day of _____, 2026 by the Town Council of the Town of Fortville, Hancock County, Indiana.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Tonya Davis, President

Tonya Davis, President

Ryan Rummell, Vice President

Ryan Rummell, Vice President

Frederick (Fritz) Fentz, Member

Frederick (Fritz) Fentz, Member

Elizabeth (Libby) Wyatt, Member

Elizabeth (Libby) Wyatt, Member

Sean Morgan, Member

Sean Morgan, Member

ATTEST:

Melissa Glazier, Clerk-Treasurer

In accordance with Indiana Code, I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law.
Adam Zaklikowski, AICP.

This instrument prepared by Adam Zaklikowski, AICP, Town of Fortville, 714 E. Broadway St., Fortville, IN 46040

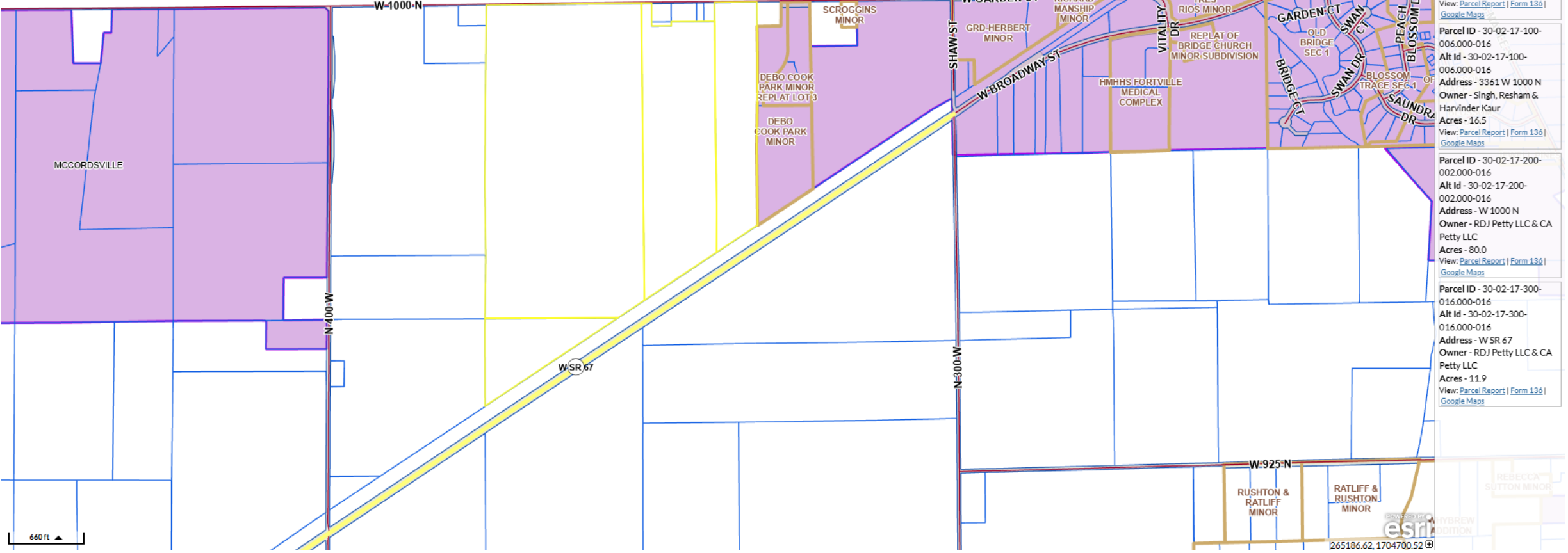
Exhibit A
Legal Descriptions and Map

[See following pages.]

Exhibit B
Petitions

[See following pages.]

Layers Map Search Comp Search Results Comp Results



Results:

- Parcel ID - 30-02-17-100-004.001-016
Alt Id - 30-02-17-100-004.001-016
Address - 3441 W 1000 N
Owner - Wright Property Fortville, LLC
Acres - 29.757
View: [Parcel Report](#) | [Form 136](#) | [Google Maps](#)
- Parcel ID - 30-02-17-100-006.000-016
Alt Id - 30-02-17-100-006.000-016
Address - 3361 W 1000 N
Owner - Singh, Resham & Harvinder Kaur
Acres - 16.5
View: [Parcel Report](#) | [Form 136](#) | [Google Maps](#)
- Parcel ID - 30-02-17-200-002.000-016
Alt Id - 30-02-17-200-002.000-016
Address - W 1000 N
Owner - RDJ Petty LLC & CA Petty LLC
Acres - 80.0
View: [Parcel Report](#) | [Form 136](#) | [Google Maps](#)
- Parcel ID - 30-02-17-300-016.000-016
Alt Id - 30-02-17-300-016.000-016
Address - W SR 67
Owner - RDJ Petty LLC & CA Petty LLC
Acres - 11.9
View: [Parcel Report](#) | [Form 136](#) | [Google Maps](#)

PETITION FOR ANNEXATION
INTO THE
TOWN OF FORTVILLE, INDIANA

WHEREAS, the undersigned (hereinafter, the "Petitioners"), are the owners of those certain lots or parcels within the real estate (the "Real Estate") more particularly described in Exhibit A; and

WHEREAS, the Petitioners desire the Real Estate to be annexed by the Town of Fortville, Indiana (the "Town").

NOW THEREFORE, the Petitioners in support of this Petition for Annexation hereby state the following:

1. The Petitioners, in aggregate, own one hundred percent (100%) of the Real Estate.
2. The Town Council of the Town of Fortville, Indiana, by ordinance, has defined the corporate boundaries of the Town.
3. More than one-eighth (1/8) of the aggregate external boundaries of the Real Estate is contiguous with the corporate boundaries of the Town.

WHEREFORE, Petitioners request that the Council adopt an ordinance annexing the Real Estate to the Town of Fortville, Indiana.

Signed: RESHAM SINGH / HARVINDER Kaur
Printed: RESHAM SINGH / HARVINDER KAUR
Owner of Parcel(s): RESHAM S.

30-02-17-100-006.000-016

EXHIBIT "A"

Land situated in the County of Hancock, State of Indiana

Commencing at a point on the North line of the Northeast Quarter of Section 17, Township 17 North, Range 6 East 616.25 feet East of the Northwest corner of said Northeast Quarter of said Section, Township and Range; thence South parallel with the West line of said Quarter to the North right of way line of the C.C.C. & St. L. Railroad; thence Northeasterly with the said North line of said right of way to a point 973.75 feet East of the West line of said Northeast Quarter; thence North to the North line of said Quarter Section; thence West 357.50 feet to the place of beginning.

Commonly Known as: 3361 W 1000 N

Tax Parcel ID: 30-12-17-100-006.000-016 State Parcel ID: 30-02-17-100-006.000-016

PETITION FOR ANNEXATION
INTO THE
TOWN OF FORTVILLE, INDIANA

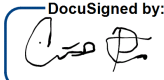
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2. The Town Council of the Town of Fortville, Indiana, by ordinance, has defined the corporate boundaries of the Town.
3. More than one-eighth (1/8) of the aggregate external boundaries of the Real Estate is contiguous with the corporate boundaries of the Town.

WHEREFORE, Petitioners request that the Council adopt an ordinance annexing the Real Estate to the Town of Fortville, Indiana.

Signed: 
408A6F7659814F3...

Printed: Curtis A. Petty on behalf of CA Petty, LLC

Owner of Parcel(s): 30-02-17-200-002.000-016; 30-02-17-300-016.000-016

Exhibit A – Legal Description

Parcel 1:

The East Half of the Northwest Quarter of Section 17, Township 17 North, Range 6 East, Hancock County, Indiana, containing eighty (80) acres, more or less.

(For Reference Only) Property Address: West 1000 North, Fortville, IN 46040

(For Reference Only) Tax Parcel ID No.: 30-02-17-200-002.000-016

Parcel 2:

Part of the East Half of the Southwest Quarter of Section 17, Township 17 North, Range 6 East, Hancock County, Indiana, described as follows:

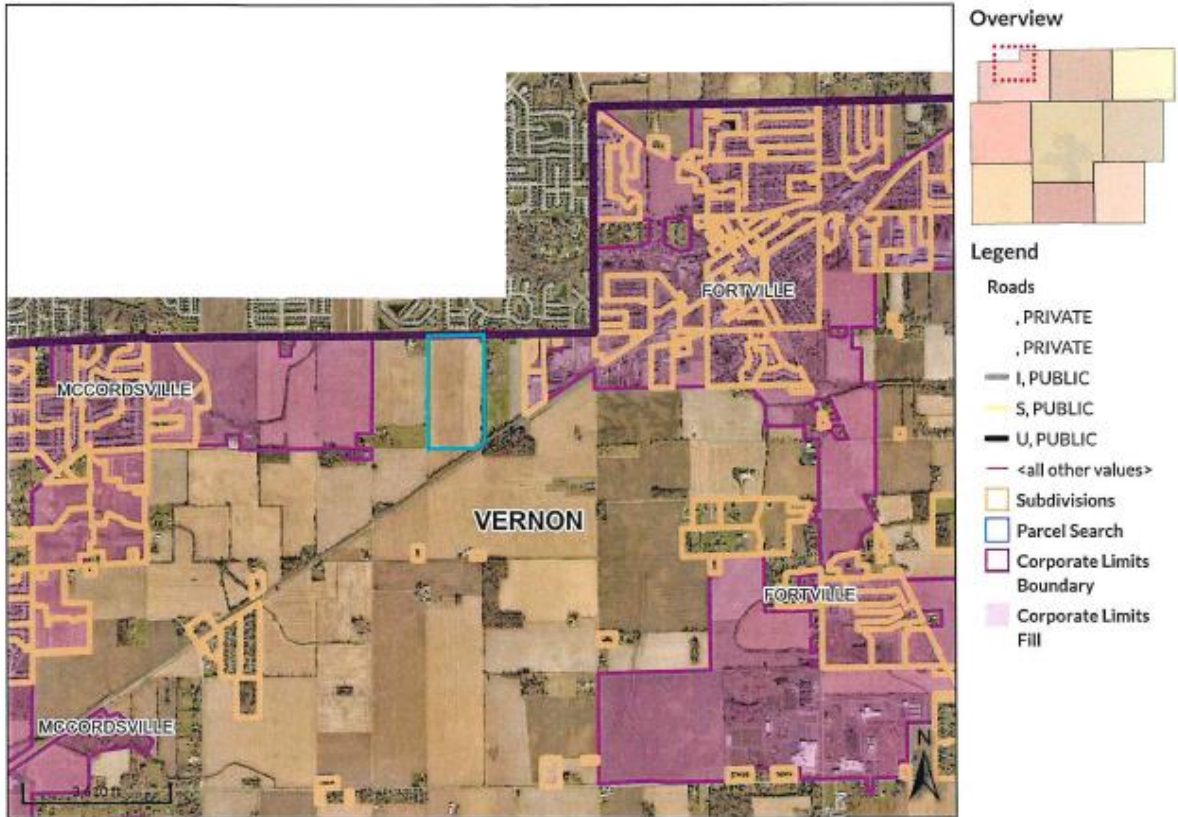
Commencing at the Northwest corner of said East Half of said Southwest Quarter of said Section 17, running thence East along the North line thereof to the North line of the right of way of the C.C.C. & St. L. Railway Company; thence South 54 degrees 30 minutes West with the North line of said right of way to the West line of said East Half of said Southwest Quarter; thence North with the West line thereof to the Place of Beginning, containing 11.91 acres.

(For Reference Only) Property Address: West State Road 67, McCordsville, IN 46055

(For Reference Only) Tax Parcel ID No.: 30-02-17-300-016.000-016

Beacon™ Hancock County, IN

Exhibit A - Parcel 1



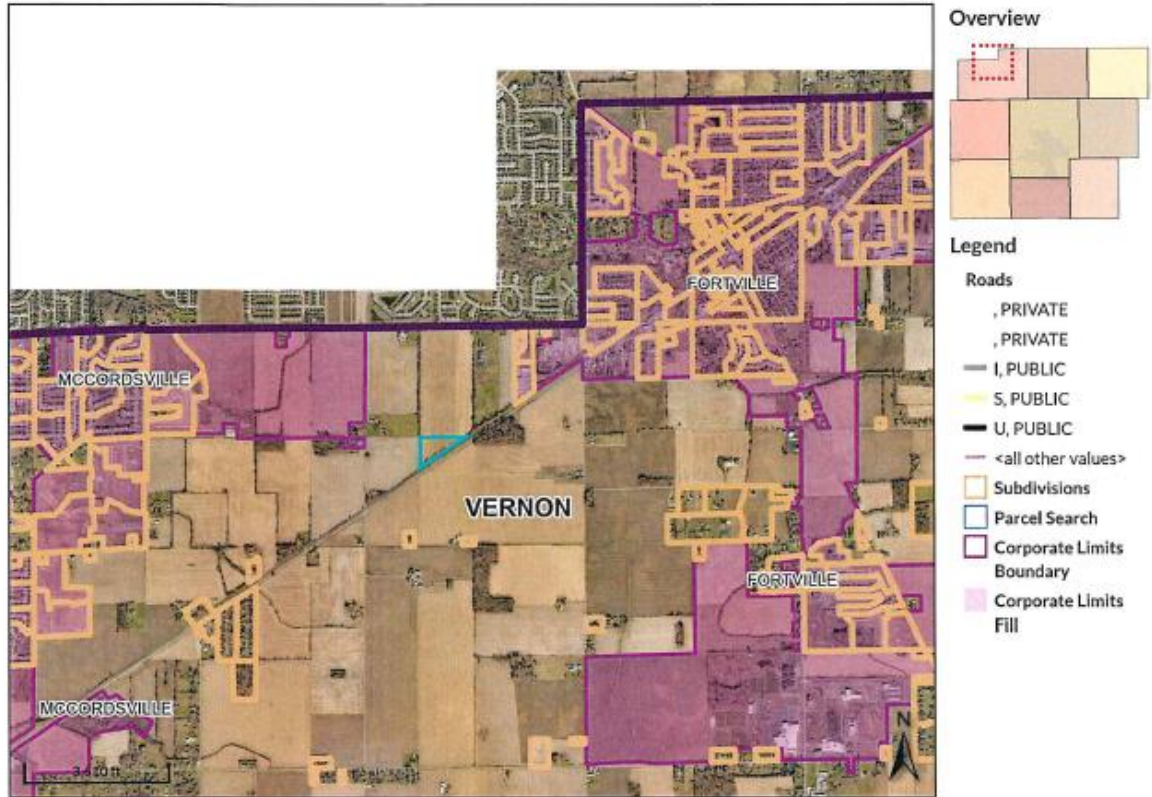
Parcel ID	30-02-17-200-002.000-016	Alternate ID	30-02-17-200-002.000-016	Owner Address	RDJ Petty LLC & CA Petty LLC
Sec/Twp/Rng	n/a	Class	Vacant Land		3600 North Strahl Drive
Property Address	W 1000 N	Acreage	80.0		Greenfield, IN 46140
	Fortville				
District	VERNON TOWNSHIP				
Brief Tax Description	E NW 17-17-6 80AC				
	<i>(Note: Not to be used on legal documents)</i>				

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GEOSPATIAL

BeaconTM Hancock County, IN

Exhibit A - Parcel 2



Parcel ID	30-02-17-300-016.000-016	Alternate ID	30-02-17-300-016.000-016	Owner Address	RDJ Petty LLC & CA Petty LLC
Sec/Twp/Rng	n/a	Class	Vacant Land		3600 North Strahl Drive
Property Address	WSR 67	Acreage	11.9		Greenfield, IN 46140
	McCordsville				
District	VERNON TOWNSHIP				
Brief Tax Description	NWD E SW 17-17-6 11.9AC				
	(Note: Not to be used on legal documents)				

Date created: 5/6/2025
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PETITION FOR ANNEXATION
INTO THE
TOWN OF FORTVILLE, INDIANA

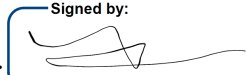
WHEREAS, the undersigned (hereinafter, the "Petitioners"), are the owners of those certain lots or parcels within the real estate (the "Real Estate") more particularly described in Exhibit A; and

WHEREAS, the Petitioners desire the Real Estate to be annexed by the Town of Fortville, Indiana (the "Town").

NOW THEREFORE, the Petitioners in support of this Petition for Annexation hereby state the following:

1. The Petitioners, in aggregate, own one hundred percent (100%) of the Real Estate.
2. The Town Council of the Town of Fortville, Indiana, by ordinance, has defined the corporate boundaries of the Town.
3. More than one-eighth (1/8) of the aggregate external boundaries of the Real Estate is contiguous with the corporate boundaries of the Town.

WHEREFORE, Petitioners request that the Council adopt an ordinance annexing the Real Estate to the Town of Fortville, Indiana.

Signed by: 
Signed: _____
E3788009CFD542E...

Printed: Natalie M. Huber on behalf of RDJ Petty LLC

Owner of Parcel(s): 30-02-17-200-002.000-016; 30-02-17-300-016.000-016

Exhibit A – Legal Description

Parcel 1:

The East Half of the Northwest Quarter of Section 17, Township 17 North, Range 6 East, Hancock County, Indiana, containing eighty (80) acres, more or less.

