



Goshen Common Council

6:00 p.m., May 15, 2023 Regular Meeting

Council Chamber, Police & Court Building, 111 East Jefferson Street, Goshen, IN

Call to Order by Mayor Jeremy Stutsman

Pledge of Allegiance

Roll Call:

Megan Eichorn (District 4)

Julia King (At-Large)

Doug Nisley (District 2)

Gilberto Pérez, Jr. (District 5)

Donald Riegsecker (District 1)

Matt Schrock (District 3)

Council President Brett Weddell (At-Large)

Youth Adviser Karen C. Velazquez Valdes (Non-voting)

Approval of Minutes – April 17, 2023 Regular Meeting

Approval of Meeting Agenda

Privilege of the Floor

- 1)** Goshen Downtown Economic Improvement District Board Appointments

- 2) Ordinance 5157**, College Avenue (County Road 36) Annexation (First Reading only)

- 3) Ordinance 5158**, Prohibiting Camping and Storage of Personal Property on Public Property

- 4) Ordinance 5159**, Amending Ordinance Violations Bureau

Elected Official Reports

Adjournment



GOSHEN COMMON COUNCIL

Minutes of the April 17, 2023 Regular Meeting

Convened in the Council Chambers, Police & Court Building, 111 East Jefferson Street, Goshen, Indiana

Mayor Jeremy Stutsman called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

Mayor Stutsman asked the Clerk-Treasurer to conduct the roll call.

Present: Megan Eichorn (District 4) Julia King (At-Large) Doug Nisley (District 2)
Gilberto Pérez Jr. (District 5) Donald Riegsecker (District 1)
Matt Schrock (District 3) Council President Brett Weddell (At-Large)
Youth Adviser Karen C. Velazquez Valdes (Non-voting)

Absent: None

Approval of Minutes: Mayor Stutsman asked the Council's wishes regarding the minutes of the March 6, 2023 Regular Meeting, the March 17, 2023 work session and the March 20, 2023 Regular Meeting. Councilor King made a motion to accept the three sets of minutes as presented. Councilor Pérez seconded the motion. The motion passed 7-0 on a voice vote.

Approval of Meeting Agenda: Mayor Stutsman presented the agenda. Councilor Nisley moved to approve the agenda as submitted. Councilor Riegsecker seconded the motion. The motion passed 7-0 on a voice vote.

Privilege of the Floor:

At 6:02 p.m., Mayor Stutsman invited public comments on matters not on the agenda.

There were no comments, so the Mayor closed Privilege of the Floor at 6:02 p.m.

1) Goshen Police Chief José Miller presentation: Flock safety cameras

Using PowerPoint slides, Goshen Police Chief José Miller made a presentation about the Police Department's usage over the past year of Flock safety cameras, which are solar-powered and run on their own cellular network and enhance security by detecting license plates of wanted vehicles and can send alerts to as many as 2,000 law enforcement agencies. He said he would discuss some of the successes of the system and answer questions.

Chief Miller said the key features and benefits of Flock cameras are that they:

- Capture high-quality images of license plates, even in low-light conditions;
- Provide real-time alerts to law enforcement agencies when a vehicle associated with criminal activity is detected;
- And provide data to identify patterns and trends in criminal activity, helping law enforcement agencies to make more informed decisions.

Chief Miller said that there have been misperceptions about Flock, which he said he wanted to clarify. He said the cameras don't capture images of the interior of vehicles or the drivers, but only license plates and the backs of vehicles. He said no data, including driver licenses, are run off the license plate information; that must be done by officers. And if the data is not downloaded and saved by an officer, the data is deleted after 30 days.



Chief Miller said the Goshen Police Department has tracked the use of its Flock cameras over the past 12 months and over that period there have been a total of 1,241 “hits” from the system. He also said Flock has “saved countless hours of investigation time in locating suspect vehicles.” He said the City owns and has deployed 18 cameras in Goshen and has been given access to two more cameras owned by private businesses.