(For Reference Only) Property Address: West 1000 North, Fortville, IN 46040

(For Reference Only) Tax Parcel ID No.: 30-02-17-200-002.000-016

Parcel 2:

Part of the East Half of the Southwest Quarter of Section 17, Township 17 North, Range 6 East, Hancock County, Indiana, described as follows:

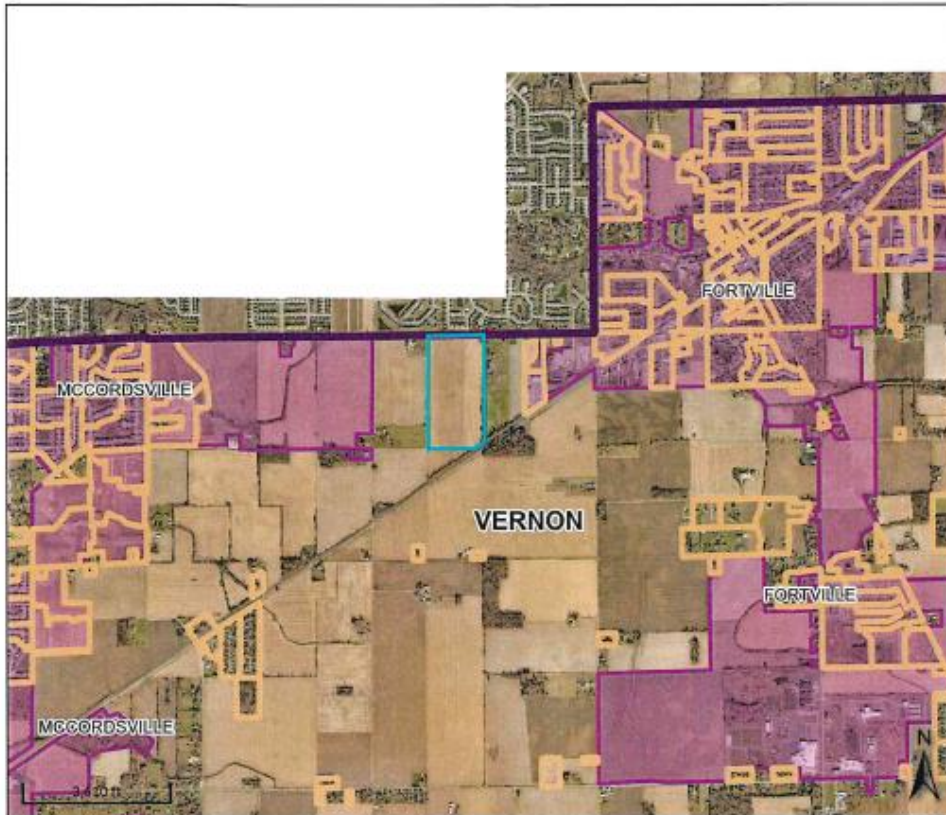
Commencing at the Northwest corner of said East Half of said Southwest Quarter of said Section 17, running thence East along the North line thereof to the North line of the right of way of the C.C.C. & St. L. Railway Company; thence South 54 degrees 30 minutes West with the North line of said right of way to the West line of said East Half of said Southwest Quarter; thence North with the West line thereof to the Place of Beginning, containing 11.91 acres.

(For Reference Only) Property Address: West State Road 67, McCordsville, IN 46055

(For Reference Only) Tax Parcel ID No.: 30-02-17-300-016.000-016

BeaconTM Hancock County, IN

Exhibit A - Parcel 1



Overview



Legend

- Roads**
- PRIVATE
 - PRIVATE
 - I, PUBLIC
 - S, PUBLIC
 - U, PUBLIC
 - <all other values>
- Subdivisions
- Parcel Search
- Corporate Limits Boundary
- Corporate Limits Fill

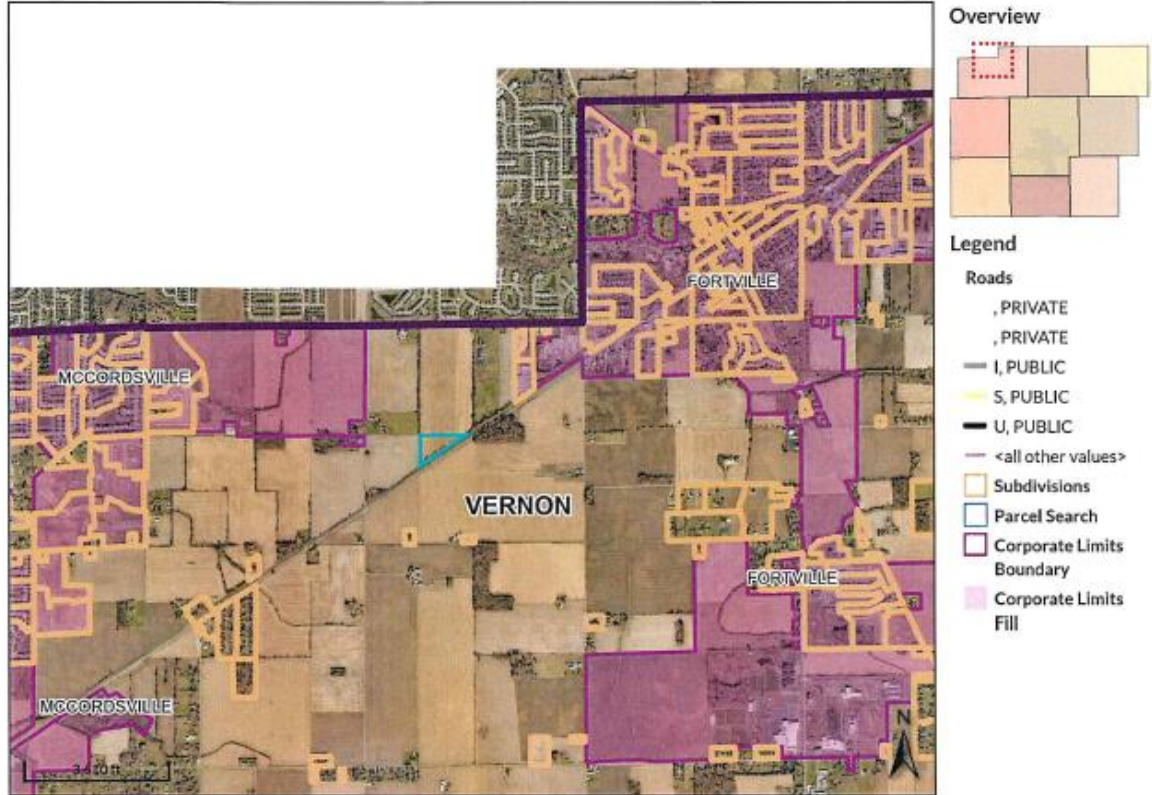
Parcel ID	30-02-17-200-002.000-016	Alternate ID	30-02-17-200-002.000-016	Owner Address	RDJ Petty LLC & CA Petty LLC
Sec/Twp/Rng	n/a	Class	Vacant Land		3600 North Strahl Drive
Property Address	W 1000 N	Acreage	80.0		Greenfield, IN 46140
	Fortville				
District	VERNON TOWNSHIP				
Brief Tax Description	E NW 17-17-6 80AC				
	<i>(Note: Not to be used on legal documents)</i>				

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Exhibit A - Parcel 2



Parcel ID	30-02-17-300-016.000-016	Alternate ID	30-02-17-300-016.000-016	Owner Address	RDJ Petty LLC & CA Petty LLC
Sec/Twp/Rng	n/a	Class	Vacant Land		3600 North Strahl Drive
Property Address	WSR 67	Acreage	11.9		Greenfield, IN 46140
	McCordsville				
District	VERNON TOWNSHIP				
Brief Tax Description	NWD E SW 17-17-6 11.9AC (Note: Not to be used on legal documents)				

Date created: 5/6/2025
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PETITION FOR ANNEXATION
INTO THE
TOWN OF FORTVILLE, INDIANA

WHEREAS, the undersigned (hereinafter, the "Petitioners"), are the owners of those certain lots or parcels within the real estate (the "Real Estate") more particularly described in Exhibit A; and

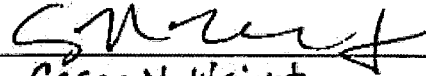
WHEREAS, the Petitioners desire the Real Estate to be annexed by the Town of Fortville, Indiana (the "Town").

NOW THEREFORE, the Petitioners in support of this Petition for Annexation hereby state the following:

1. The Petitioners, in aggregate, own one hundred percent (100%) of the Real Estate.
2. The Town Council of the Town of Fortville, Indiana, by ordinance, has defined the corporate boundaries of the Town.
3. More than one-eighth (1/8) of the aggregate external boundaries of the Real Estate is contiguous with the corporate boundaries of the Town.

WHEREFORE, Petitioners request that the Council adopt an ordinance annexing the Real Estate to the Town of Fortville, Indiana.

Wright's Property Fortville, LLC

Signed: 

Printed: Casey N. Wright

Owner of Parcel(s): 30-02-17-100-004.001-016

Signed: _____

Printed: _____

Owner of Parcel(s): _____

EXHIBIT "A"
Legal Description

A part of the Northeast Quarter of Section 17, Township 17 North, Range 6 East in Vernon Township, Hancock County, Indiana, said part being more particularly described as follows: Beginning at a boat spike marking the Northwest corner of said Northeast quarter; thence North 88 degrees 55 minutes 35 seconds East (assumed bearing) along the North line of said Northeast quarter distance of 85.00 feet to a P.K. Nail; thence South 00 degrees 36 minutes 43 seconds East parallel with the West line of said Northeast quarter a distance of 174.24 feet 5/8 inch capped rebar on the Westerly extension of the Southerly boundary of a 0.86 acre tract of land per Instrument No. 93-8559 Office of said Recorder of Hancock County; thence North 88 degrees 55 minutes 35 seconds East, parallel with the North line of said Northeast quarter and being along the Westerly extension of said Southerly boundary and along the Southerly boundary of said 0.86 acre tract and along the extension thereof and along the Southerly boundary of 0.37 acre tract per Instrument No. 78-6537 in the Office of said Recorder, Indiana and along the Easterly extension thereof a distance of 531.25 feet to the Easterly boundary of a 33 acre tract of land conveyed to Mary Tania Flame Kelly per Instrument No. 77-6455 in the Office of the Recorder (the next three (3) calls are along the Easterly, the Southerly and the Westerly boundaries of said 33 acre tract); South 00 degrees 36 minutes 43 seconds East parallel with the West line of said Northeast quarter a distance of 1956.57 feet to the Northerly right-of-way line of the Indiana Union Traction Company; South 55 degrees 42 minutes 33 seconds West along said Northerly right-of-way line a distance of 740.52 feet to the West line of said Northeast quarter; North 00 degrees 36 minutes 43 seconds West along the West line of said Northeast quarter a distance of 2536.49 feet to the point of beginning. Containing 30.889 acres, more or less.

EXCEPTING THEREFROM, A part of the Northeast Quarter of Section 17, Township 17 North, Range 6 East in Vernon Township, Hancock County, Indiana; said part being more particularly described as follows:

Commencing at the Northwest corner of said Northeast quarter; thence North 88 degrees 55 minutes 35 seconds East (assumed bearing) along the North line of said Northeast quarter a distance of 85.00 feet to a Northeasterly corner of 30.889 acre tract of land described in Instrument No. 96-07340 in the Office of the Recorder of said Hancock County; thence South 00 degrees 36 minutes 43 seconds East along an Easterly boundary of said 30.889 acre tract and being parallel with the West line of said Northeast quarter a distance of 174.24 feet to a Northeasterly corner of said 30.889 acre tract said point being the point of beginning of this description; thence North 88 degrees 55 minutes 35 seconds East along the Northerly boundary of said 30.889 acre tract and being parallel with the North line of said Northeast quarter a distance of 165.00 feet to the Southwest corner of a 0.86 acre tract of land described in Instrument No. 938559 in the Office of said Recorder; thence South 00 degrees 36 minutes 43 seconds East, parallel with the West line of said Northeast quarter a distance of 35.00 feet; thence South 88 degrees 55 minutes 35 seconds West, parallel with the North line of said Northeast quarter a distance of 165.00 feet to a point in the Southerly extension of aforesaid Easterly boundary of said 30.889 acre tract; thence North 00 degrees 36 minutes 43 seconds West along Southerly extension a distance of 35.00 feet to the point of beginning. Containing 0.132 acres more or less.

ORDINANCE NO. 2025-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF FORTVILLE, INDIANA, ANNEXING CERTAIN
TERRITORY INTO THE TOWN OF FORTVILLE, INDIANA, PLACING
THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF
AND MAKING THE SAME A PART OF THE TOWN OF
FORTVILLE**

(HUCK MINOR SUBDIVISION ANNEXATION – 610, 620, 630 W. OHIO ST.)

RECITALS

A. The Town Council of the Town of Fortville, Indiana (respectively, the “Council” and the “Town”) is in receipt of petitions (“Petitions”) requesting the annexation of certain territory, commonly known as the Huck Minor Subdivision Properties at 610, 620, and 630 W. Ohio Street and more particularly described in attached Exhibit A (the “Annexation Territory”).

B. The Petition has been signed by one hundred percent (100%) of the landowners of the Annexation Territory and is attached hereto as Exhibit A.

C. The Annexation Territory consists of three (3) tax parcels totaling approximately 6.63 acres and the Annexation Territory is contiguous to the existing Town boundaries.

D. Responsible planning and state law require adoption of a fiscal plan and a definite policy for the provision of certain services to any annexed areas.

E. Prior to adoption of this Ordinance, this Council by resolution will adopt a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory.

F. The written fiscal plan and definite policy adopted by resolution will provide for the provision of services of a non-capital nature (including police protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries of the Town) to Annexation Territory within one (1) year after the effective date of this annexation in a manner equivalent in standard and scope to those non-capital services provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density.

G. The written fiscal plan and definite policy adopted by resolution will also provide for the provision of services of a capital nature (including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities) to the Annexation Territory within three (3) years after the effective date of this annexation in the same manner those services are provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures, and planning criteria.

H. The terms and conditions of this annexation, including the written fiscal plan and definite policy, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the Town.

I. Prior to the final adoption of this Ordinance, the Town will have conducted a public hearing pursuant to proper notice issued as required by law.

J. The Council finds that the Annexation Territory, pursuant to the terms of this Ordinance, is fair and equitable and should be accomplished.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fortville, Indiana, as follows:

Section 1. The above recitals are incorporated herein by this reference as though fully set forth herein below.

Section 2. In accordance with I.C. § 36-4-3-5.1, the Annexation Territory is hereby annexed to the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.

Section 3. The Annexation Territory is assigned to Council District No. 2.

Section 4. The Annexation Territory shall be zoned as Residential: 1.0 (R1.0) which is the closest zoning district available to match the existing use, size, and character of the lots, and is consistent with the adopted Comprehensive Plan map.

Section 5. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentences, and words of this ordinance are separable, and if a court of competent jurisdiction hereof declares any portion unconstitutional, invalid or unenforceable, such declaration shall not affect the remaining portions of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after the date of its adoption and such publication and recordation as is required by law.

[Signature Page Follows]

Duly ordained and passed this ____ day of _____, 2026 by the Town Council of the Town of Fortville, Hancock County, Indiana.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Tonya Davis, President

Tonya Davis, President

Ryan Rummell, Vice President

Ryan Rummell, Vice President

Frederick (Fritz) Fentz, Member

Frederick (Fritz) Fentz, Member

Elizabeth (Libby) Wyatt, Member

Elizabeth (Libby) Wyatt, Member

Sean Morgan, Member

Sean Morgan, Member

ATTEST:

Melissa Glazier, Clerk-Treasurer

In accordance with Indiana Code, I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law.
Adam Zaklikowski, AICP.

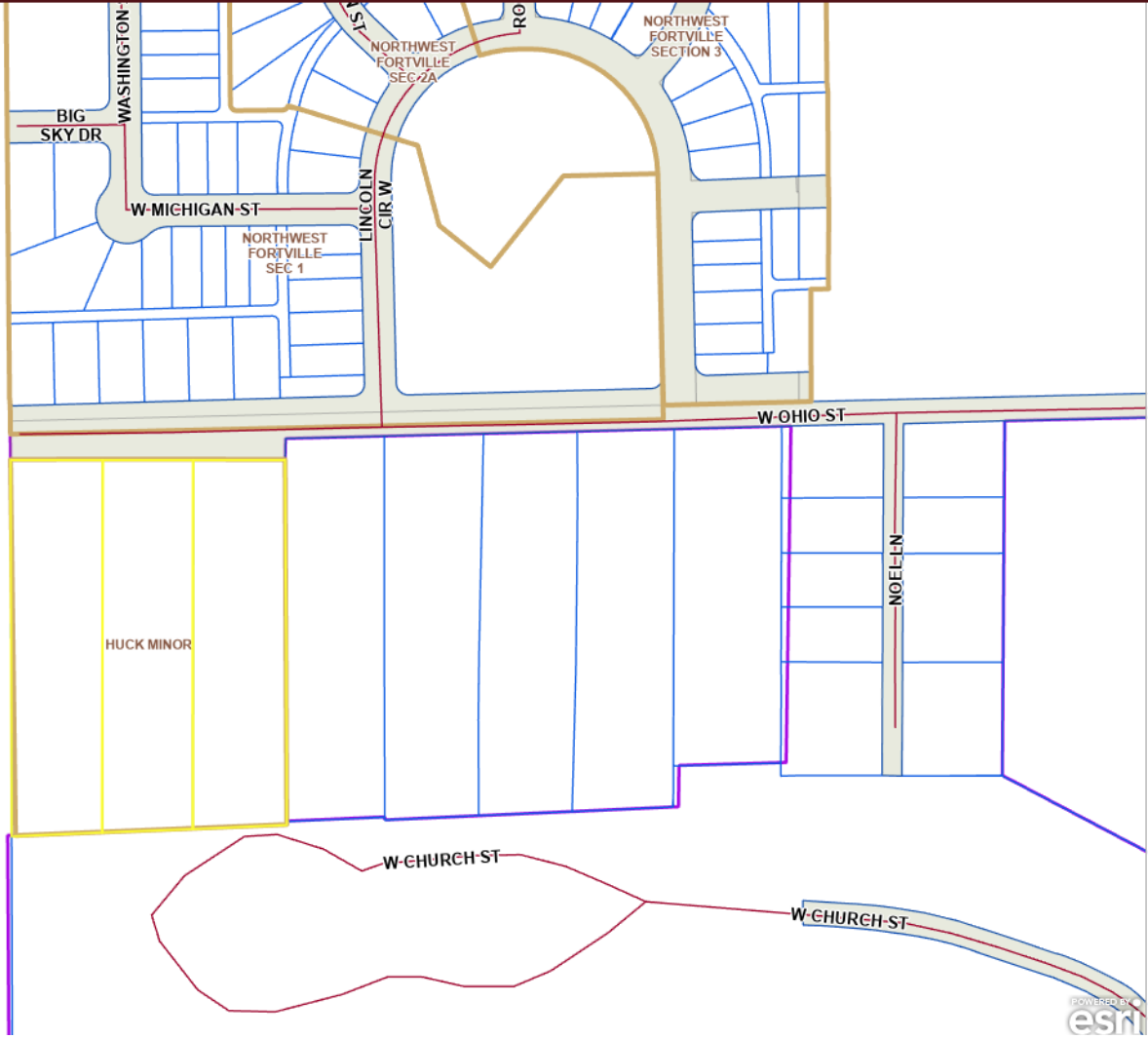
This instrument prepared by Adam Zaklikowski, AICP, Town of Fortville, 714 E. Broadway St., Fortville, IN 46040

Exhibit A
Legal Description, Map, and
Petitions

[See following pages.]

Legal Description

Lots numbered One (1), Two (2), and Three (3) in the Huck Minor Subdivision 9-17-6, a subdivision in Vernon Township, Hancock County, Indiana, as per Plat thereof recorded in Book 09, Page 6177, on June 8, 2009 in the Office of the Recorder, Hancock County, Indiana.



Results:

Parcel ID - 30-02-09-301-001.000-016
Alt Id - 30-02-09-301-001.000-016
Address - 630 W Ohio St
Owner - Huck, Joshua D & Sarah L
Acres - 2.209
View: Parcel Report Form 136 Google Maps
Parcel ID - 30-02-09-301-002.000-016
Alt Id - 30-02-09-301-002.000-016
Address - 620 W Ohio St
Owner - Adams, Mary Jo & David M
Acres - 2.209
View: Parcel Report Form 136 Google Maps
Parcel ID - 30-02-09-301-003.000-016
Alt Id - 30-02-09-301-003.000-016
Address - 610 W Ohio St
Owner - Huck, Joseph A & Donna F
Acres - 2.209
View: Parcel Report Form 136 Google Maps



PETITION FOR ANNEXATION
INTO THE
TOWN OF FORTVILLE, INDIANA

WHEREAS, the undersigned (hereinafter, the "Petitioners"), are the owners of those certain lots or parcels within the real estate (the "Real Estate") more particularly described in Exhibit A; and

WHEREAS, the Petitioners desire the Real Estate to be annexed by the Town of Fortville, Indiana (the "Town").

NOW THEREFORE, the Petitioners in support of this Petition for Annexation hereby state the following:

1. The Petitioners, in aggregate, own one hundred percent (100%) of the Real Estate.
2. The Town Council of the Town of Fortville, Indiana, by ordinance, has defined the corporate boundaries of the Town.
3. More than one-eighth (1/8) of the aggregate external boundaries of the Real Estate is contiguous with the corporate boundaries of the Town.

WHEREFORE, Petitioners request that the Council adopt an ordinance annexing the Real Estate to the Town of Fortville, Indiana.

Signed: _____

Printed: Joseph Huck

Owner of Parcel(s): 30-02-09-301-003.000-016

Signed: _____

Printed: Dona F Huck

Owner of Parcel(s): 30-02-09-301-003.000-016

610 W. Ohio St.

PETITION FOR ANNEXATION
INTO THE
TOWN OF FORTVILLE, INDIANA

WHEREAS, the undersigned (hereinafter, the "Petitioners"), are the owners of those certain lots or parcels within the real estate (the "Real Estate") more particularly described in Exhibit A; and

WHEREAS, the Petitioners desire the Real Estate to be annexed by the Town of Fortville, Indiana (the "Town").

NOW THEREFORE, the Petitioners in support of this Petition for Annexation hereby state the following:

1. The Petitioners, in aggregate, own one hundred percent (100%) of the Real Estate.
2. The Town Council of the Town of Fortville, Indiana, by ordinance, has defined the corporate boundaries of the Town.
3. More than one-eighth (1/8) of the aggregate external boundaries of the Real Estate is contiguous with the corporate boundaries of the Town.

WHEREFORE, Petitioners request that the Council adopt an ordinance annexing the Real Estate to the Town of Fortville, Indiana.

Signed: Mary Jo Adams

Printed: MARY JO ADAMS DAVID ADAMS

Owner of Parcel(s): DAVID + MARY JO ADAMS

620 W Ohio St

PETITION FOR ANNEXATION
INTO THE
TOWN OF FORTVILLE, INDIANA

WHEREAS, the undersigned (hereinafter, the "Petitioners"), are the owners of those certain lots or parcels within the real estate (the "Real Estate") more particularly described in Exhibit A; and

WHEREAS, the Petitioners desire the Real Estate to be annexed by the Town of Fortville, Indiana (the "Town").

NOW THEREFORE, the Petitioners in support of this Petition for Annexation hereby state the following:

1. The Petitioners, in aggregate, own one hundred percent (100%) of the Real Estate.
2. The Town Council of the Town of Fortville, Indiana, by ordinance, has defined the corporate boundaries of the Town.
3. More than one-eighth (1/8) of the aggregate external boundaries of the Real Estate is contiguous with the corporate boundaries of the Town.

WHEREFORE, Petitioners request that the Council adopt an ordinance annexing the Real Estate to the Town of Fortville, Indiana.

Signed: _____

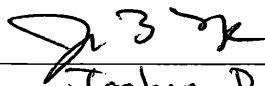
Printed: _____

Owner of Parcel(s): _____

Signed: _____

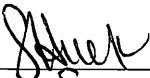
Printed: _____

Owner of Parcel(s): _____



Joshua D Huck

630 West Ohio Street; Fortville, IN 46040 (30-02-09-301-001.000-016)



Sarah Huck

630 West Ohio Street; Fortville, IN 46040 (30-02-09-301-001.000-016)

ORDINANCE NO. 2025-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF FORTVILLE, INDIANA, ANNEXING CERTAIN
TERRITORY INTO THE TOWN OF FORTVILLE, INDIANA, PLACING
THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF
AND MAKING THE SAME A PART OF THE TOWN OF
FORTVILLE**

(ROSS-RICE ANNEXATION)

RECITALS

A. The Town Council of the Town of Fortville, Indiana (respectively, the “Council” and the “Town”) is in receipt of a petition (“Petition”) requesting the annexation of certain territory, commonly known the Rice-Ross Property along the west side of Fortville Pike, south of Mt. Carmel Primitive Baptist Church and more particularly described in attached Exhibit B (the “Annexation Territory”).

B. The Petition has been signed by one hundred percent (100%) of the landowners of the Annexation Territory and is attached hereto as Exhibit A.

C. The Annexation Territory consists of one (1) parcel (Parcel No. 30-02-16-100-011.001-016) of approximately 0.06 acres and the Annexation Territory is contiguous to the existing Town boundaries.

D. Responsible planning and state law require adoption of a fiscal plan and a definite policy for the provision of certain services to any annexed areas.

E. Prior to adoption of this Ordinance, this Council by resolution will adopt a written fiscal plan and definite policy for the provision of services of both a non-capital and capital nature to the Annexation Territory.

F. The written fiscal plan and definite policy adopted by resolution will provide for the provision of services of a non-capital nature (including police protection, street and road maintenance, and other non-capital services normally provided within the corporate boundaries of the Town) to Annexation Territory within one (1) year after the effective date of this annexation in a manner equivalent in standard and scope to those non-capital services provided

to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density.

G. The written fiscal plan and definite policy adopted by resolution will also provide for the provision of services of a capital nature (including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities) to the Annexation Territory within three (3) years after the effective date of this annexation in the same manner those services are provided to areas within the current corporate boundaries, regardless of similar topography, patterns of land use, and population density and in a manner consistent with federal, state and local laws, procedures, and planning criteria.

H. The terms and conditions of this annexation, including the written fiscal plan and definite policy, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the Town.

I. Prior to the final adoption of this Ordinance, the Town will have conducted a public hearing pursuant to proper notice issued as required by law.

J. The Council finds that the Annexation Territory, pursuant to the terms of this Ordinance, is fair and equitable and should be accomplished.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fortville, Indiana, as follows:

- Section 1. The above recitals are incorporated herein by this reference as though fully set forth herein below.
- Section 2. In accordance with I.C. § 36-4-3-5.1, the Annexation Territory is hereby annexed to the Town and thereby included within its corporate boundaries pursuant to the terms of this Ordinance.
- Section 3. The Annexation Territory is assigned to Council District No. 1.
- Section 4. The small Annexation Territory shall be zoned as Residential: 3.5 (R3.5) to match the remainder of the existing adjacent property in town limits.
- Section 5. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby repealed. The paragraphs, sentences, and words of this ordinance are separable, and if a court of competent jurisdiction hereof declares any portion unconstitutional, invalid or unenforceable, such declaration shall not affect the remaining portions of this Ordinance.
- Section 6. This Ordinance shall be in full force and effect from and after the date of its adoption and such publication and recordation as is required by law.

[Signature Page Follows]

Duly ordained and passed this ____ day of _____, 2026 by the Town Council of the Town of Fortville, Hancock County, Indiana.

TOWN OF FORTVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Tonya Davis, President

Tonya Davis, President

Ryan Rummell, Vice President

Ryan Rummell, Vice President

Frederick (Fritz) Fentz, Member

Frederick (Fritz) Fentz, Member

Elizabeth (Libby) Wyatt, Member

Elizabeth (Libby) Wyatt, Member

Sean Morgan, Member

Sean Morgan, Member

ATTEST:

Melissa Glazier, Clerk-Treasurer

In accordance with Indiana Code, I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law.
Adam Zaklikowski, AICP.

This instrument prepared by Adam Zaklikowski, AICP, Town of Fortville, 714 E. Broadway St., Fortville, IN 46040

Exhibit A
Petition

[See following page.]

PETITION FOR ANNEXATION
INTO THE
TOWN OF FORTVILLE, INDIANA

WHEREAS, the undersigned (hereinafter, the "Petitioners"), are the owners of those certain lots or parcels within the real estate (the "Real Estate") more particularly described in Exhibit A; and

WHEREAS, the Petitioners desire the Real Estate to be annexed by the Town of Fortville, Indiana (the "Town").

NOW THEREFORE, the Petitioners in support of this Petition for Annexation hereby state the following:

1. The Petitioners, in aggregate, own one hundred percent (100%) of the Real Estate.
2. The Town Council of the Town of Fortville, Indiana, by ordinance, has defined the corporate boundaries of the Town.
3. More than one-eighth (1/8) of the aggregate external boundaries of the Real Estate is contiguous with the corporate boundaries of the Town.

WHEREFORE, Petitioners request that the Council adopt an ordinance annexing the Real Estate to the Town of Fortville, Indiana.

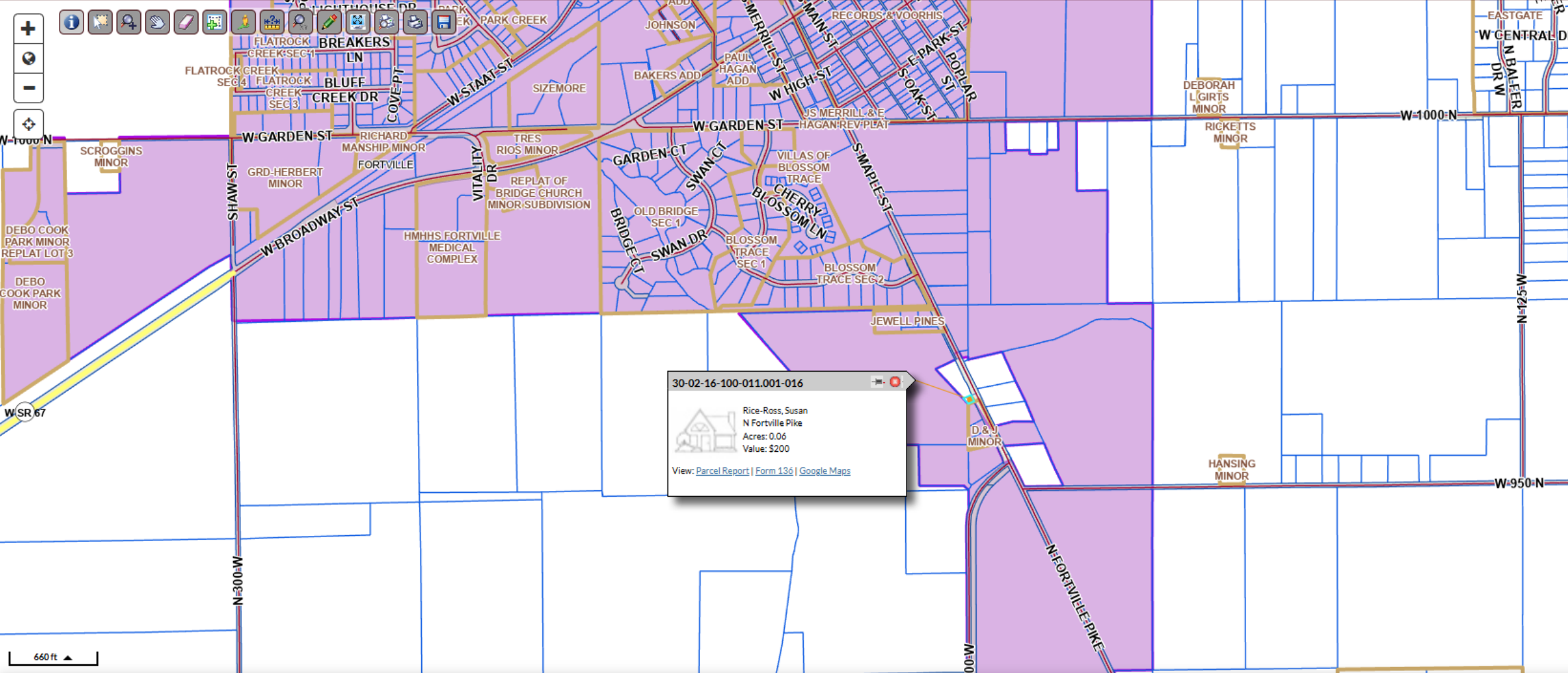
Signed: 

Printed: Susan Rice-Ross

Owner of Parcel(s): 30-02-16-100-011.001-016

Exhibit B
Legal Description & Map

BEGINNING AT A BRASS PIN IN PLATE MARKING THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 17 NORTH, RANGE 6 EAST; THENCE NORTH 00° 19' 20" WEST, A DISTANCE OF 613.88 FEET TO THE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION; THENCE NORTH 43° 01' 34" WEST, A DISTANCE OF 53.42 FEET; THENCE NORTH 67° 34' 26" EAST, A DISTANCE OF 61.42 FEET; THENCE SOUTH 25° 47' 01" EAST, A DISTANCE OF 50.09 FEET; THENCE SOUTH 67° 34' 26" WEST, A DISTANCE OF 46.56 FEET TO THE POINT OF BEGINNING, CONTAINING 0.0613 ACRES.



30-02-16-100-011.001-016



Rice-Ross, Susan
 N Fortville Pike
 Acres: 0.06
 Value: \$200

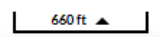
[View: Parcel Report](#) | [Form 136](#) | [Google Maps](#)

Parcel ID 30-02-16-100-011.001-016
 Sec/Twp/Rng n/a
 Property Address N Fortville Pike
 Fortville
 District
 Brief Tax Description

VERNON TOWNSHIP
 SW NE 16-17-6 & SW NW 15-17-6 0.0613ac
 This piece is split down the middle of Sec 16 & Sec 15
 (Note: Not to be used on legal documents)

Alternate ID 30-02-16-100-011.001-016
 Class Vacant Land
 Acreage 0.061

Owner Address Rice-Ross, Susan
 10634 Thorny Ridge Trace
 Fishers, IN 46037





TOWN OF
FORTVILLE

www.fortville.in.gov



Memorandum

To: Town Council

From: Jerry Santen, Code Enforcement Official/Building Inspector

Date: November 26, 2025

Subject: Rental Restrictions and Registration

- At present, the Town of Fortville has no specific absentee property owner registration or inspection process.
- There are no existing ordinances requiring for the registration, inspection or enforcement of interior violations for rental properties.
- The substantial increase in development within the town's boundaries has recently caused inquiries from out-of-town companies regarding Fortville's "Property Registration" and "Owner Registration." They are currently finding that none exist.
- Fortville's code and zoning ordinances contain no provisions for interior inspections related to health and safety complaints.
- Existing code and zoning ordinances cannot require property owners to provide specific contact information other than a P.O. Box.
- There is no current requirement for owners and/or renters to provide or maintain proof of insurance.
- New subdivisions are particularly vulnerable to being converted into large rental areas—implementing a 5% rule should be part of a local ordinance.
- Ordinances compelling owners to maintain their properties would allow town code officials to coordinate more effectively with other agencies such as the Board of Health, Fire Department, Police Department, Animal Control, Child Protective Services, and most state agencies.
- Other jurisdictions contacted by Fortville include:
 - Carmel
 - Crawfordsville
 - Fishers
 - Hammond
 - Logansport
 - Pendleton
 - Shelbyville
 - Valparaiso
 - Whitestown
- Sample ordinances provided from Fishers, Carmel, and Valparaiso. These municipalities have rental/absentee owner registration requirements in place and



— TOWN OF —
FORTVILLE

www.fortville.in.gov

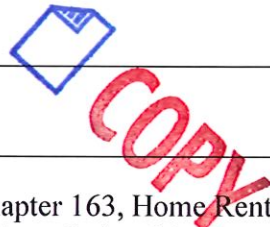


enforce ordinances that enhance, support, and limit the number of rental/absentee properties within their jurisdictions.

Request - Obtain Council input and direct the Town Attorney to craft an ordinance on rental restrictions and registration for review.