Chief Miller said the department has recorded the following hits over the past year:

- Custom Hits (could be a sought vehicle located): 255
- Protection Orders: 2
- Missing Persons: 9
- Canadian Police Information Centre Data Records: 7
- Gang or Suspected Terrorists: 6
- Warrants: 173
- Stolen Vehicles: 75
- Stolen License Plates: 102
- Sex Offenders: 612

Chief Miller described several noteworthy cases solved by the use of Flock cameras:

Missing 12-year-old – During this investigation, the 12-year-old female was missing for approximately three days. Flock was instrumental in identifying the vehicle the missing 12-year-old was in, which led police to the individuals the missing girl was with.

Runaway – A 16-year-old runaway child was located in Pierce County, Georgia after vehicle information the runaway was believed to have left in was entered into Flock.

Sexual battery, intimidation, pointing a firearm – The victim reported being followed by her ex-boyfriend as she drove home. When she arrived home, the suspect ordered her out of her vehicle while pointing a handgun at her. The victim was intimidated and sexually battered. There was little to no evidence in this case at the start. However, a Flock camera captured the suspect’s vehicle following the victim home, which assisted in substantiating the victim’s statement and gave law enforcement the ability to apply for search warrants which led to additional evidence.

Armed robbery – Dispatch advised over the radio of an armed robbery with a description of the accused’s vehicle. Within a few minutes, the accused’s vehicle was identified on Flock and officers were able to meet the accused shortly after he was arriving home. Flock was also instrumental in showing there was a second accused involved in the armed robbery driving a second vehicle. Because of Flock, both suspects were arrested quickly. Due to the circumstances of the armed robbery, without Flock it could have taken several months to identify the suspects.

Chief Miller also displayed a four-page summary of 67 cases, from Jan. 21, 2022 to Feb. 27, 2023, in which data gathered by Flock assisted in investigations or helped solve cases. In many, it helped to identify suspect vehicles.

Chief Miller concluded by stating that Flock has helped the Police Department and the community. In particular, he said it has saved officers many hours investigating crimes. And he said he would love for the City to have more.

Asked by **Councilor Schrock** about the scope of Flock, **Chief Miller** said it is a nationwide system. He said requests can be sent to all communities that have Flock cameras. Once access is granted, he said communities can share information. In response to questions from **Councilors Riegsecker and Eichorn**, **Chief Miller** explained how data is shared with other law enforcement agencies as well as private businesses.

In response to a question from **Councilor Pérez**, **Chief Miller** said the City owns 18 Flock cameras and has access two more cameras owned by private businesses. **Mayor Stutsman** said the City has approached other businesses in strategic locations and asked if they would purchase and install additional Flock cameras.



Mayor Stutsman said he asked **Chief Miller** for an estimate of the investigation time the Police Department has saved because of the Flock cameras, but that is difficult to calculate because all cases are different. Still, the Mayor said investigators believe that significant time has been saved. **Chief Miller** said Flock is especially helpful in recovering stolen vehicles.

Councilor Pérez asked how many Flock cameras cities the size of Goshen typically have. He also asked how many more cameras **Chief Miller** would like to have in the City. **Chief Miller** said it would be ideal to have a camera placed on every road entering and leaving the City, but that's not feasible, so the Police Department has placed them on main roads that have more traffic and in areas with more crime. He said that some cities have more and others less than Goshen, but the benefit to the City has been "amazing." He said more and more cities are getting Flock. In response to a question from **Councilor Schrock**, **Chief Miller** said Flock cameras are in Elkhart, Nappanee, Fort Wayne, Kokomo and Indianapolis. He said the cost of the system has paid off. He added that information gathered through Flock is used carefully.

In response to a question from **Council President Weddell**, **Chief Miller** said the cameras cost \$2,500 each per year. **Mayor Stutsman** said that the City could discontinue the use of Flock cameras if the City experienced a budget shortfall. The **Mayor** also expressed appreciation to the **Community Foundation of Elkhart County** for helping pay for 10 of the cameras for three years.

In response to a question from **Councilor Pérez**, **Chief Miller** explained how private businesses use the cameras and interact with police on problems they may be having. In response to a question from **Councilor King**, **Chief Miller** said the cameras can be moved as needed.