Council Action Form



MEETING DATE	April 21, 2025			
TITLE	Request to Create and Add Chapter 163, Home Rental Registration & Permitting Program, to the Fishers Code of Ordinances			
SUBMITTED BY	Name & Title: Jordin Alexander, Chief of Staff			
	Department:			
MEETING TYPE	<input type="checkbox"/> Work Session	<input checked="" type="checkbox"/> Regular	<input type="checkbox"/> Special	<input type="checkbox"/> Retreat
	<input type="checkbox"/> Executive			
AGENDA CLASSIFICATION	<input type="checkbox"/> Consent	<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	<input checked="" type="checkbox"/> 1 st Reading	<input type="checkbox"/> 2 nd Reading	<input type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> 3 rd Reading
	Ordinance #: 022425A		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. Check all applicable boxes pertaining to contracts)	<input type="checkbox"/> Contract required for this item		<input type="checkbox"/> Signed copy of contract attached	
	<input type="checkbox"/> Seeking award or other scenario & will provide contract at a later date		<input checked="" type="checkbox"/> No contract for this item	
	<input type="checkbox"/> Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		<input type="checkbox"/> Services <input type="checkbox"/> Capital Outlay <input type="checkbox"/> Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	<input type="checkbox"/> Document must be recorded with the County Recorder's Office		<input checked="" type="checkbox"/> Document does not need recorded with the County Recorder's Office	
	<input type="checkbox"/> Wait 31 days prior to filing with the County Recorders' Office			

APPROVALS/REVIEWS	<input type="checkbox"/> Assistant/Deputy Department Head	<input type="checkbox"/> Controller's Office
	<input checked="" type="checkbox"/> Department Head	<input type="checkbox"/> Finance Committee
	<input type="checkbox"/> Deputy Mayor	<input type="checkbox"/> Technical Advisory Committee
	<input checked="" type="checkbox"/> Mayor	<input checked="" type="checkbox"/> Other:
	<input checked="" type="checkbox"/> Legal Counsel – <i>Name of Reviewer:</i> Lindsey Bennett	
BACKGROUND (Includes description, background, and justification)	<p>For Council's review and approval is an addition to the Code of Ordinances, Chapter 163, Home Rental Registration & Permitting Program. This Ordinance requires owners of single-family homes and townhomes (as defined herein) that are let for occupancy as a rental unit to register the rental unit with the City and obtain a permit for the operation of the rental unit. This ordinance does not apply to short-term rentals and does not prohibit HOAs from adopting more restrictive requirements in their covenants. Several exemptions from this ordinance exist under the definition of Home Rental Unit and the ordinance would not apply in those circumstances.</p> <p>Beginning January 1, 2026, all single-family homes and townhomes that are let for occupancy within the City shall be registered and permitted. The registration shall serve as the application for permit and the permit will be granted as long as the owner has fully completed the registration and the owner or the property (1) is in compliance with all City ordinances, (2) is current on all City utilities, (3) has not been subject to more than 7 public safety calls for service, and (4) less than 10% of the homes in the subdivision where the home is located are registered and permitted as home rental units.</p> <p>Single-family homes and townhomes that are currently being leased have until December 31, 2025, to register their property and those rental units would not be subject to the 10% cap until those homes are sold in the future.</p> <p>Failure to register by December 31, 2025, will result in a \$250 fine. Operating a home rental unit without a permit will result in a \$1,000 fine for the first violation and \$5,000 - \$7,500 for the second and subsequent violations.</p>	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	
	Expenditure \$:	
	Source of Funds:	
	Additional Appropriation #:	
	Narrative:	
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold 1 st Reading
	2.	Provide an alternative direction
	3.	
	4.	
PROJECT TIMELINE		
STAFF RECOMMENDATION	Hold 1 st Reading	

(Board reserves the right to accept or deny recommendations)	
SUPPLEMENTAL INFORMATION (List all attached documents)	Ordinance Exhibit A - Chapter 163

ORDINANCE NO. 022425A

**AN ORDINANCE OF THE CITY OF FISHERS, INDIANA CREATING AND ADDING
CHAPTER 163 OF THE FISHERS CODE OF ORDINANCES
(HOME RENTAL REGISTRATION & PERMITTING PROGRAM)**

WHEREAS, the City of Fishers, Indiana (“City”) is a smart, vibrant, entrepreneurial community and, due to the City’s intentional planning, initiatives and efforts to regulate property usage and maintenance as well as public safety, is consistently listed by third party national publications as a “Best Place to Live” and one of the “Safest Cities in the United States”;

WHEREAS, the City has a significant interest in and desires: (1) to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of homes used as rental units; (2) to facilitate enforcement of the City of Fishers Code of Ordinances Title XV; (3) to protect the character, stability and vibrancy of the City of Fishers, particularly its residential neighborhoods and its downtown; (4) to promote maintenance of homes and thereby ensure public health, safety and welfare; and (5) to encourage home ownership and the social benefits it brings, including civic engagement, community investment, and improved health;

WHEREAS, the City has thoughtfully and intentionally planned and identified locations for multi-family and other rental homes in locations across the City that are sustainable and desirable, as shown in its 2040 Comprehensive Plan;

WHEREAS, as found in the City’s 2022 housing study, the City has seen an increase in single-family homes being purchased and used as rental units and so the City recognizes the need for an organized residential rental registration program for home rental units within the City to provide an efficient and timely system of communication regarding code enforcement, fire and safety, and law enforcement for the health, safety, and welfare of all residents of the City;

WHEREAS, the City desires regulations to advance legitimate public purposes designed to protect the overall public health, safety and welfare of the City by requiring registration and permitting of home rental units;

WHEREAS, Ind. Code §36-1-20-1 *et seq.* empowers the City to adopt requirements regarding registration and permitting of rental housing with only two limitations (1) no fees for such permits and (2) no permit renewal requirements until there is a change of ownership of the property;

WHEREAS, the Common Council of the City of Fishers (“Council”) desires to adopt an ordinance in accordance with Ind. Code §36-1-20-1 *et seq.* and desires to implement enforcement measures and penalties to encourage compliance with the Home Rental Registration & Permitting Program; and

WHEREAS, the Council desires to create Chapter 163, Home Rental Registration & Permitting Program, attached hereto and incorporated here as Exhibit A, and add the Home Rental Registration & Permitting Program to the City of Fishers Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in regular session as follows:

Section 1. Chapter 163, Home Rental Registration & Permitting Program, is hereby created as set forth in Exhibit A, attached hereto and incorporated herein.

Section 2. If any provision of this Ordinance shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this Ordinance shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest extent permitted by law.

Section 3. This Ordinance shall be of full force and effect in accordance with Indiana law.

SO ORDAINED by the Common Council of the City of Fishers, Indiana on this 21st day of April, 2025.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

022425A

YAY		NAY	ABSTAIN
[Signature] X	Pete Peterson, President		
[Signature] X	John DeLucia, Vice President		
Via TEAMS X	John Weingardt, Member		
Cecilia Coble X	Cecilia Coble, Member		
[Signature] X	Brad DeReamer, Member		
[Signature] X	Selina Stoller, Member		
[Signature] X	Todd Zimmerman, Member		
[Signature] X	Tiffanie Ditlevson Member		
[Signature] X	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 21st day of April 2025 at 8:40 p.m.

ATTEST: [Signature]
Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL

[Signature]
Scott A. Fadness, Mayor

April 21, 2025
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument is prepared by: Lindsey M. Bennett, Corporation Council, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Lindsey M. Bennett

CHAPTER 163 HOME RENTAL REGISTRATION & PERMITTING PROGRAM

§ 163.01 PURPOSE AND APPLICABILITY.

(A) The Home Rental Registration & Permitting Program is adopted for the following purposes:

- (1) To ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of homes used as rental units;
- (2) To facilitate enforcement of the City of Fishers Code of Ordinances Title XV;
- (3) To protect the character, stability and vibrancy of the City of Fishers, particularly its residential neighborhoods and its downtown;
- (4) To promote maintenance of homes and thereby ensure public health, safety and welfare; and
- (5) To encourage home ownership and the social benefits it brings, including civic engagement, community investment, and improved health, as well as recognize that homeowners not only intend to maintain property, but to improve their property.

(B) The Home Rental Registration & Permitting Program applies to all home rental units located within the corporate boundaries of the City of Fishers. It does not apply to any property regulated as a “short term rental” property under Indiana Code §36-1-24-1 et seq. Nothing in this Chapter prevents a homeowner’s association from enacting more restrictive requirements in its covenants.

§ 163.02 DEFINITIONS.

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

BENEFICIAL OWNER. Any person, agent, or organization who, directly or indirectly (1) exercises substantial control over a home rental unit; or (2) owns or controls not less than 25% of the ownership interests of the owner or beneficial owner.

HOME RENTAL UNIT. A single-family home or townhome let for occupancy in entirety by an owner or beneficial owner. This definition does not include the following arrangements, unless the arrangements are created to avoid application of this chapter:

- (1) Occupancy by the purchaser of a single-family home or townhome under a contract of sale, provided the contract for sale is properly recorded with the Hamilton County Recorder’s Office;
- (2) Occupancy in a rectory or parsonage by a person(s) generally assumed to occupy such a dwelling;
- (3) Rental of a single-family home or townhome where the owner(s) resides in the single-family home or townhome and leases to individuals or a family while they are absent from the City of Fishers for short periods of time, not to exceed one year, and who

intends to return to their single-family home or townhome at the expiration of the lease period;

(4) Rental of a single-family home or townhome where the owner(s) who resided in the single-family home or townhome has been relocated by their employer in excess of fifty (50) miles from the location of the single-family home or townhome in the last year;

(5) Rental of a single-family home or townhome where the owner or owner(s) who resided in the single-family home or townhome are active members of the military and have been deployed;

(6) Rental of a single-family home or townhome where the owner(s) who resided in the single-family or townhome has experienced a death, divorce, transfer to assisted living or other life situation which has necessitated them to vacate the single-family home or townhome in the last year and they would experience an undue hardship if they sold the single-family home or townhome;

(7) Rental of a single-family home or townhome where the tenant is a legal dependent or parent of the owner(s) of the single-family home or townhome;

(8) Rental of a single-family home or townhome where the owner(s) who resided in the single-family home or townhome has, in the last year, listed the single-family home or townhome on the multiple listing service (MLS) for more than six (6) months and has been unable to sell the single-family home or townhome; and

(9) Rental of a single-family home or townhome that is located in a subdivision developed and built with the intention of all single-family homes or townhomes located in the subdivision being inhabited by a tenant and not an owner.

HOME RENTAL PERMIT. A permit, issued by the Director of the Department of Planning & Zoning or his or her designee under this chapter, authorizing the owner to let for occupancy a home rental unit.

LEGACY UNITS. Home rental units existing within a subdivision on or prior to the effective date of this ordinance for which the owner has submitted a complete initial registration by December 31, 2025.

LEGAL DEPENDENT. Natural born or adopted children, spouses, household members covered by conservatorship or guardianship or those other adults claimed on tax returns as legal dependents.

LET FOR OCCUPANCY. To permit, provide, or offer possession or occupancy of a single-family home or townhome by an owner or beneficial owner to a third party pursuant to a written or unwritten lease, agreement or license, or pursuant to an unrecorded contract for sale.

OWNER. Any person, agent, or organization having a legal interest in a single-family home or townhome; or recorded in the official records of the Hamilton County Recorder's Office as holding title to a single-family home or townhome; or otherwise having control of a single-

family home or townhome, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of a single-family home or townhome by a court. For the purposes of this chapter, a person with a lease hold interest or an unrecorded contract for sale shall not be considered an owner.

SINGLE-FAMILY HOME. A detached residential dwelling unit.

SUBDIVISION. A neighborhood or other similar residential development of ten (10) single-family homes or more, or ten (10) townhomes or more, that has been approved by the City of Fishers as a plat bearing the same name with different phases or as a Planned Unit Development, as shown on the Hamilton County, Indiana parcel card/property report under "Subdivision" or "Subdivision Name".

TENANCY AGREEMENT. All agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a home rental unit.

TENANT. Any person entitled to occupy a home rental unit under a tenancy agreement to the exclusion of others.

TOWNHOME. Any residential unit, including platted condominiums, designed for one family that shares one or more common walls with another similar residential unit and is located on its own lot, tract or parcel of real estate.

§ 163.03 REQUIREMENTS

No owner shall let for occupancy a home rental unit without first, in accordance with §163.04 and §163.05:

- (A) Registering the home rental unit with the Department of Planning & Zoning; and
- (B) Obtaining a home rental permit from the Department of Planning & Zoning.

§ 163.04 REGISTRATION OF HOME RENTAL UNITS

(A) An owner of a home rental unit shall register all home rental units. Registration of a home rental unit shall be effected by furnishing the Department of Planning & Zoning upon a form supplied by the Department of Planning & Zoning, the following information:

- (1) Name(s) of all owner(s);
- (2) Name(s) of all beneficial owner(s);
- (3) Street address of owner(s);
- (4) Phone number of owner(s);
- (5) Email address of owner(s);

- (6) Name, street address, phone number and email address of agent, if any, authorized to act on behalf of the owner(s) in regard to the home rental unit, including service of process;
- (7) Verification that a Homestead Property Tax Deduction is not being claimed on the property while in use as a rental unit; and
- (8) Whether the owner of single-family home or townhome:
 - (a) has been cited for violation of any requirement imposed by Title XV of the Fishers Municipal Code, including this chapter;
 - (b) is current on all City of Fishers utility invoices (sanitary sewer, trash, and stormwater); and
 - (c) has been the subject of more than seven (7) public safety calls for service, as defined by §100.02 of the Fishers Municipal Code.
- (9) Certification that, if the applicant receives a home rental unit permit, the single-family home or townhome will be in compliance with applicable Homeowners Association restrictive covenants regarding limitation on homes within the subdivision being let for occupancy, if any.

(B) By listing a street address of the owner(s) in the home rental unit registration, the owner(s) thereby consents to service of process at that address.

(C) Any owner(s) who does not reside in or have their principal place of business in Indiana shall designate and list an in-state agent under subsection (a)(6).

(D) The home rental unit registration form shall be signed by the owner(s) and not the owner's agent.

(E) Whenever an owner(s) or agent changes his contact information (mailing address, phone number or email address) it shall be his responsibility to provide the Department of Planning & Zoning with an updated home rental unit registration form. All updated registration forms shall be signed by the owner and not the owner's agent.

(F) Whenever ownership of the home rental unit changes and the new owner intends to let the unit for occupancy, the new owner shall re-register the unit with the Department of Planning & Zoning within thirty (30) days of obtaining title to the home rental unit. Each parcel of property on which a home rental unit is located requires a separate registration.

(G) All current owners shall submit an initial registration application for any and all existing home rental units by December 31, 2025. Thereafter, any owner shall have thirty days (30) days from obtaining ownership in a home rental unit, to register that home rental unit.

§ 163.05 HOME RENTAL UNIT PERMITS

(A) The Department of Planning & Zoning shall treat a home rental unit registration form as an application for a home rental unit permit.

(B) The Department of Planning & Zoning shall issue a home unit rental permit to the home rental unit's owner(s) if and only if all of the following criteria are satisfied:

(1) The home rental unit registration form contains all of the information required by §163.04.

(2) The owner or single-family home or townhome:

(a) has not been cited for violation of any requirement imposed by Title XV of the Fishers Municipal Code, including this chapter;

(b) is current on all City utility invoices (sanitary sewer, trash, and stormwater); and

(c) has not been the subject of more than seven (7) public safety calls for service, as defined by §100.02 of the Fishers Municipal Code.

If the owner or property has been found in violation of (B)(2)(a)-(c), the Director of Department of Planning & Zoning may determine in his or her discretion that the public interest nevertheless supports issuing a home rental unit permit.

(3) At the time the home rental unit permit would be issued, less than ten percent (10%) of the single-family homes or townhomes in the subdivision are registered and permitted as home rental units.

(1) Section (B)(3) shall not apply to Legacy Units as defined in this chapter but shall apply to any home rental unit registered after December 31, 2025.

(2) If a Legacy Unit is registered by December 31, 2025, and the registration satisfies the requirements of §163.04, the Legacy Unit shall be issued a home rental unit permit even if it results in the subdivision having more than ten percent (10%) home rental units. However, beginning January 1, 2026, no additional home rental unit permits shall be issued for a single-family home or townhome within the subdivision until the subdivision is in compliance with Section (B)(3) (has less than ten percent (10%) home rental units). Once the subdivision has less than ten percent (10%) home rental units, home rental unit permits shall become available up to the ten percent (10%) threshold set forth in Section (B)(3).

(C) A rental unit permit shall not expire until the ownership of a home rental unit changes. If the ownership of the home rental unit changes, the new owner may apply for a new home rental unit permit.

(D) Home rental unit permits may not be sold, transferred, or otherwise alienated.

(E) The Department of Planning & Zoning shall not charge a fee to obtain a home rental unit permit.

(F) A denial of home rental unit permit may be appealed under §163.99.

§ 163.06 REVOCATION OF HOME RENTAL UNIT PERMIT

A home rental unit permit may be revoked under the following circumstances:

- A. Failure to correct violations within the time specified in a Notice of Violation issued pursuant to this chapter;
- B. Any other violation of Title XV of the Fishers Municipal Code;
- C. Continued delinquency of City utility bills; or
- D. Any specific provisions of the city ordinances that place undue burden on public safety resources (i.e. more than seven (7) calls for service to public safety).
- E. The home rental unit is not in compliance with the subdivision Homeowner Association restrictive covenants' as required by §163.04(A)(9).

The Director of Planning & Zoning may send evidence of §163.06 to the City's Law Department and the City Law Department may bring an action in the name of the City of Fishers in Fishers City Court or in Superior or Circuit Court of Hamilton County to revoke a home rental unit permit.

§ 163.99 PENALTIES AND REMEDIES

(A) Beginning January 1, 2026, any owner who fails to register a home rental unit or provides false or incomplete information on the home rental unit registration form in violation of §163.04 commits a civil violation and shall pay to the City a civil monetary fine in the amount of \$250.

(B) Any owner who lets for occupancy a home rental unit in violation of §163.05 commits a civil violation and shall submit their tenancy agreement to the City and pay to the City a civil monetary fine in the amounts as follows:

- (1) First violation - \$1,000.
- (2) Second and subsequent violation – not less than \$5,000 nor more than \$7,500.

(C) A violation continues to exist until corrected and verified by the Director of the Department of Planning & Zoning. Correction includes, but is not limited to any or a combination of:

- (1) Cessation of an unlawful practice;
- (2) Remediation of a violation;
- (3) Payment of fees or fines;
- (4) Vacancy of a home rental unit; and
- (5) Other remedy acceptable to the city.

(D) The Director of the Department of Planning & Zoning may issue a Notice of Violation to any owner who commits a civil violation under this Chapter. The Notice of Violation may be served by personal service, by certified mail or by placement in a conspicuous place on the home

rental unit. If personal service is made, said official will, in a conspicuous manner, wear on his or her person identification of his or her employment with the City.

(E) The Notice of Violation shall serve as notice to the owner that the owner has committed a civil violation and shall include:

- (1) The date of issuance;
- (2) The name of the owner charged and the address of the home rental unit with respect to which the violation occurred;
- (3) The civil monetary fine the City will impose for the violation and where the fine may be paid;
- (4) The remedy or combination of remedies pursuant to subsection (C) and the date on which the owner shall complete the remedial action;
- (5) Contact information for the Department of Planning & Zoning; and
- (6) How to appeal the Notice of Violation.

(F) A Notice of Violation or a denial of a home rental unit permit may be appealed to the City of Fishers City Court within ten (10) days of receipt of the Notice of Violation or denial of home rental unit permit.

(G) If the owner does not timely file an appeal, complete corrective action, or pay the fine by the date set forth in the Notice of Violation, the Director of Planning & Zoning shall send the Notice of Violation and all supporting documentation to the head of the City of Fishers Law Department. The head of the City of Fishers Law Department shall in the name of the City of Fishers bring an enforcement action in the Fishers City Court or in the Circuit or Superior Courts of Hamilton County, for civil monetary fines and penalties and/or mandatory and injunctive relief in the enforcement of and to secure compliance with this chapter. Any such action may be joined with an action to enforce any other ordinance.

(H) An owner found to be in violation may be enjoined from letting the home rental unit for occupancy and is further liable for all civil monetary fines, court costs, and fees. No costs may be assessed against the City in any such action.

(I) Seeking civil penalties as authorized in this section does not preclude the City from seeking alternative relief from the Court in the same action or any other remedy in a separate action. The remedies provided for in this title shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

(J) If an owner fails to pay the civil monetary penalty or violates the terms of any other order imposed by the court, the failure shall be punishable as contempt of court.



Sponsors: Councilors Aasen, Taylor and Snyder and Ayers

ORDINANCE NO. D-2770-25

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA
ADOPTING A NEW ARTICLE 6 UNDER CHAPTER 4 OF THE CARMEL CITY CODE**

Synopsis:

An Ordinance adopting requirements that owners of residential rental dwellings register and obtain a permit before letting a residential rental dwelling and limits the number of authorized residential dwelling permits to ten percent of all homes within any subdivision of the City of Carmel.

WHEREAS, the City of Carmel has long been recognized for excellence in many aspects of its planning, development, implementation and service, which has been recognized by various organizations locally, nationally and internationally. The City continues to appear on national, data-driven 'Best' lists where cities' rankings are assigned based on job market, net migration and quality of life numbers; and

WHEREAS, the City has a vested and continued interest in (1) benefiting the general public by minimizing adverse impacts on established residential neighborhoods in the City and the owners and residents of properties in these neighborhoods resulting from the conversion of residential properties to transient use; (2) ensuring public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises used as a residential rental dwelling; (3) assisting in the elimination of blight and to promote maintenance of homes; and (4) encouraging home ownership in established residential neighborhoods in the City; and

WHEREAS, the City has seen an increase in single-family homes being purchased and used as rental units within the City and surrounding municipalities; and

WHEREAS, the City recognizes the need for a rental registration program for residential rental dwellings within the City to provide an efficient and timely system of communication regarding code enforcement, fire and safety, and law enforcement for the health, safety, and welfare of all residents of the City; and

WHEREAS, the adoption of a rental dwelling registration and permit system advances a legitimate public purpose in order to protect the public health, safety and welfare of the City; and

WHEREAS, the City is authorized under Ind. Code §36-1-20-1 *et seq.* and now wishes to adopt requirements regarding registration and permitting of rental housing;

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

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. A new Article 6 is established under Chapter 4 of the Carmel City Code, to read as follows:

CHAPTER 4 FEES, LICENSES, PERMITS AND FRANCHISES

ARTICLE 6: RESIDENTIAL RENTAL DWELLING PERMIT AND REGISTRATION PROGRAM

§ 4-500 PURPOSE AND APPLICABILITY.

(A) The Residential Rental Dwelling Permit and Registration Program is hereby established for the following purposes:

- (1) To benefit the general public by minimizing adverse impacts on established residential neighborhoods in the City and the owners and residents of properties in these neighborhoods resulting from the conversion of residential properties to transient use;
- (2) To ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises used as a residential rental dwelling;
- (3) To assist in the elimination of blight and to promote maintenance of homes; and
- (4) To encourage home ownership in established residential neighborhoods in the City.

(B) The Residential Rental Dwelling Permit and Registration Program applies to all residential rental dwellings located within the corporate boundaries of the City of Carmel.

§ 5-501 DEFINITIONS.

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words not defined herein shall have the meanings ascribed to them in the *Unified Development Ordinance*.

BENEFICIAL OWNER means any natural person who, directly or indirectly, owns at least twenty-five (25%) of (1) a residential rental dwelling, or (2) the owner of a residential rental dwelling where the owner is an entity.

PERMITTED RENTAL DWELLINGS means any one of the following:

- (1) The rental of a dwelling where the owner(s) resides in the dwelling and leases to individuals or a family while they are absent from the City of Carmel for a period of time not exceeding six (6) months, and who intends to return to their dwelling at the expiration of the lease period;
- (2) The rental of a dwelling where the owner(s) who resided in the dwelling has been relocated by their employer in excess of fifty (50) miles from the location in the last year;
- (3) The rental of the dwelling where the owner or owner(s) who resided in the dwelling are active members of the military and have been deployed;
- (4) The rental of the dwelling where the owner(s) who resided in the dwelling has experienced a death, divorce, transfer to assisted living or other life situation which has necessitated them to vacate the dwelling in the last year and they would experience an undue hardship if they sold the dwelling. The owner(s) may submit an affidavit affirming the circumstances that led to the undue hardship outlined herein; however, the owner(s) are not obliged to disclose personal medical information, nature of disability, or any other information deemed confidential pursuant to any applicable state or federal law, rule, or regulation;
- (5) The rental of the dwelling to a legal dependent or immediate family member of the owner(s); and
- (6) The rental of the dwelling where the owner of the dwelling has received the dwelling as an inheritance following the death of the previous owner;

IMMEDIATE FAMILY MEMBER. Includes spouse, child, step-child, parent, step-parent, brother, sister, siblings, step-siblings, nieces and nephews, grandparent and grandchildren.

LEGACY DWELLINGS. Residential rental dwellings existing within a Subdivision on or prior to the effective date of this Ordinance for which the owner has submitted a complete initial registration and permit application by December 31, 2025.

LEGAL DEPENDENT. Natural born or adopted children, spouses, household members covered by conservatorship or guardianship or those other adults claimed on tax returns as legal dependents.

LET FOR OCCUPANCY. To permit, provide, or offer possession or occupancy of a single-family home by an owner to a third party pursuant to a written or unwritten lease, agreement or license, or pursuant to an unrecorded contract for sale.

OWNER has the meaning set forth in Ind. Code 32-31-3-4.

RESIDENTIAL RENTAL DWELLING. A single-family home or townhome that is let for occupancy for compensation by an owner for a period of more than thirty (30) consecutive days. This definition includes Permitted Dwellings (as defined herein), but does not apply to (1) the occupancy of the dwelling by the purchaser under a contract of sale, provided the contract for sale is properly recorded with the Hamilton County Recorder's Office, (2) the rental of a dwelling regulated as a "short term rental" property under Indiana Code §36-1-24-1 et seq. or Article 5.74 of the Unified Development Ordinance, or (3) a dwelling within a Rental Unit Community.

RENTAL UNIT COMMUNITY has the meaning set forth in Ind. Code §36-1-20-1.5 and also includes any "build-to-rent" communities approved by the City.

RENTAL DWELLING PERMIT. A permit, issued by the Director of Community Services or his or her designee under this chapter, authorizing the owner to let for occupancy a residential rental dwelling.

SINGLE-FAMILY HOME. A residential building containing only one (1) Dwelling Unit and not occupied by more than one family.

SUBDIVISION. A neighborhood or other similar residential development of ten (10) or more single-family homes or townhomes as a plat bearing the same name with different phases, or as a Planned Unit Development, as shown on the Hamilton County, Indiana parcel card/property report under "Subdivision" or "Subdivision Name".

TOWNHOME. One or more single-family homes with a minimal front and rear yards, no side yards, arranged side by side, separated by common walls between living area, each having more than one story.

TENANCY AGREEMENT. All agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a residential rental dwelling.

TENANT. Any person entitled to occupy a residential rental dwelling under a tenancy agreement to the exclusion of others.

§ 4-500 REQUIREMENTS

No owner shall let for occupancy a residential rental dwelling without first registering the dwelling and obtaining the rental dwelling permit with the Department of Community Services. Nothing contained herein shall be construed to limit or preempt the authority of a homeowners' association (HOA), condominium association, or similar entity to adopt and enforce covenants, conditions, restrictions, or rules that are more restrictive than those set forth herein.

§ 4-501 REGISTRATION

(A) On or before January 1, 2026, the owner(s) of residential rental dwelling(s) must register all residential rental dwelling(s). Registration of a residential rental dwelling shall be effected by furnishing the Department of Community Services upon a form supplied by the Department of Community Services, the following information:

- (1) Name(s) of all owner(s) and beneficial owners;
- (2) Street address of all owner(s) and beneficial owners;
- (3) Phone number of all owners and beneficial owner(s);
- (4) Email address of owner(s) and beneficial owners;
- (5) Name, street address, phone number and email address of agent, if any, authorized to act on behalf of the owner(s) in regard to the residential rental dwelling, including service of process;
- (6) Verification that a Homestead Property Tax Deduction is not being claimed on the property while in use as a rental dwelling; and
- (7) Whether the owner, beneficial owner, or the residential rental dwelling:
 - (a) has been cited for violation of any requirement imposed by the City Code, including this Article;
 - (b) is current on all City of Carmel utility invoices (sanitary sewer, trash, and stormwater); and
 - (c) has been the subject of more than three (3) civil citations or three substantiated police calls for service resulting in a citation or criminal charges within the preceding twenty-four (24) months.

(B) By listing a street address of the owner(s) in the residential rental dwelling registration, the owner(s) thereby consents to service of process at that address.

(C) Any owner(s) who does not reside in or have their principal place of business in Indiana shall designate and list an in-state agent under subsection (a)(5).

(D) The residential rental dwelling registration form shall be signed by the owner.

(E) Whenever an owner, beneficial owner, or agent changes their contact information (mailing address, phone number or email address) it shall be his responsibility to provide the Department of Community Services with an updated residential rental dwelling registration form. All updated registration forms shall be signed by the owner.

(F) Whenever ownership of the residential rental dwelling changes and the new owner intends to let the dwelling for occupancy, the new owner shall file a new registration with the Department of Community Services within thirty (30) days of obtaining title to the residential rental dwelling. Each parcel of property on which a residential rental dwelling is located requires a separate registration.

(G) All current owners shall submit an initial registration application for any and all existing residential rental dwellings by December 31, 2025. Thereafter, any owner shall have thirty days (30) days to register that residential rental dwelling after obtaining ownership.

§ 4-502 HOME RENTAL DWELLING PERMITS

(A) The Department of Community Services shall treat a residential rental dwelling registration form as an application for a residential rental dwelling permit. The Department of Community Services shall issue a

residential rental dwelling permit to the residential rental dwelling's owner(s) if and only if all of the following criteria are satisfied:

- (1) The residential rental dwelling registration form contains all of the information required by §4-501.
- (2) The owner of the residential rental dwelling:
 - (a) has not been cited for violation of any requirement imposed by Chapter 6 or Chapter 10 of the City Code;
 - (b) is current on all City utility invoices (sanitary sewer, trash, and stormwater); and
 - (c) has not been the subject of more than three (3) civil citations or three substantiated police calls for service resulting in a citation or criminal charges within preceding twenty-four (24) months.

If the owner or property has been found in violation of (A)(2)(a)-(c), the Director of Community Services may determine in his or her discretion that the public interest nevertheless supports issuing a residential rental dwelling permit.

- (3) At the time the residential rental dwelling permit would be issued, less than ten percent (10%) of the single-family homes and townhomes in the Subdivision are registered and permitted as residential rental dwellings. This subsection shall not apply to Legacy Dwellings defined in this Article but shall apply to any residential rental dwelling registered after December 31, 2025. Legacy Dwellings shall count toward the 10% limits established for residential rental dwellings herein.

(B) Notwithstanding the limitations contained under subsection (A)(3), Permitted Dwellings shall be entitled to a permit if the criteria under subsections (A)(1) and (2) are met, but shall count toward the 10% limits established for residential rental dwellings herein.

(C) A rental dwelling permit shall not expire until the ownership of a residential rental dwelling changes. If the ownership of the residential rental dwelling changes, the new owner must apply for a new residential rental dwelling permit. Where a dwelling is owned by more than one owner with rights of survivorship, a new application need not be filed upon the death of one of the owners.

(D) Residential rental dwelling permits may not be sold, transferred, or otherwise alienated.

(E) The Department of Community Services shall not charge a fee to obtain a residential rental dwelling permit.

(F) A Director's determination to deny- the-residential rental dwelling permit may be appealed to the Board of Public Works and Safety..

(G) When an appeal is requested pursuant to division (F) above, the hearing shall be held in accordance with the procedures set forth in Indiana Code § 4-21.5-3.

§4-503 REVOCATION OF A RENTAL DWELLING PERMIT

(A) A residential rental dwelling permit may be subject to revocation under the following circumstances:

- 1) Failure to correct violations within the time specified in a Notice of Violation issued pursuant to this chapter;
- 2) Any other violation of Chapter 6 or Chapter 10 of the City Code; or

3) Continued delinquency of City utility bills..

- (B) If the Director of Community Services finds that the permit should be revoked, the Director shall give the owner written notice by certified mail, return receipt requested, that the Director intends to proceed to revoke the permit unless the owner requests a hearing by the Board of Public Safety. Such request shall be made in writing and filed in the office of the City Clerk within 15 days from the day that the owner receives the notice of the proposed revocation action. The notice shall contain a statement of the facts upon which the Director has acted. If an owner fails to request a hearing, the Director shall proceed to revoke the permit. The written determination by the Director to revoke the permit shall be filed in the office of the City Clerk and sent by certified mail, return receipt requested, to the owner.
- (C) When a hearing is requested pursuant to division (B) above, the hearing shall be held in accordance with the procedures set forth in Indiana Code § 4-21.5-3.
- (D) Any person whose permit has been revoked shall not be permitted to apply for another permit for one year after the filing of the written statement revoking the permit.

§ 4-504 PENALTIES AND REMEDIES

(A) Violations of this Article are subject to the following civil fines and penalties, beginning January 1, 2026:

- (1) An owner who fails to register a residential rental dwelling commits a civil violation and shall be punished by a fine in the amount of \$500.
- (2) An owner who lets a residential rental dwelling without a permit shall be punished by an initial fine of \$2,500. If the owner has not obtained a permit or otherwise complied with this Article within thirty (30) days after receiving a Notice of Violation under subsection (E), the owner shall be fined \$100 per day for each day the residential rental dwelling is let without a permit.

(B) The failure to comply with any of the requirements under this Article constitutes a violation of this Article. Any residential rental dwelling let for occupancy in violation of this Article is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

(C) A violation continues to exist until corrected and verified by the Director of the Department Community Services. Correction includes, but is not limited to any or a combination of:

- (1) Cessation of an unlawful practice;
- (2) Remediation of a violation;
- (3) Payment of fees or fines;
- (4) Vacancy of a residential rental dwelling; and
- (5) Other remedy acceptable to the City.

(D) The Director of the Department of Community Services may issue a Notice of Violation to any owner who commits a civil violation under this Chapter. The Notice of Violation may be served by personal service, by certified mail or by placement in a conspicuous place on the residential rental dwelling.

(E) The Notice of Violation shall serve as notice to the owner that the owner has committed a civil violation and shall include:

- (1) The date of issuance;
- (2) The name of the owner charged and the address of the residential rental dwelling with respect to which the violation occurred;
- (3) The civil monetary fine the City will impose for the violation and where the fine may be paid;
- (4) The remedy or combination of remedies imposed and the date on which the owner shall complete the remedial action;
- (5) Contact information for the Department of Community Services; and
- (6) How to appeal the Notice of Violation.

(F) A Notice of Violation, a denial or revocation of a permit after the Board of Public Safety's decision, may be appealed to the Circuit or Superior Courts of Hamilton County within ten (10) days of receipt of the Notice of Violation, or denial or revocation decision of a rental dwelling permit.

(G) If the owner does not timely file an appeal, complete corrective action, or pay the fine by the date set forth in the Notice of Violation, the Director of Community Services shall send the Notice of Violation and all supporting documentation to the City Legal Department. The head of the City Legal Department shall in the name of the City of Carmel bring an enforcement action in the Circuit or Superior Courts of Hamilton County, for civil monetary fines and penalties and/or mandatory and injunctive relief in the enforcement of and to secure compliance with this Article. Any such action may be joined with an action to enforce any other ordinance.

(H) An owner found to be in violation may be enjoined from letting the dwelling for occupancy and is further liable for all civil monetary fines, court costs, and fees.

(I) Seeking civil penalties as authorized in this section does not preclude the City from seeking alternative relief from the Court in the same action or any other remedy in a separate action. The remedies provided for in this title shall be cumulative, and not exclusive, and shall be in addition to any other remedies available in law or equity.

§ 4-505 REGISTRATION FUND

There is hereby established a Rental Registration Fund as a non-reverting fund, as may be designated by the Common Council, within the City to receive any and all sums collected pursuant to this Chapter. The controller shall deposit in this fund all fines assessed and collected pertaining exclusively to this Chapter. This fund shall be dedicated solely to reimbursing the costs actually incurred relating to the Residential Rental Dwelling Permit and Registration Program. Money in the Fund may not at any time revert to the general fund or any other fund of the City.

Section 3. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal to have prospective effect only.

Section 4. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage and signing by the Mayor and such publication as required by law.

[Signature Page Follows]

PASSED by the Common Council of the City of Carmel, this 2nd day of June, 2025, by a vote of 9 ayes and 0 nays.

COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA

Signed by: Adam Aasen
Adam Aasen, President

Signed by: Matthew Snyder
Matthew Snyder, Vice-President

Signed by: Teresa Ayers
Teresa Ayers

Signed by: Anita Joshi
Anita Joshi

Signed by: Ryan Locke
Ryan Locke

Signed by: Shannon Minnaar
Shannon Minnaar

Signed by: Anthony Green
Anthony Green

Signed by: Rich Taylor
Rich Taylor

Signed by: Jeff Worrell
Jeff Worrell

ATTEST:

DocuSigned by: Jacob Quinn
Jacob Quinn, Clerk

Presented by me to the Mayor of the City of Carmel, Indiana this 3rd day of June 2025, at 11:15 A.M.