Although noting that it may be impossible to know the exact savings to the department in terms of investigative time because of having Flock, **Council President Weddell** asked if it would be safe to say Flock has saved the equivalent of the yearly salary of a police officer. **Chief Miller** said he wouldn't be surprised if that was true.

Mayor Stutsman agreed, adding that the City has paid \$16,000 for the cameras, besides the funds provided by the Community Foundation. He said he believes that cost has been recouped due to the time officers have saved in investigations. **Council President Weddell** said it would be good for the Council and Mayor to remember that when considering future expenditures for the cameras. **Chief Miller** added that one cannot put a price in terms of the peace of mind it gives to victims when Flock cameras help solve certain crimes.

Mayor Stutsman thanked **Chief Miller** and the Police Department for all they do for the community, adding, "That does not go unnoticed." Several **Councilors** agreed and thanked **Chief Miller**.

2) Ordinance 5156, Revisions to Ordinance 4769 Accumulation of Materials

Mayor Stutsman called for the introduction of Ordinance 5156, *Revisions to Ordinance 4769 Accumulation of Materials on First Reading*. **Council President Weddell** asked the Clerk-Treasurer to read Ordinance 5156 by title only, which was done.

Weddell/Schrock moved to approve Ordinance 5156 on First Reading.

BACKGROUND:

Ordinance 5156 would make revisions to Ordinance 4769, *Accumulation of Materials*.

As an exercise of the City's police powers, Ordinance 5156 was designed "to promote the public health, safety, and welfare and to protect the interests of City residents by regulating the accumulation, storage, collection, removal and disposal of solid waste so that conditions that create fire, health or safety hazards, harbor undesirable pests, or impair the aesthetic appearance of neighborhoods are prevented and eradicated."



Ordinance 5156 also was designed to help the City “operate an orderly and clean public recycling collection site” and would expand Ordinance 4769, Accumulation of Materials, to apply to the operation of public recycling drop-off site(s) operated by the City.

Among its key provisions, Ordinance 5156 would:

- **Authorize enforcement** through the City Legal Department, Building Department, Police Department, or an Ordinance Compliance Officer who may make inspections, determine violations, and take action to enforce the ordinance provisions.
- **Establish a violation for any person** to improperly dispose of solid waste by numerous actions, including leaving, placing, throwing, or depositing solid waste of any kind in or upon any street, alley, sidewalk, public place, public property, or private property of another person, disposing of any solid waste generated outside the City, or burying solid waste.
- **Establish a violation for anyone to** “leave, place, throw or deposit any vegetative matter resulting from landscaping and garden maintenance, including, but not limited to, leaves, grass clippings, branches, brush, shrubbery, trees and flowers, at the Goshen Environmental Center” or to “leave, place, throw, or deposit solid waste of any kind in, upon, or at any public recycling drop-off site designated and operated by the City, unless the person reasonably believes that such solid waste is in fact a recyclable material and the solid waste is placed into containers provided by the City or the City’s agent for collection of recyclable materials.”
- **Require that all persons depositing recyclable materials** at any public recycling drop-off site designated and operated by the City “**shall follow all rules for use of the public facility adopted from time to time by the Goshen Board of Public Works and Safety.**”
- **Establish that a person who violates any provision of Code Section 6.10.1.2,** may face enforcement in the City’s Ordinance Violations Bureau and/or cited into any court of competent jurisdiction in Elkhart County, Indiana for such violation and shall be subject to the penalties set forth in this Chapter.
- **Specify that “upon discovery of a violation of this Code Section,** a person found in violation shall be given written notice of the violation and shall be given three (3) days from the service of the notice to abate the violation.”

Ordinance 5156 specified the actions or inactions that would constitute a violation of the Code Section.

These would include such actions/inactions as allowing an accumulation of materials on real estate or on a residential porch or patio if the accumulation creates a fire, health, or safety hazard or a harborage for rodents or insects and the failure of the owner or occupant of any real estate used for commercial, industrial or residential purposes to provide timely collection and disposal of solid waste generated at the location or the failure to store solid waste in a watertight, insect and rodent-proof container.

Ordinance 5156 specified the information required on a notice of violation, how the service of the notice must be given and the obligations of those who receive notices of violations to abate the violations as well as what action the City can take to abate the violation. In the event the person receiving a notice seeking abatement of a violation does not believe that he or she is in violation of this Code Chapter, **Ordinance 5156** specified that the person may request a hearing before the Board of Public Works and Safety. The request for a Board hearing must be in writing and delivered to the Clerk-Treasurer’s Office within three (3) days after the date the notice is given and a hearing will be scheduled to be held within ten (10) days of receipt of the written request.

Ordinance 5156 specified that at the hearing, the person will be given the opportunity to appear, with or without counsel, to present evidence to the Board “that reasonably relates to whether the presence of the solid waste on the real property is in violation of this Code Chapter.



“Each person appearing will also be given the opportunity to cross-examine any opposing witnesses and present evidence and arguments.”

Ordinance 5156 established that if the owner of the real estate has not abated the violation or requested a hearing within three (3) days of receiving the notice required above,” **the City may initiate legal action requesting that the Court impose a fine upon the owner of the real estate** as provided in this Chapter and/or the City may elect to give all persons holding a substantial interest in the real estate notice of the violation. If the violation is not abated within ten (10) days of all persons holding a substantial interest in the real estate receiving notice of the violation, “the City may enter onto the real estate and take appropriate action to bring the real estate into compliance.” And the expenses incurred by the City to bring the real estate into compliance “constitute a lien against the property if the lien is perfected in the manner required by Indiana Code 36-1-6-2.”

Ordinance 5156 specified that “the City may initiate legal action to have a fine imposed on the occupants of the real estate at any time at least three (3) days after the occupants received notice of the violation.” The ordinance would establish that the owner and occupant of the real property “shall be jointly and severally responsible for the City’s cost for the abatement of the violation under this Section.”

The costs for abatement would be \$150 or the actual cost of the work performed by a City department or contractor, whichever is greater. Further, the City Clerk-Treasurer would send a bill to the person violating this Code Chapter for the City’s cost for the abatement of the violation. Payment would be due fifteen (15) days after the billing date. And if the bill was not paid within forty-five (45) days of the due date, the City could file a civil action in a court of competent jurisdiction in Elkhart County against the violator to collect the costs for the abatement of the violation, including reasonable attorneys’ fees.

Ordinance 5156 also established the following penalties:

- **Anyone who violates a provision of this Code Chapter may be subject to a fine in an amount not more \$500 for each offense.**
- **If the violation is of a continuing nature, each day of failure to comply with the provisions of this Code Chapter shall constitute a separate offense.**
- **A complaint for violation seeking the imposition of a fine may be filed with any court of competent jurisdiction in Elkhart County.**
- **Enforcement of this Code Chapter against any owner of record “shall not in any manner diminish the ability of the City to enforce this Code Chapter against an occupant of the real property” and vice versa.**

Ordinance 5156 established the definitions of various words, terms and phrases, including occupant, owner, person and solid waste. **It defined recyclable materials as** “Acceptable materials that have been recovered or diverted from the solid waste stream for use or reuse; conversion into raw materials; or use in the production of new products. **Recyclable Materials shall include, at a minimum, cardboard, paperboard, newspaper, magazines/catalogs, copy paper, mail, other paper products, plastic products (#1 through #7), glass products (clear & colored), and metal products (aluminum, steel, tin, and bi-metal).**”

Finally, Ordinance 5156 would specify that all provisions of ordinances and the City Code not modified by this ordinance shall remain in full force and effect and that if any provision of this ordinance was held to be invalid, such provision would be deemed severable and the invalidity thereof would not affect the remaining provisions of this ordinance.” It also specified that **Ordinance 5156 would be in full force and effect from and after its passage, approval and adoption.**



APRIL 17, 2023 DISCUSSION & PASSAGE OF ORDINANCE 5156:

Mayor Stutsman said Ordinance 5156, *Accumulation of Materials*, was being brought to the Council because of the establishment of the City’s new recycling drop-off center. A major goal of Ordinance 5156 is to give the City the ability to fine individuals who dump inappropriate materials at the recycling center.