DocuSigned by: Jacob Quinn
Jacob Quinn, Clerk

Approved by me, Mayor of the City of Carmel, Indiana, this 3rd day of June 2025, at 11:30 A.M.

Signed by: Sue Finkam
Sue Finkam, Mayor

ATTEST:

DocuSigned by: Jacob Quinn
Jacob Quinn, Clerk

Prepared by: Ted Nolting
Kroger Gardis & Regas LLP
111 Monument Circle, Suite 900
Indianapolis, IN 46204

 COPY

ORDINANCE NO. 14-2011

TO AZ
CC. ALEX...
LBE
AS PHOTO-TYPE
FOR
Fontville?
88
11/17/25

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, ESTABLISHING A REGISTRATION AND INSPECTION PROGRAM FOR RENTAL HOUSING UNITS LOCATED WITHIN THE CITY OF VALPARAISO, INDIANA, AND ESTABLISHING MINIMUM STANDARDS FOR RENTAL HOUSING WITHIN THE CITY OF VALPARAISO, INDIANA

WHEREAS, the Common Council has determined that there exists units of rental housing within the City of Valparaiso, Indiana, which by reason of their operation, use or occupancy are likely to affect the public health, safety and general welfare of the community; and

WHEREAS, the Common Council of the City of Valparaiso, Indiana, has determined it to be necessary and desirable to provide for the registration and inspection of rental residential properties within the City in order to protect the health, safety and welfare of the residents of the City of Valparaiso; and

WHEREAS, the Common Council is desirous of taking measures to protect the character and stability of residential neighborhoods along with the value of the land and buildings in the City of Valparaiso; and

WHEREAS, the Common Council is committed to preventing the overcrowding of dwellings and other violations of laws and Ordinances in rental residential housing.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, THAT CHAPTER 158 IS HEREBY ADDED TO THE CODE OF ORDINANCES, AS FOLLOWS:

SECTION 158.01 PURPOSE

The purpose of this Chapter is to provide for the registration and inspection of rental residential property and to facilitate the prevention and correction of violations of laws and Ordinances pertaining to rental residential property so as to protect the public health, safety and welfare of the people of the City of Valparaiso including, but not limited to, the following:

- A. To protect the public health and safety by insuring Rental Units comply with the City of Valparaiso's building codes, property maintenance codes and the Unified Development Ordinance and all other applicable regulations adopted by the State of Indiana or other governmental agency.
- B. To protect the character and stability of residential neighborhoods.
- C. To correct and prevent housing conditions that adversely affect or are likely to adversely affect safety, general welfare and health of the persons occupying dwellings.

7 Doors
Fontville
have
THAT
NEEDED?

- impose limit!*
- D. To prevent the overcrowding of Rental Units. ✓
 - E. To facilitate the enforcement of minimum standards for maintenance of existing residential buildings and thus to prevent slums and blight.
 - F. To preserve the value of land and buildings throughout the city. —
- impose limit*
- concern to corner
REAL ESTATE
LITIGES*

SECTION 158.02 DEFINITIONS

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

ADULT. Every person at least 18 years of age or younger if emancipated.

DWELLING UNIT. The abode of a family; a single unit providing complete, independent facilities for the exclusive use of the household, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY. Includes all of the following:

- (1) An individual;
- (2) two (2) or more individuals related by genetics, marriage, legal adoption, foster care or guardianship, or other comparable relationship established by law; or
- (3) five (5) or fewer individuals who constitute a relatively permanent functioning group living as a single housekeeping unit.

HABITABLE ROOM. Any room meeting the requirements of this Ordinance for sleeping, living, or dining purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage places, utility rooms and similar spaces.

MULTI-FAMILY DWELLING. A residential building designed for, or modified to accommodate, more than one (1) independent Rental Unit.

OWNER. Any person having a legal or equitable title in a Rental Building or Premises.

PERSON. A corporation, firm, partnership, association, organization or any group acting as a unit, as well as a natural person. References in the masculine gender include the feminine and the neuter, in the present tense include the future, and the singular includes the plural.

PREMISES. A lot, plot or parcel of land containing a Rental Building or Rental Unit.

RENTAL BUILDING. A building containing one (1) or more Rental Units.

RENTAL HOUSING CODE. Sections 158.17 through Section 158.35 of this Ordinance.

* **RENTAL HOUSING OFFICER.** That municipal officer charged with the primary responsibility of enforcement of the provisions of this Ordinance. As set out in Section 158.12 hereof, the City Building Commissioner shall serve as the Rental Housing Officer.

Portville
HAS
NONE

REGISTRATION PERMIT. The permit issued by the City upon registration of each Rental Unit.

?
NONE

RENTAL UNIT. A rented Dwelling Unit or Rooming Unit.

ROOMING HOUSE. Any dwelling or that part of any dwelling containing one (1) or more rooming units, in which space is let by the Owner or operator to three (3) or more persons who are not related by blood or marriage.

? **ROOMING UNIT.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

TENANT. Any person entitled to occupy a Rental Unit under a Tenancy Agreement to the exclusion of others.

TENANCY AGREEMENT. Includes all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a Rental Unit.

SECTION 158.03 COMPLIANCE REQUIRED; APPLICATION OF ORDINANCE.

No Person shall occupy or maintain a Rental Unit within the City unless in accordance with the provisions of this Ordinance. This Ordinance applies to all Rental Units located within the City, but shall not apply to the following:

- (a) Occupancy in a single-family, Owner occupied Dwelling Unit.
- (b) Occupancy in a "Group Home" or "Institutional Residential" as those terms are defined in the City of Valparaiso Unified Development Ordinance.
- (c) Occupancy in federally subsidized and owned housing complexes which have multiple on-site units and which are owned and maintained by the federal government or local housing authority, or scattered site Section 8 housing units administered by a local housing authority.
- (d) Occupancy by the purchaser of a Dwelling Unit under a recorded contract of sale.

REQUIREMENT
FOR CAMP CONTRACTS MAY
BE RECORDED
AND A COPY FILED WITH
THE TOWNSHIP ??

(e) Occupancy in a dormitory owned by Valparaiso University or other institute of higher learning. -?

(f) Transient occupancy in a hotel, motel or other similar lodging. -?

It shall be the responsibility of each Person owning or operating a Dwelling Unit that said Person claims is exempt from this Ordinance to produce such documentation or other information as may be requested by the Rental Housing Officer or his designee so as to permit the Rental Housing Officer or designee to determine whether said Dwelling Unit is exempt.

SECTION 158.04 REGISTRATION OF RENTAL UNITS REQUIRED.

No Owner of real estate within the City shall use said real estate for the purpose of erecting or maintaining a Rental Unit thereon after November 30, 2011, without registering each Rental Unit with the City. All existing Rental Units shall be registered with the City between May 1, 2011, and November 30, 2011. The registration shall be affected by furnishing to the City a complete and accurate application upon forms prescribed by the City, setting forth the following information:

(a) The name of the Owner; - LEGAL NAME -

(b) Address of the Owner; - RESIDENCE * NO P.O. BOXES - SEE APPLICATION. PROD-TYPE

(c) Street Address of the Rental Unit;

(d) If the Owner is not a resident of Porter County, Indiana, or a county contiguous to Porter County, the name, address and telephone number of the Owner's agent authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. The address of any and all agents shall be within Porter County or a contiguous county. Any Owner who does not reside in Porter County, Indiana, or a contiguous county shall be required to designate an agent.

The Registration Application shall be signed by the Owner. Whenever ownership of a Rental Unit or group or complex of Rental Units changes, the new Owner shall have the responsibility to report the change in ownership to the City and pay a Five Dollar (\$5.00) administrative fee within thirty (30) days of the change of ownership. Previously issued Registration Permits shall automatically expire thirty (30) days following transfer of title to a registered property. A Registration Permit shall otherwise remain in effect until suspended or revoked as set forth in this Ordinance. Issuance of a Registration Permit is not evidence that a property meets the requirements of this Ordinance, or is otherwise fit for human habitation.

Notification to the Owner or his agent at the address shown on the Registration Application shall constitute sufficient notice pursuant to any provision of this Ordinance. Registration of a Rental Unit shall be evidenced by issuance of a Registration Permit.

An application for renewal of a Registration Permit shall contain the same information as an initial application.

SECTION 158.05 TENANT INFORMATION

Each Owner of a Rental Unit shall at all times maintain an up-to-date list containing the names and contact information for all Tenants in each Rental Unit owned or operated by the Owner. Each Owner shall provide the City, upon ten (10) days written notice, any information from such list determined by the City to be necessary for any valid legal purpose such as an application for a warrant to inspect a Rental Unit, levying a fine against a Tenant, or the giving of any notice to a Tenant.

SECTION 158.06 REGISTRATION PERMIT FEES.

There shall be a Ten Dollar (\$10) registration fee assessed for each Rental Unit located within the City of Valparaiso. The above-referenced registration fee shall be paid at the time that the Owner submits the Registration Application to the City. Collection of the \$10 registration fee shall be waived until June 30, 2011.

SECTION 158.07 REGISTRATION PERMITS

For all registered Rental Units the City shall issue a certificate stating the date of the unit's registration. ~~The Owner~~ of each Rental Unit shall be responsible for continuously maintaining a copy of the certificate. ~~Each Owner~~ shall provide the Rental Housing Officer or his designee with a copy of the certificate upon request. *AS REFERRED AS A ROUTINE OBLIGATION - ANSWERED BY OWNERS*

SECTION 158.08 COMPLAINT-DRIVEN INSPECTIONS

Each Rental Unit and/or Premises within the City is subject to inspection by the Rental Housing Officer or his designee in accordance with this Ordinance. As of January 1, 2012, whenever the Rental Housing Officer or his designee receives information creating a reasonable belief that a non-exempt Rental Unit or Premises violates any of the standards of this Ordinance (including non-registration of a Rental Unit), the Rental Housing Officer may conduct an inspection of the Rental Unit or Premises.

Unless waived by either the Owner or Tenant, the following procedure shall be used to obtain entry to Rental Units and Premises for the purpose of inspection. The Rental Housing Officer shall cause written notice to be mailed to the Owner or his agent of the Rental Unit or Premise setting forth the date and time scheduled for the inspection together with the appropriate Inspection Application. The Owner or his agent shall have ~~Ten (10)~~ days from the notice issuance date in which to submit a complete and accurate Inspection Application to the Rental Housing Officer. In the Inspection Application, the Owner shall include a current list of Tenants for each Rental Unit to be inspected and shall indicate whether the Owner and all Tenants consent to an inspection of the Rental Unit(s) or Premises.

* The Owner shall be responsible for granting access to each Rental Unit or Premise to the Rental Housing Officer or his designee. In the event the Owner and/or Tenant refuses entry to

7-DAYS - 8x5 calendar week ?

any given Rental Unit or Premise for inspection pursuant to this Ordinance, the appropriate court of Porter County shall be utilized by the City to obtain a warrant for entry and inspection as provided in this Ordinance. If the Owner and/or Tenant does not consent, the Rental Housing Officer shall request a search warrant from a court of appropriate jurisdiction to conduct an inspection of the Rental Unit to determine whether the Rental Unit complies with this Ordinance. The Rental Housing Officer, or his designee, shall conduct an inspection, as authorized by such search warrant. The Common Council has determined that the inspections provided in this Ordinance for all Rental Units constitutes a reasonable method to protect the health, safety, and welfare of its citizens.

SECTION 158.09 INSPECTION FEES

In the event that no violations (including non-registration of a Rental Unit) of this Ordinance are discovered during the initial inspection, the Owner shall not be charged a fee for the inspection. However, in the event that the initial inspection reveals any violation of this Ordinance for which the Owner is responsible the Owner shall be charged an inspection fee of ~~Fifty Dollars (\$50.00)~~. This inspection fee shall be paid by the Owner within thirty (30) days of the date of the initial inspection.

00.00

- PENALTY FOR NON PAYMENT? - LIGN - SMALL CLAIMS COURT?

SECTION 158.10 NOTIFICATION OF DEFICIENCIES TO LANDLORD; RE-INSPECTIONS.

In the event any inspection reveals a deficiency with the application of the codes referenced herein, the Rental Housing Officer shall within ten (10) days from the date of the inspection notify the Owner of the Rental Unit of the deficiencies. Such notice of deficiencies shall:

- SAME USPS AND HAND DELIVERY AS CODE ENFORCEMENT ISSUES. THAT ARE CURRENTLY BEING USED BY THE TOWN.

- (a) Be in writing;
- (b) Shall include a description of the real estate sufficient for identification;
- (c) State the reason or reasons why the Notice is being issued including a reference to any sections of the Rental Housing Code that have been violated ; *- AND ALSO LOCAL ORDINANCES AND ZONING VIOLATIONS - BOARD OF HEALTH 30 DAYS - ?*
- (d) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with provisions of this subchapter; and *EXTENSION IF OBSERVABLE PROGRESS IS BEING MADE*
- (e) Include an explanation of the Owner's right to seek modification or withdrawal of the notice by petition to the Valparaiso Board of Public Works and Safety.

The notice prescribed above shall be deemed to be properly served upon the Owner or his agent at the address shown on the Registration Application

A re-inspection shall be conducted after the end of the above-referenced compliance time frame. If the Rental Housing Officer finds that compliance with all noted violations has not been accomplished, the Rental Housing may commence proceedings to suspend and/or revoke the Registration Permit for the Premises.

The first re-inspection performed after the expiration of the compliance time frame shall be assessed a fee of \$75.00 per Rental Unit to be inspected. All further re-inspections necessitated by the continued existence of violations shall be assessed a fee of \$200.00 per Rental Unit to be inspected. No Registration Permits shall be issued until said fees are paid in full.

SECTION 158.11 PROBATION, SUSPENSION OR REVOCATION OF REGISTRATION PERMITS

(a) Probation. Based upon charges filed by the Rental Housing Officer, the Board of Public Works and Safety may, if it finds the charges to be true, impose up to three (3) year probation for the Registration Permit for any Premises found to be under the following circumstances:

(1) If there is an adjudication of ~~three (3)~~ ^{TWO (2)} or more violations of the Valparaiso City Code or Indiana Criminal Code on the property within one (1) year, unless the Owner was the party reporting the violation or, unless the Owner or Owner's agent has evicted the tenants;

(2) An adjudication that the Owner, Owner's agent or person acting on behalf of the Owner has violated Section 158.13 or Section 158.14 of this Ordinance.

(b) Suspension. Based upon charges filed by the Rental Housing Officer, the Board of Public Works and Safety may, if it finds the charges to be true, impose up to a One Hundred and Twenty (120) day suspension of the Registration Permit for any Premises found to be under the following circumstances:

(1) One or more additional bases exist that would support the imposition or probation within one (1) year of any other sanctions being imposed under this section and the Owner has not taken appropriate corrective action.

(2) An adjudication that the Owner, Owner's agent, or person acting on behalf of the Owner has:

(A) Knowingly violated the maximum occupancy provisions set forth in the Rental Housing Code;

(B) Illegally used or allowed the illegal use of non-habitable or non-occupiable space;

Examples - GARAGES, STRUCTURES DESIGNED FOR STORAGE, CAMPERS BEING USED AS LIVING SPACES, ETC

(C) Illegally converted space to occupiable or habitable use or illegally added an additional Rental Unit to the property

- NEED DEFINITION FROM ZONING

- CONVERTING GARAGES TO APARTMENTS - ?

(D) Violated the provisions of Section 158.04 (Rental Certificate Required);

(E) Failed to correct any code violation at the property affecting health and safety within the time allowed;

(F) Provided the Rental Housing Officer or his designee with any false or materially incomplete information in connection with the property or the Registration Permit.

Council

* The suspension shall begin upon the vacation of the Rental Unit. The Owner shall take all legal steps necessary to vacate the Rental Unit as soon as possible.

Council OR INTERNAL

(c) Revocation. Based upon charges filed by the Rental Housing Officer, the Board of Public Works and Safety may, if it finds the charges to be true, permanently revoke the Registration Permit for any Premises under the following circumstances:

(1) Any occupancy during or payment of rent for the period of any suspension under Section 158.11(b); or

(2) Within three (3) years after suspension, any further occurrence or violation that would be grounds for a suspension of the Registration Permit.

(d) The Rental Housing Officer shall prepare and file charges with the Board of Public Works and Safety specifying the specific violation and relief requested. Such charges and notice of a hearing shall be served upon the Owner or his agent by certified mail, return receipt requested to the address of record.

- FINES ?? UP TO \$5,000.00 PER UNIT.

(e) The Board of Public Works and Safety shall set a date for hearing of the charges, not less than ten (10) days after mailing of the notice. The Board of Public Works and Safety shall hear the evidence and argument of the Rental Housing Officer and the Owner. After the hearing, the Board of Public Works and Safety shall make a written decision supported by findings. The decision of the Board of Public Works and Safety may be appealed to a court of general jurisdiction in Porter County within thirty (30) days of the decision.

AND FINES BEING PAID.

*

(f) Following the permanent revocation of a Registration Permit by the Board of Public Works and Safety, an Owner may apply to the City for the issuance of a new Registration Permit. As part of the application process for a new Registration Permit the Owner shall permit the Rental Housing Officer to inspect each Rental Unit and/or Premises wherein the Registration Permit was previously revoked to determine compliance with the requirements of this Ordinance.

SECTION 158.12 RENTAL HOUSING OFFICER

The City Building Commissioner shall act as the Rental Housing Officer. The decisions of the Rental Housing Officer may be appealed to the Board of Public Works and Safety on petition filed with the Board within twenty (20) days after hand delivery or mailing, whichever occurs first, of the Rental Housing Officer's decision.

SECTION 158.13 TRUTH IN ADVERTISING

(a) No Owner of a Rental Unit shall incorrectly represent in any advertisement, sign, or other written or oral form, the occupancy limits of the Rental Unit.

(b) No Tenant of a Rental Unit advertising for sublease shall incorrectly represent in any advertisement, sign, or other written or oral form, the occupancy limits of the Rental Unit.

THERE WILL BE NO SUBLEASING OF ROOMS - INTERNET ADVERTISING? SOCIAL MEDIA?

- ZONING ISSUES - APT. IN CHURCH BLDG - VACANT CHURCH BLDG AS SLEEPING ROOMS?