Mayor Stutsman said the dumping of inappropriate material is the main reason Elkhart County decided to close its drop-off recycling centers, including those in Goshen. He said “people were dumping just about anything at these locations in mass amounts.” The Mayor added that the City wants the new recycling center to be a resource for the community, but the City needs to control costs and ensure the center is used correctly.

Mayor Stutsman said City Attorney Bodie Stegelmann and the Legal Department worked hard on Ordinance 5156. He invited comments from the City Attorney.

City Attorney Stegelmann said Ordinance 5156 would amend an existing ordinance. He said some stylistic changes were made to improve the wording of paragraphs and sections. **He said the major changes were:**

- **Section 6.10.1.2.2 Solid Waste Violations Enforced without Opportunity to Correct the Violation, paragraphs L and M**, which are provisions regulating the dumping of materials at the recycling center;
- **Section 6.10.1.9 Definitions**, paragraph E, which defines recyclable materials.

Stegelmann said these new provisions make it a City violation “to dump something not recyclable at the center and to dump it not in the designated bins” at the center, even if the materials are recyclable.

Mayor Stutsman said this is an important provision he wanted to call attention to the public – that if the bins at the recycling center are full, people will need to come back and not leave materials outside the bins. If people start doing that, the Mayor said, those messes will need to be cleaned up, raising costs for the City.

Stegelmann said the initial use of the recycling center has been “pretty robust” and the bins are filling faster than the ability of the City’s contractor, Republic Services of Elkhart, to empty the bins and take the materials to the county recycling center. He said people should not be leaving material outside the bins, so he said **a violation will occur if a person leaves recyclable or non-recyclable material outside the bins at the recycling center.**

Councilor Schrock asked if there was signage at the recycling center advising people that if the bins are full, they cannot leave material on the ground, which would otherwise be legal to place in bins. **Stegelmann** said he was unaware of that. **City Director of Public Works & Utilities Dustin Sailor** said that was not yet part of signs.

Councilor King said it seemed important to add that information on signs. **Mayor Stutsman** said that advisory will be added to signs. **Councilor Schrock** said if this becomes a problem, he is sure the issue will be addressed.

Mayor Stutsman said the City now has cameras that provide an overview of the site and which will provide clear images of vehicles entering and exiting the site. He said the City also will position a Flock camera nearby to capture images of the license plates of vehicles whose occupants may have committed violations at the site.

Mayor Stutsman said the City will be closely monitoring the site. He said if someone dumps something small that they thought was recyclable and is not, those types of mistakes will be understood and forgiven. But the Mayor said there will be enforcement and fines for people who dump large items, like mattresses, televisions and other waste. He also said the City will also keep watch for landlords who try to dump items pulled out of their rentals.

Councilor Schrock asked if the center will start accepting glass. He said the bins don’t specify glass is accepted and he’s received two calls asking about this.



Mayor Stutsman said glass is accepted. He said City staff would ask Republic Services to specify on the bins that glass is accepted. **Councilors King and Eichorn** pointed out that the ordinance mentioned that glass is recyclable.

Council President Weddell asked if more recycling containers would be added at the center. **Mayor Stutsman** said that it is possible. He said that decision would be based on usage. He said Republic is assessing how many containers are being used and how often they need to be emptied. The Mayor said sewer treatment plant employees, whose plant is across the street from the recycling center, are checking the site daily to determine if anything needs to be cleaned up and to monitor operations. He said cameras also will be regularly checked to determine who is responsible for any problems.

Councilor Eichorn asked if signs would be posted to advise people that cameras are monitoring the site. **Mayor Stutsman** said there is plenty of signage for cameras and the rules for using the recycling center. He said signage will be modified to advise people that no recyclable material is allowed to be left at the site when the dumpsters are full. The Mayor said that was clearly implied, but that this warning will now be specified.

Councilor King responded, "Nothing goes without saying."

Mayor Stutsman said the City will keep making adjustments as needed. Despite the City initiating at-home recycling collections last year, the Mayor said many people continue to ask why the county's recycling centers disappeared. He said the City wants the recycling center to be successful and something the City can afford to continue.

Mayor Stutsman reminded Councilors that the City received funding from the county to develop the recycling center and for five years of funding to help pay for its operations. **If residents don't obey the prohibition against illegal dumping, and escalating costs, the Mayor said the City could be forced to close the recycling center as the county did with its drop-off sites.**

Councilor Pérez asked about the county's closed drop-off recycling centers. In particular, he asked if people are still dumping non-recyclable items at those locations. **Mayor Stutsman** said that was a very good question. He said it was his understanding that there hasn't been dumping at the county's last recycling site in Goshen. He said Goshen College hasn't had any issues at its closed drop-off site.

Councilor King asked if the county's closed drop-off sites in Goshen have signs directing people to the City's new recycling center. **Mayor Stutsman** said such a sign was placed at the county's last recycling site in Goshen.

Mayor Stutsman asked **City Attorney Stegelmann** if he had finished summarizing the changes in Ordinance 5156 from Ordinance 4769. **Stegelmann** said he made a change to Section 6.10.1.3 Enforcement Process, adding that any violation could be enforced by the City's Ordinance Violations Bureau. He said City staff can write tickets and people can come into the City Court and pay fines, so minor violations can be addressed that way. And larger violations can still go to court if needed.

Mayor Stutsman asked **City Attorney Stegelmann** about the amount of fines. Stegelmann said ordinance violations are for specific amounts based on first, second or third offenses. There could be a fine of up to \$500.

Councilor King asked what would happen if a person declined to pay a ticket and decided to challenge a violation.

Stegelmann said people who commit major or repeated violations can be taken to county court by the City.

Councilor King asked about process if a person wants to challenge a violation. **Stegelmann** said the matter can be filed through the county courts.



Councilor Schrock asked if it was legal for county residents to use the City's recycling center. **Mayor Stutsman** responded, "We're not advertising that."

There were no other questions or comments from Councilors, so at 6:31 p.m., Mayor Stutsman invited public comments on Ordinance 5156. There were none.

There were no further Council questions or comments. Council President Weddell indicated that Councilors were ready to vote.

On a roll call vote, Councilors approved Ordinance 5156, Revisions to Ordinance 4769 Accumulation of Materials on First Reading, by a 7-0 margin, with all Councilors present voting "yes" at 6:31 p.m. Youth Adviser Velazquez Valdes also voted "yes."

Councilors gave unanimous consent to the Mayor to proceed with the Second Reading of Ordinance 5156.

Mayor Stutsman called for the introduction, on Second Reading, of Ordinance 5156, Revisions to Ordinance 4769 Accumulation of Materials. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5156 by title only, which was done.

Weddell/Nisley moved for passage of Ordinance 5156 on Second and Final Reading.

There were no further comments by the public or Councilors. Council President Weddell said Councilors were ready to vote.

On a roll call vote, Councilors approved Ordinance 5156, Revisions to Ordinance 4769 Accumulation of Materials on Second Reading, by a 7-0 margin, with all Councilors present voting "yes" at 6:32 p.m. Youth Adviser Velazquez Valdes also voted "yes."

3) Resolution 2023-09, A Resolution of the Common Council of the City of Goshen authorizing filing of an application for a Community Development Block Grant

Mayor Stutsman called for the introduction of Resolution 2023-09, *A Resolution of the Common Council of the City of Goshen authorizing filing of an application for a Community Development Block Grant.*

Council President Weddell asked the Clerk-Treasurer to read Resolution 2023-09 by title only, which he did.

Weddell/Eichorn moved to approve Resolution 2023-09.