SECTION 158.14 RETALIATORY EVICTION PROHIBITED

It shall be a violation of this Ordinance if a Court of competent jurisdiction determines that any Owner or his agent brought or threatened to bring an action for possession of a Rental Unit for the purpose of retaliating against a Tenant for requesting an inspection of a Rental Unit.

Inspection!

SECTION 158.15 VIOLATION - PENALTY

In addition to Probation, Suspension and Revocation of a Registration Permit as set forth in Section 158.11 of this Ordinance, the Board of Public Works and Safety may impose the following penalties on any and all Persons found to be in violation of this Ordinance:

(a) For submitting any other false or materially incomplete information on an application or any other information submitted under this Ordinance, a fine of up to ~~Five~~ *MANDATORY* Hundred Dollars (~~\$500.00~~), unless the violator has been convicted of a previous violation for submitting any other false or materially incomplete information on an application or any other information submitted under this Ordinance, in which case the fine may be up to ~~Two Thousand Five Hundred Dollars (\$2,500.00)~~ *5,000.00*

2,500.00

(b) For failure to maintain a rental certificate pursuant to Section 158.07, a fine of up to ~~Five Hundred Dollars (\$500)~~ *1,000.00*, unless the violator has been convicted of a previous violation for failing to maintain a rental certificate, in which case the fine shall be up to ~~One Thousand Dollars (\$1,000.00)~~ *5,000.00*

(c) For failure to timely sign or submit a complete Registration Application, any tenant information requested pursuant to Section 158.05 or an Inspection Application, a fine of up to ~~One Hundred Dollars (\$100.00)~~ *250.00*, each day a violation of this provision exists or continues to exist constituting separate and distinct violation of the Ordinance;

(d) For knowingly committing, permitting or allowing any overoccupancy as set forth in Section 158.30, a fine of up to ~~Two Hundred Dollars (\$200.00)~~ *500.00 PER DAY*, unless the violator has been convicted of a previous violation involving overoccupancy, in which case the fine shall be up to

- OR subletting

One Thousand Dollars (~~\$1,000.00~~), with each day a violation of this provision exists or continues to exist constituting a separate and distinct violation of the Ordinance;

2500⁰⁰ PER DAY

(e) For rental of any Dwelling Unit without first obtaining or continuing to have a valid Registration Permit, a fine of up to One Hundred Dollars (~~\$100.00~~), unless the violator has been convicted of previous violation involving renting without a Registration Permit, in which case the fine shall be up to Five Hundred Dollars (~~\$500.00~~), with each day a violation of this provision exists or continues to exist constituting a separate and distinct violation of the Ordinance;

\$ 500.00 PER DAY

\$ 1500.00

(f) For bringing or threatening to bring an action for possession of a Rental Unit for the purpose of retaliating against a Tenant for requesting an inspection of a Rental Unit in violation of Section 158.14, a fine of up to Two Thousand Five Hundred Dollars (~~\$2,500.00~~);

(g) For violation of any other provision of this Ordinance, a fine of up to One Hundred Dollars (~~\$100.00~~), for each day after which a correction was to be made pursuant to Section 158.10(d).

5,000.00 AND FINEST RELOCATION OF REGISTRATION

500.00

SECTION 158.16 RENTAL HOUSING FUND ESTABLISHED

(a) The Common Council hereby establishes a Rental Housing Fund.

(b) The Rental Housing Officer and/or his or her designee(s) shall be named and have the authority for the collection, allocation and expenditure (as approved by the Common Council) of all costs associated with the administration of the Rental Housing program.

SECTION 158.17 RENTAL HOUSING CODE

There is established the Rental Housing Code, the purpose of which is to protect community neighborhoods and the public health, safety and welfare in all existing and new Rental Buildings, Rental Units and Premises by:

(a) Establishing minimum maintenance standards for Rental Buildings and Rental Units and Premises; for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance of Rental Buildings and Rental Units;

(b) Fixing the responsibilities of Owners, operators and occupants of Rental Buildings and Rental Units; and

(c) Providing for administration, enforcement and penalties.

SECTION 158.18 INTENT

(a) The provisions of the Rental Housing Code shall be construed liberally to insure the public health, safety and welfare insofar as they are affected by the maintenance of structures and Premises.

(b) The provisions of the Rental Housing Code shall not be construed to prevent the enforcement of other Ordinances or regulations which prescribe standards other than are provided herein.

(c) All other provisions of the Municipal Code of the City of Valparaiso, Indiana, relating to building maintenance, including, but not limited to, Chapter 154 of the Municipal Code, entitled Property Maintenance Code, are incorporated by reference as if fully set forth herein.

(d) Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of the Rental Housing Code shall be done in accordance with the procedures and provisions of this Ordinance, the Municipal Code and the City of Valparaiso Unified Development Ordinance. — *ALL APPLICABLE BUILDING CODES.* —

(e) The provisions of this Ordinance shall not be construed as abolishing or impairing existing remedies available to the City relating to the removal or demolition of any buildings that are deemed dangerous, unsafe or unsanitary.

SECTION 158.19 DEFINITIONS

All of the definitions set forth in Section 158.02 are hereby incorporated by reference into the Rental Housing Code as if set forth fully herein. All definitions set forth in Section 158.02 shall apply herein unless the context clearly indicates or requires a different meaning.

SECTION 158.20 STRUCTURES

(a) This Ordinance establishes minimum requirements for the initial and continued occupancy and use of all Rental Buildings, Rental Units and Premises and does not replace or modify requirements otherwise established by Ordinance which may be additional to or more stringent than the provisions contained herein for the construction, repair, alteration, or use of structures, equipment or facilities.

(b) This Ordinance shall apply to all Rental Buildings, Rental Units and Premises whether or not existing at the time this Ordinance is adopted.

SECTION 158.21 ENFORCEMENT AUTHORITY

~~It shall be the duty and responsibility of the Rental Housing Officer and his designee(s) to enforce the provisions of this Ordinance.~~

SECTION 158.22 DUTIES AND POWERS OF THE RENTAL HOUSING OFFICER

ALL OTHER ORDINANCES STILL APPLY IN ADDITION IF ANY

BUILDING CODES / LOCAL ORDINANCES

(a) General. The Rental Housing Officer shall enforce all of the provisions of the Rental Housing Code relative to the maintenance of Rental Buildings, Rental Units and Premises, except as may otherwise be specifically provided for by other regulations, Ordinances or laws. *- RES & BUILDING CODES, AND LOCAL ORDINANCES*

(b) Notices and Orders. The Rental Housing Officer shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the Rental Housing Code requirements for the safety, health and general welfare of the public.

(c) Inspections. In order to safeguard the safety, health and welfare of the public, the Rental Housing Officer, or his designee, is authorized to enter any Rental Building, Rental Unit or Premises at any reasonable time for the purpose of making inspections and performing duties under this Ordinance in accordance with Section 158.08 hereof. Provided that, should consent to enter not be voluntarily given, application for an inspection warrant shall be made pursuant to the provisions of Section 158.08 hereof.

OR CITY COUNTY

(d) Coordination of Enforcement. Whenever, in the opinion of a Rental Housing Officer, or his designee, it is deemed necessary or desirable to have inspections made by any other city department, the Rental Housing Officer, or his designee, shall arrange for such inspections. He shall make reasonable effort to arrange for the coordination of inspections to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency order, notice or citation which it determines must be issued.

COUNCIL

(e) Rule making authority. Upon the recommendation of the Rental Housing Officer, the Valparaiso Board of Public Works and Safety shall have those powers as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this Ordinance to secure its intent, but such rules shall not have the effect of waiving requirements specifically provided in this Ordinance or of violating accepted practice involving public safety. Prior to taking effect, such rules and regulations must be approved by the Valparaiso Common Council by resolution.

SECTION 158.23 NOTICES AND ORDER

(a) Notice to Owner or to person or persons responsible. Whenever the Rental Housing Officer or his designee determines that there has been a violation of this Ordinance, or has a reasonable belief that a violation has occurred, the Rental Housing Officer shall give notice to the Owner or his agent in conformance with Section 158.10.

SECTION 158.24 SCOPE: TENSE AND DEFINITION OF TERMS

(a) Scope. Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meanings indicated in this section.

(b) Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(c) Terms defined in other codes. Where terms are not defined in this subchapter and are defined in the building, electrical, plumbing and/or mechanical codes otherwise adopted by this code they shall have the same meanings ascribed to them as in those codes.

(d) Terms not defined. Where terms are not defined under the provisions of this subchapter or under the provisions of the building, electrical, plumbing and/or mechanical codes they shall have ascribed to them their ordinarily accepted meaning, or such as the context herein may imply.

SECTION 158.25 APPLICABILITY OF REQUIREMENTS

(a) Scope. The provisions of this Ordinance shall govern the minimum standards for maintenance of Rental Buildings and Rental Units within the City of Valparaiso, Indiana.

(b) Responsibility. The Owner of the Premises shall maintain such properties in compliance with these requirements. A person shall not let to another for occupancy or use Premises which do not comply with the following requirements of this Ordinance.

SECTION 158.26 PREMISES CONDITION

(a) Sanitation. All exterior property areas and Premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage. Should a Tenant vacate the Premises leaving an accumulation of abandoned furniture, appliances, clothing, etc., it shall be the responsibility of the Owner to dispose of the same

ESTABLISHED PER CODE COMPLIANCE ORDINANCES? * TIMELINE? FOR REMOVAL - 10 DAYS

(b) Grading and drainage. All Premises shall be graded and maintained to prevent the accumulation of stagnant water within any structure located thereon.

(c) Weeds. All Premises shall be kept free from weeds or plant growth that is noxious or detrimental to the public health and welfare.

per CODE DIFFERENT ORDINANCES 9.2.2 ETC

(d) Grass height. All grass and weeds over six inches in height on any Premises shall be mowed and the trimmings raked and disposed of properly.

per CITY STRUCTURE CODE

(e) Accessory structures. All accessory structures, including detached garages, fences and walls, shall be structurally sound; shall be properly surface coated to prevent deterioration; and shall be free of all electrical and fire hazards and harmful insects and rodent infestation.



(f) Outdoor furniture, vending machines and appliances. All furniture placed outside the Rental Building shall be waterproof and shall be maintained in good repair. Vending

AND DESIGNED FOR OUTDOOR USE NOT INTERIOR USE - (SPECIFICALLY COUCHES, CHAIRS ETC. DESIGNATED INTERIORS BEING USED OUT)

of any kind

machines, if any, shall be in an enclosed area not visible from the public street. No appliances shall be located outside any Rental Building.

NO FURNITURE OTHER THAN WHAT'S DESIRED FOR OUT DOOR USE - will be painted

(g) Parking. Except for those Premises meeting the definition of a legal, non-conforming use as set forth in the City's Unified Development Ordinance, all Rental Buildings must have parking which complies with the Unified Development Ordinance of the City of Valparaiso, Indiana. No parking will be allowed on lawns or on public sidewalks. - (ZONING)

includes BASKET BALL GOALS IN ROW

SECTION 158.27 EXTERIOR OF STRUCTURES

AS PART OF A NEW SALE OR ACQUISITION OF A PROPERTY THAT MAY HAVE ONE OR MORE OF THE FOLLOWING

(a) General. The exterior of Rental Buildings and accessory structures shall be structurally sound and sanitary and shall not pose a threat to the health and safety of the occupants.

(b) Structural members. All structural members of all Rental Buildings and accessory structures shall be maintained to prevent deterioration and be capable of safely bearing the anticipated loads imposed upon them.

(c) Foundation walls. All foundation walls shall be maintained structurally sound and free from open cracks and breaks so as to prevent the entry of animals and other pests.

(d) Exterior walls. Every exterior wall shall be maintained free of holes, breaks, loose or rotting materials. All exterior surface material shall be maintained, weatherproofed and shall be property surface coated as needed to prevent deterioration.

(e) Roofs. The roof shall be structurally sound, tight, and not have defects, which admit rain or moisture. Roof drainage shall be adequate to prevent rainwater or other moisture from causing dampness in the walls or interior portion of the building.

(f) Overhead extensions. All canopies, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored. They shall be protected from the elements and against decay and rust by the periodic application of weather-coating material such as paint or similar surface treatment.

(g) Chimneys. All chimneys and similar appurtenances shall be structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating material such as paint or similar surface treatment.

(h) Stairs and porches. Every stair, porch, balcony, and all attached appurtenances shall be so constructed as to be safe to use and capable of supporting anticipated loads and shall be maintained in sound condition and good repair.

(i) Exterior Doors, Windows, and Frames. Every exterior door, window, and frame shall be constructed and maintained to exclude rain as completely possible, and to substantially exclude air infiltration, - AND TO BE IN ACCEPTABLE WORKING CONDITION OF ~~PROPERTY~~

obligation to call INSPECTIONS by New owner?

30 DAYS AFTER ACQUISITION TO SUBMIT A PLAN TO BUILDING DEPT.

(j) Insect screens. From May 15 to October 15 of each year every window or other outside opening used for ventilation of habitable rooms shall be supplied with adequate screening. Every screen door shall be in good working condition, , except that such screens shall not be required for outside doors of Rental Units that are air-conditioned, or provide access to common hallways of multi-family rental facilities.

(k) Door hardware. Every door which connects a Rental Unit with any area exterior to the unit shall have a functioning locking device, door hinge and door latch and shall be maintained in good condition. Door locks in Rental Units shall be capable of tightly securing the door.

(l) Basement hatchways. Every basement or cellar hatchway shall be constructed and maintained to prevent the entrance of rodents, rain and surface drainage water into the Rental Building and shall be secured to prevent unauthorized entry.

(m) Exterior handrails. Every handrail and guardrail shall be maintained in good condition, be securely fastened and be capable of supporting anticipated loads.

SECTION 158.28 INTERIOR OF STRUCTURES

(a) General. The interior of a Rental Building and its equipment shall be structurally sound and in a sanitary condition so as not to pose a threat to the health and safety of the occupants and to protect occupants from the environment. Occupants shall keep that part of the structure or Premises which they occupy or control in a clean and sanitary condition. Every Owner of a Rental Building shall maintain, in a clean and sanitary condition, the shared or common areas of the structure and exterior property.

(b) Structural members. The supporting structural members of every Rental Building shall be structurally sound and not show any evidence of deterioration which would render them incapable of carrying the anticipated loads.

(c) Interior surfaces. Floors, walls, including windows and doors, ceilings and other interior surfaces shall be maintained in good, clean and sanitary condition. Peeling paint, substantially cracked or loose plaster, decayed wood, peeling or loose wallpaper and other defective surface conditions shall be eliminated. All lead based interior painted surfaces shall be maintained in good condition. Chalky or peeling lead based paint surfaces will be repaired.

(d) Bathroom and kitchen floors. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit such floor to be easily kept in clean and sanitary condition. This does not preclude carpet, provided that it is devoid of mildew, mold or other unsafe or unsanitary conditions.

(e) Free from dampness. In all Rental Buildings, cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the Rental Building.

(f) Sanitation. The interior of every Rental Building shall be free from any accumulation of rubbish, refuse or garbage.

(g) Disposal of rubbish. Every Occupant of a Rental Building shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. ~~OR~~ AS WASTE MGT. COMPANIES REQUIRE & SIGNATURE TO COMPLY WITH WASTE MGT. REQUIREMENTS

(h) Rubbish storage facilities. The Owner of every Rental Building shall supply approved covered containers for rubbish, and the Owner of the Rental Building shall be responsible for the removal of rubbish.

(i) Storage. Garbage or refuse shall not be allowed to accumulate or be stored in public halls or stairways, OR DUMPSTER AREAS. - OWNER RESPONSIBILITY - NO TENANT RESPONSIBILITY.

(j) Stairs, ramps, landings, porches, decks, and balconies. All walking surfaces shall be maintained in good repair and capable of supporting anticipated loads.

(k) Exit facilities. All interior stairs and railings and other exit facilities of Rental Buildings shall be maintained in sound condition and good repair by replacing tread and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be constructed and maintained to be safe to use and capable of supporting the anticipated loads.

(l) Handrails and guards. Every handrail and guardrail shall be firmly fastened and capable of supporting anticipated loads and shall be maintained in good repair. - ADA COMPLIANCE REQUIRED IN SOME PROPERTIES

(m) Extermination. All Rental Buildings and Rental Units shall be maintained free of rodent and insect infestation. Where found, rodents or insects shall be exterminated using approved methods that are not hazardous to human health. Proper precautions shall be taken to prevent re-infestation after extermination. - OWNER MUST BE ABLE TO SHOW COPIES OF VALID INVOICES PERTAINING TO EXTERMINATION.

INVOICE FROM A REPUTABLE EXTERMINATION COMPANY AND RECEIVED SIGNATURE OF OWNER.

(1) Owner. The Owner of any Rental Building shall be responsible for the extermination within the Rental Building prior to renting or leasing the Rental Unit.

(2) Single occupant. The occupant of a one-family dwelling or a single tenant residential structure shall be responsible for extermination on the Premises.

(3) ~~Multiple occupancy~~ ANY RENTAL. The Owner of a Rental Building shall be responsible for extermination in common or shared areas of the Rental Building and exterior Premises. NOT RENTERS LEASES ETC.

(4) Occupant. The Occupant of any Dwelling Unit shall be responsible for the continued rodent and pest-free condition of the Dwelling Unit unless the Tenant notifies the Owner within thirty (30) days of occupancy of such infestation and the infestation is not due to a pet in the Dwelling Unit; and

10 DAYS.

under such circumstances, the Owner shall be responsible for extermination. If infestation is caused by failure of an Occupant to ^{NOTIFY OR} prevent infestation in the Dwelling Unit, the Occupant shall be responsible for extermination. ~~ULTIMATELY~~ ^{HOWEVER, ALL MAINTENANCE ISSUES WILL BE THE OWNER'S RESPONSIBILITY}

- (5) Defects in Structure. The Owner of any Rental Building shall be responsible for extermination of insects or rodents caused by defects in the structure.

SECTION 158.29 LIGHT AND VENTILATION REQUIREMENTS

(a) Scope. The provisions of this section shall govern the minimum conditions and standards for the light and ventilation of a Rental Building. All light and ventilation conditions shall comply with the requirements herein prescribed insofar as they are applicable.

(b) Responsibility. All Rental Buildings shall provide such light and ventilation in compliance with these requirements. A Person shall not let to another for occupancy or use any Premises which do not comply with the following requirements of this section.

(c) All rooms within Rental Units shall be provided with natural or artificial light sufficient in intensity and distribution to permit the safe use of said room.

(d) Every common hall and stairway in Rental Buildings, other than one (1) and two (2) family dwellings shall be lighted at all times with at least a ~~60-watt~~ ^{100 WATT} standard incandescent light bulb for each 200 feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. Alternate means of lighting may be used so as to comply with these minimal lighting standards. (e) For ventilation purposes, every Habitable Room or connecting Habitable Room, collectively referred to as "Habitable Area" shall have at least one (1) operable window which can be easily opened and facing directly outdoors or to a court. Every bathroom and toilet room shall comply with the ventilation requirements for Habitable Rooms as required in Section 158.30(e) except that a window shall not be required in such rooms equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system shall discharge to the outdoors and shall not recirculated.

SECTION 158.30 SPACE, USE, AND LOCATION REQUIREMENTS

Every Rental Unit shall contain at least One Hundred Twenty (120) square feet of floor space for the first occupant thereof and at least One Hundred (100) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(a) Sleeping Rooms. In every Rental Unit of two or more rooms, every room occupied for sleeping purposes shall contain at least Seventy (70) square feet of floor space.

(b) Ceiling Height. At least one-third(1/3) of the floor area of every Habitable Room shall have a ceiling height of at least Seven (7) feet. The floors area of that part of any room where the ceiling height is less than Five (5) feet shall not be considered as part of the floor area

in computing the total floor area of the room for the purposes of determining the maximum permissible occupancy thereof.

(c) **Prohibited Occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.

(d) **Overcrowding.** The number of persons occupying a Rental Unit shall not create conditions that endanger the life, health, safety, or welfare of occupants.

(e) **Food Preparation.** Every space occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in sanitary manner.

SECTION 158.31 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

(a) **Scope.** The provisions of this section shall govern the minimum plumbing facilities and fixtures to be provided. All plumbing facilities and fixtures shall comply with the requirements herein prescribed insofar as they are applicable.

(b) **Responsibility.** The Owner of Rental Building or Rental Unit shall provide and maintain plumbing facilities in compliance with these requirements. A Person shall not let to another for occupancy or use any Rental Unit or Premises which does not comply with this section.

(c) **Required facilities.** Every Rental Unit shall contain its own kitchen sink, water closet, lavatory, and bathtub or shower each of which shall be maintained in good repair and in a sanitary condition. A kitchen sink shall not serve as a substitute for the required lavatory.

(d) **Fixtures.** All plumbing fixtures shall be properly installed and maintained in a safe, sanitary, and functional condition, free from leaks, obstructions, and defects and capable of function for which fixture was designed.

(e) **Water Connections.** Every plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, bathtubs, showers, and laundry facilities shall be supplied with hot and cold running water.

(f) **Water Supply.** All water supply inlets for plumbing fixtures owned and supplied by the Owner shall be free from contamination as defined by governing water regulatory laws. Water supply to plumbing fixtures shall be maintained to provide sufficient volume and pressure to allow plumbing fixtures to function properly.

(g) **Hot Water.** Hot water heaters shall be properly installed, maintained, and capable of providing an adequate supply of water at a temperature of not less than 110 degrees F to every required kitchen sink, lavatory, bathtub, shower, and laundry facility. Gas burning water heaters shall not be located in a bedroom, toilet room, bathroom, or any other room without adequate

combustion air provided. A combination temperature and pressure relief valve and relief valve discharge pipe shall be required. - *THERE ARE TO BE NO SHARED WATER HEATERS BETWEEN SEPARATE UNITS.*

(h) Drainage. All plumbing stacks, vents, waste and sewer lines shall be maintained free of leaks, obstructions, and defects and function properly. Every plumbing fixture shall be connected to a public sewer system or to an approved private sewage system. A Tenant and all Occupants shall use the drainage, heating and sanitary systems in a reasonable manner and the Tenant shall be responsible for all repairs and maintenance resulting from the negligent or unreasonable usage of such systems.

SECTION 158.32 MECHANICAL AND ELECTRICAL REQUIREMENTS

(a) Scope. The provisions of this section shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities shall comply with these requirements herein prescribed insofar as they are applicable.

(b) Responsibility. The Owner of the Rental Building or Rental Unit shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A Person shall not let to another for occupancy or use any Rental Building or Rental Unit which do not comply with the requirements of this section.

(c) Heating facilities and Mechanical Equipment:

TEMPORARILY
NO SPACE HEATERS
OR PERSONAL HEATERS ETC. TO BE
USED AS PERMANENT HEAT SOURCES

- (1) Residential buildings. Every Owner of a Rental Building or Rental Unit, shall supply heat adequate to maintain therein from October 1 through May 1 of the following year, a minimum inside temperature of 68°F, at Three (3) feet above floor level in all Habitable Rooms, bathrooms, shower rooms, and toilet rooms or compartments, between the hours of 6:00 a.m. and 11:00 p.m., and not less than 60°F between the hours of 11:00 p.m. and 6:00 a.m. in all the rooms. Provisions of this section shall not apply where the failure to maintain minimum requirements is caused by a general shortage of fuel, neglect or malicious act of the Occupant, necessary repairs or alterations, or any cause beyond the control of the Owner or Occupant.

THERE ARE TO BE NO SHARED HEATING SYSTEMS BETWEEN SEPARATE UNITS

PERMANENT HEATING DEVICES DESIGNED FOR AGRICULTURAL OR INDUSTRIAL/COMMERCIAL BUILDING ARE PROHIBITED.

- (2) Mechanical appliances. All mechanical appliances and equipment shall be properly installed and maintained in safe working condition and shall be capable of performing the function for which it was designed and intended.
- (3) Fuel. All fuel-burning equipment shall be connected to an approved chimney-or vent, except for fuel-burning equipment and appliances which are labeled for unvented operation.
- (4) Clearances. All required clearances to combustible material shall be maintained.

- (5) Safety controls. All safety controls for fuel-burning equipment shall be maintained in operable condition.
- (6) Combustion air. A supply of air for complete combustion of the fuel in the fire burning equipment and for ventilation of the space shall be provided.
- (7) Fireplace. Fireplaces, and other construction and devices intended for use similar to a fireplace, shall be stable and structurally safe; connected to approved chimneys; and equipped with a damper or other approved device capable of substantially excluding air infiltration. *- Receipts from Reputable company Required*
- (8) Climate control. Facilities for interior climate control (heating, cooling and/or humidity) shall be maintained and operated in a continuous manner in accordance with the designed capacity. *- THERE IS TO BE NO SHARED THERMOSTATS OR TEMPERATURE CONTROLS BETWEEN UNITS*

(d) Electrical Facilities and Equipment:

- (1) Electric service. Every Rental Unit shall be provided with an electrical system and contain at least two separate and remote receptacle outlets. *- ALL UNITS TO HAVE PANEL ADEQUATE PANEL BOXES WITH LABELED DISCOTS*
- (2) Installation. All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe working condition.
- (3) Lighting. All public hallways, stairways, kitchens, bathrooms, laundry rooms, and mechanical equipment rooms shall contain at least one (1) operable electric lighting fixture.
- (4) Ground Fault Interruptor Protection. *ALL* Any newly remodeled bathroom or newly installed kitchen receptacle shall have ground fault interruptor protection.
- (5) Electrical system hazards. In Rental Buildings where the electrical system constitutes a hazard to the Occupants or the Structure by reason of inadequate service, improper wiring or installation, improper fusing, insufficient receptacle and lighting outlets, deterioration or damage, or similar reasons, the Rental Housing Officer, shall require the defects to be corrected to eliminate the hazard, *AND MEET CURRENT BUILDING CODE REQUIREMENTS.*
- (6) Elevators. In Rental Buildings equipped with elevators, State of Indiana inspection certificates shall be displayed in accordance with State of Indiana Code and at least one (1) elevator shall be maintained in operation at all times when the Rental Building is occupied. Rental Buildings equipped with only one elevator shall be allowed to take elevator temporarily out of service for service or maintenance.

SECTION 158.33 FIRE SAFETY

(a) Scope. The provisions of this section shall govern the minimum fire safety facilities and equipment required. All Rental Buildings shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

(b) Responsibility. The Owner of all Rental Buildings shall provide and maintain such fire facilities and equipment in compliance with these requirements and the fire prevention code. A Person shall not let to another for occupancy or use any premises which do not comply with following requirements of this section.

(c) Means of egress:

- (1) General. A safe, continuous and unobstructed means of egress shall be provided from the interior of a Rental Building to the exterior of a street, a yard, court, or passageway leading to a public open area at grade.
- (2) Direct exits. Every Rental Unit shall have access directly to the outside or to a common corridor, and every sleeping room shall have an approved direct means of egress to the outside.
- (3) Locked doors. All doors in the required means of egress shall be readily openable from the inner side. Exits from Rental Units shall not lead through other such units, or through toilet rooms or bathrooms.
- (4) Exit signs. All exit signs shall be illuminated and visible.

(d) Accumulations and storage.

- (1) Accumulations. Waste, refuse or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, ~~or other means of egress.~~ *Basements, CRAWL SPACES - Accessory Buildings, COMMON AREAS - DUMPSTER / TRASH AREAS OR OTHER MEANS OF EGRESS / IN CASES*
- (2) Flammable matter. Highly flammable or explosive matter, such as paints, volatile oils, and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags shall not be accumulated or stored on residential premises except in reasonable quantities consistent with normal usage.
- (3) Residential unit. A Rental Unit shall not be located within a structure containing an establishment handling, dispensing, or storing flammable liquids with a flash point of 110° F. or lower.

(e) Fire Resistance Ratings:

- (1) General. Except for legal, non-conforming uses, the required fire-resistant rating of fire resistant rated walls, ceilings, floors, fire stops, shaft enclosures, and partitions shall be maintained.
- (2) Doors. All fire and smoke-stop doors shall be maintained in operable condition and shall not be blocked or obstructed.

(f) Fire Protection Systems.

- (1) General. All fire protection systems and equipment shall be maintained in proper operating condition at all times and in accordance with Indiana Fire Code.
- (2) Fire alarms. Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.
- (3) Sprinkler heads. Sprinkler heads of fire suppression systems, if required, shall be clean, free of corrosion and paint, and not bent or damaged.
- (4) Standpipe systems. Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, and free of deterioration.
- (5) *Carbon monoxide*
(CO detectors required)
Smoke detectors required. The Owner of each Rental Building shall supply all required operational smoke detectors in all Rental Buildings and Rental Units. The Tenant shall ensure that each smoke detector in the Rental Unit remains functional and not disabled. If the smoke detector is battery operated, the Tenant shall replace batteries in the smoke detectors as necessary. If smoke detectors are hard-wired and/or not operational, the Tenant shall immediately notify the Owner of the Rental Building.
- (6) Type and placement of smoke detectors. The type, placement and maintenance of smoke detectors shall conform to the requirements of I.C. 22-11-18-1 et seq., and as that statute may, from time to time, be amended.

- FAILURE TO comply will RESULT IN A FINE OF 100⁰⁰ per DMJ.

SECTION 158.34 RELATIONSHIP TO OTHER ORDINANCES

It is the intent of the Common Council of the City of Valparaiso, Indiana, that this Ordinance provide a comprehensive regulatory program for rental housing within the City of Valparaiso. Provisions of this Ordinance are to be interpreted to be compatible with all other Ordinances of the City, whether in effect as of the date of the adoption of this Ordinance, or thereafter adopted. When this Ordinance conflicts with other ordinances, private covenants, commitments, permits, agreements, state laws, federal laws, or other regulations, the greater restriction shall control.

- explain legally?

SECTION 158.35 PENALTIES


In addition to Probation, Suspension and Revocation of a Registration Permit as set forth in Section 158.11 of this Ordinance, the Board of Public Works and Safety may impose the following penalties on all Persons found to be in violation of the Rental Housing Code:

2/5000 02
(a) For a violation of any provision of the Rental Housing Code, a fine of up to ~~Five Hundred Dollars (\$500.00)~~, unless the violator has been convicted of a previous violation of the Rental Housing Code, in which case the fine may be up to Two Thousand Five Hundred Dollars (\$2,500.00). Each day a violation of the Rental Housing Code exists or continues to exist constitutes a separate and distinct violation of the Rental Housing Code.

If any portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion or provision of this Ordinance.

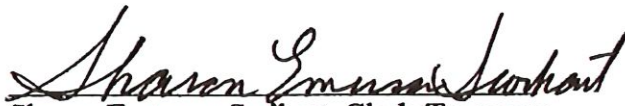
All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the Ordinances or parts of Ordinances are hereby ratified, re-established and confirmed.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Indiana, by a 6-0-1 vote of all members present and voting this 11th day of April, 2011.




Jon Costas, Mayor

ATTEST:


Sharon Emerson Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 11th day
of April, 2011 at the hour of 7:25 o'clock P.M.


Sharon Emerson Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 11th day of April,
2011 at the hour of 7:25 o'clock P.M.


Sharon Emerson Swihart, Clerk Treasurer



TOWN OF
FORTVILLE

www.fortville.in.gov



Office Use Only

Date Received: _____ Date Issued: _____ Expiration Date: ___/___/2027

Total Fee(s) Submitted: _____ Date Paid: _____ Approved by: _____

Property/Rental Registration Form 2026

Please complete all information below. Each property is required to have a separate form. All required fields must be completed. The form must be resubmitted each new calendar year or whenever required information has changed. Return Application and required document/fee to the Town of Fortville Planning and Building Department.

714 E Broadway St. Fortville, IN 46060

Monday - Friday 8:00AM – 4:00PM

317-485-4044

Jerry Santen

765-461-5866

Sarah Waldron

317-482-4059

Action Required

___ Initial Registration (\$50.00) ___ Inspection (\$175) ___ Annual Registration (\$15)

Registration Year 2026 – Total Fee(s) Submitted: \$_____

Please Initial Next to the Following Statements, Indicating That You Have Read, Understand and Agree: Person filling out the form _____

___ Annual registration fees are due each calendar year and must be renewed within 30 days of the expiration date, which is one year from the issue date.

___ In order to obtain a "Rental Inspection Certificate" a one-time inspection must be completed prior to first tenants taking possession of the property.

___ Failure to schedule an inspection beforehand may result in additional fees or fines being assessed.

Property/Rental Registration Address:

Address: _____

Subdivision and Lot # _____

Parcel ID# _____

Year Built: _____

Deeded to Owner: _____

Max Number of Occupancy: _____

Property Description:

_____ Duplex _____ Single Family Home _____ Other, please describe _____

Owner Info

Name of Owner (Personal Info): _____

Owner Mailing Address (No P.O. Box): _____

City: _____ State: _____ Zip: _____

Phone Number: _____

Email Address: _____

Resident of Hancock County or County contiguous: YES ___ NO ___

General House of availability for contact: _____

Time zone currently residing in: _____

Insurance Information:

Company and Agent: _____

Address of Agent (Office address, no P.O. Box): _____

State Insurance ID #: _____

Policy #: _____

Expiration Date: _____

Agent Phone #: _____

Hours of Operation: _____

If the owner is a trust, partnership, corporation, LP, LLC or anything other than an individual, please provide the following information of the primary contact

Contact Name: _____

Mailing Address (No P.O. Box): _____

Phone Number: _____

Email Address: _____

Resident of Hancock County or County contiguous: YES___ NO___
Copy of Certification of Incorporation with state for all companies.

Property Manager (If Other Than Property Owner):

Contact Name: _____
Company Name: _____
Mailing Address: _____
Phone Number: _____
Email Address: _____

Resident of Hancock County or County contiguous: YES___ NO___

Hours of Operation: _____

List of Employees and Contacts for Field Operations on Property: _____

Tenant Contact Information (Optional)

Name: _____

Phone Number: _____

Email Address: _____

Start of Lease: _____

End of Lease: _____

Monthly Rent Amount: _____

Are Utilities Included in The Cost of Rent? _____

Is this property being sold on land contract? YES___ NO___

If marked yes, it must be recorded at the Hancock County Recorder's Office. Seller is required to record the contract.

Please Initial Next to The Following Statements, Indicating That You Have Read And Agree To All of Them:

_____ I affirm that the rental units, the real property of which the rental units are a part, and any other rental unit property owned or registered by the owner in the Town of Fortville, are not subject to any un-remediated citation of violation of the state and local codes and ordinances.

_____ I affirm that there is not more than one delinquent payment of real property taxes, assessments, or penalties (other than those that are the subject of an ongoing appeal or

bankruptcy proceedings) with respect to the property, or any other rental unit property owned or registered by the owner in Hancock County

_____ I affirm that I will notify the Town of Fortville Planning and Building Department within 30 days of any changes to the registration information I have provided.

_____ I acknowledge that motor vehicles operated/owned by the occupants of this property are subject to ****future ordinance ***** which requires registration with Indiana BMV within 60 days of occupancy.

_____ I acknowledge that should this property remain vacant for a period of 90 days; the property must be registered as vacant in accordance with Ordinance ***future ordinance *****

By submitting this application, I affirm that the information I have provided is true and accurate to the best of my knowledge, and I have not intentionally avoided disclosing information that would be pertinent to the review of this application.

Applicant's Signature: _____ Date: _____

Short-Term Rental Registration (Airbnb / VRBO / Other)

Complete this section if the property will be rented for less than 30 days at a time.

Occupancy & Safety:

Maximum Number of Guests Allowed: _____

Number of Bedrooms: _____

Number of Bathrooms: _____

Smoke Detectors Installed: Yes No

Carbon Monoxide Detectors Installed: Yes No

Fire Extinguishers Installed: Yes No

Short-Term Rental Manager / Emergency Contact (if different from owner):

Name: _____

Mailing Address: _____

Phone: _____

Email: _____

Available 24/7 for Guest Emergencies: Yes No

Please initial each statement to indicate that you have read and agree:

_____ I acknowledge responsibility for complying with all Town of Fortville ordinances, including zoning, noise, parking, and safety requirements.

_____ I agree to provide the Town of Fortville with the property's short-term rental listing information, if requested.

_____ I understand that failure to comply with short-term rental regulations may result in fines, penalties, or revocation of registration.

By signing below, I affirm that the property listed above will be operated in accordance with all applicable Town of Fortville ordinances, state law, and safety regulations.

Owner / Authorized Agent Signature: _____ Date: _____