BACKGROUND:

In a memorandum to the Common Council, which was included in the Common Council's meeting packet, **City Community Development Specialist Theresa Cummings** wrote that she was submitting for the Council's approval Resolution 2023-09, *A Resolution of the Common Council of the City of Goshen authorizing filing of an application for a Community Development Block Grant* (CDBG) application (annual plan) for Program Year 2023. She wrote that the 2023 HUD allocation to Goshen has been released for \$267,010.



Cummings wrote that during the public comment period, no comments were received, and no substantial changes were made to the draft plan that was discussed at the March 20, 2023 Council meeting. The plan is available at: <http://goshenindiana.org/cdb>

In March, **Cummings** said the 2023 plan continues the priorities for community and neighborhood development that were identified in the 2020-2024 consolidated plan.

Cummings said the plan's **key priorities are: 1) Housing Opportunities; 2) Access to Services; and 3) Neighborhood Revitalization.** In a memorandum to the Common Council, dated March 20, 2023, **Cummings** wrote that the proposed strategies for the three priorities were:

1) Housing Opportunities

- Improve owner-occupied housing through rehab;
- Increase quality of rental housing;
- Increase transitional housing options;
- Reduce housing cost burden through higher wage job opportunities and job training;
- Provide permanent supportive housing for chronically homeless;
- Support affordable housing creation and preservation;
- Provide emergency shelter for homeless individuals and families;
- Expand housing options and assistance;
- Maintain and facilitate use of Housing Choice voucher program.

2) Access to Services

- Increase access to affordable healthcare;
- Increase services for mentally ill;
- Support programs for youth;
- Increase access to affordable childcare and early childhood education;
- Support services for elderly and the disabled;
- Support public transportation;
- Provide emergency shelter for homeless individuals and families;
- Provide permanent supportive housing for chronically homeless;
- Support counseling/advocacy for underserved populations;
- Increase access to substance abuse prevention and treatment;
- Support life skill development;
- Support nutrition programs and food assistance.

3) Neighborhood Revitalization

- Improve owner-occupied housing through rehab;
- Remove blighted residential properties;
- Address issue of vacant/foreclosed houses;
- Increase quality of rental housing;
- Support public infrastructure projects;
- Repair/replace existing sidewalks;
- Support neighborhood parks.



Cummings informed the Council that for program year 2023, the City of Goshen entitlement allocation of \$267,010 in CDBG funds would be combined with miscellaneous income in the amount of \$7,000 and \$78,000 in prior years' resources for a total budget of \$352,010.

Cummings said the proposed use of CDBG funds for program year 2023 would be as follows:

- 1. Public Service Grants – Provision of services to low- and moderate-income individuals and households Citywide – \$47,000**
- 2. Owner-Occupied, Single Unit Rehabilitation of homes occupied by low- and moderate-income households through loans, grants and deferred payment loans Citywide – \$58,010**
- 3. Multi-family Housing Rehabilitation- One multi-unit project to create and preserve affordable housing – \$190,000**
- 4. Planning, general administration, environmental reviews, and audit – \$57,000**

Cummings said the estimated total CDBG budget was \$352,010.

APRIL 17, 2023 DISCUSSION & PASSAGE OF RESOLUTION 2023-09:

Mayor Stutsman said **City Community Development Specialist Theresa Cummings** was available to provide an overview for the Council.

Mayor Stutsman said this matter previously was approved by the City Board of Works. Because in the coming months he will be leaving office and becoming the executive director of LaCasa, Mayor Stutsman said he abstained from voting on this matter when it came before the Board of Works and he would not be voting on this matter tonight. Although the City Attorney agreed that Mayor Stutsman does not have a direct conflict of interest, the Mayor said LaCasa has received CDBG funds for many years and he has decided not to vote on the matter if there was a tie vote tonight. He said he wanted to make this public statement.

Cummings said **City Planning & Zoning Administrator Rhonda Yoder** reached out to the U.S. Department of Housing and Urban Development for guidance about whether the Mayor could take action on the CDBG resolution. She said HUD's Legal Department planned to respond to the inquiry. The Mayor said he also spoke to HUD. As for the issue before the Council, **Cummings** said Resolution 2023-09 would authorize the filing of the City's Community Development Block Grant application for Program Year 2023.

Cummings said that when she last met with the Council, on March 20, there have been no changes to the plan and the public comment period was over, with no comments having been received. She also said the budget was still the same. And she asked the Council to pass the resolution so the application could be filed by the deadline.

Councilor Schrock asked **Cummings** to explain the fourth to last section of the federal application titled "Excessive Force," which stated: "1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations." Councilor Schrock asked why this clause was part of the application.

Cummings said the application contained certifications from the U.S. Department of Housing and Urban Development. She didn't know why that clause was included in the application, but she could check on it. **Mayor Stutsman** said the City was required to agree to the certifications in the application, but he didn't know the reason for the language that **Councilor Schrock** asked about. He said the City has policies about excessive force.

Councilor Pérez asked **Councilor Schrock** what he found odd about the excessive force section. **Councilor Schrock** said he found it odd that the section was included. He said it "didn't fit" with the other sections of the agreement about the block grant. He added, "It just stuck out."



Council President Weddell said that it appeared **Councilor Schrock** wasn't questioning the language about excessive force. He was just wondering what it had to do with an application that focused on housing. **Councilor Schrock** responded, "That's exactly right."

Councilor Pérez said it's possible there could be situation when a police response escalated and officers might have to control a situation. **Cummings** said some CDBG funds could be used for code enforcement and perhaps there could be a prohibition against using excessive force in those situations. But she said Goshen hasn't used funds for that purpose. **Councilor Pérez** said there could possibly be protests in those situations and the federal government would not want excessive force used in those situations.

Councilor Schrock responded, "Okay. It just looked out of place."

There were no other questions or comments from Councilors, so at 6:39 p.m., Mayor Stutsman invited public comments on Resolution 2023-09. There were none.

Council President Weddell said that he serves on the board of LaCasa and receives no money for that service. Still, he said he wanted to make that public disclosure.

There were no further Council questions or comments. Council President Weddell indicated that Councilors were ready to vote.

On a voice vote, Councilors unanimously approved Resolution 2023-09, A Resolution of the Common Council of the City of Goshen authorizing filing of an application for a Community Development Block Grant., by a 7-0 margin with all Councilors present voting yes at 6:40 p.m. Youth Adviser Velazquez Valdes also voted "yes."

4) Ordinance 5155: City of Goshen Ambulance User Fee Schedule

Mayor Stutsman called for the introduction of Ordinance 5155, City of Goshen Ambulance User Fee Schedule on First Reading. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5155 by title only, which was done.

Weddell/Riegsecker moved to approve Ordinance 5155 on First Reading.

BACKGROUND:

Ordinance 5155, City of Goshen Ambulance User Fee Schedule, would revise the City ambulance user fee schedule originally established on April 1, 2018 through Ordinance 4944.

The ambulance user fees have been adjusted based on the current Centers of Medicare & Medicaid Service (CMS) Ambulance Fee Schedule for Indiana. Ordinance 4944 provided that the Goshen Common Council should review the ambulance user fee schedule in April 2023.

In addition, the Goshen Fire Department has asked to add a new fee for Specialty Care Transport. Ordinance 5155 would set forth the City's current ambulance user fees in effect as of January 9, 2023 as well as new fees for Specialty Care Transport.

Ordinance 5155 would replace Ordinance 4944 and would be in effect after the Council's approval.



Under Ordinance 5155:

- (a) The City of Goshen Ambulance User Fee Schedule is based on the level of ambulance service provided and the Centers of Medicare & Medicaid Service (CMS) Ambulance Fee Schedule for Indiana. The Resident rate equals 150% of the CMS Indiana urban base rate and the Non-Resident rate equals 200% of the CMS Indiana urban base rate based on the applicable level of ambulance service provided. The mileage rate equals 150% of the CMS Indiana urban base mileage rate for both Residents and Non-Residents.
- (b) The City of Goshen Ambulance User Fee Schedule is set forth in Exhibit A. Individuals receiving ambulance services provided by the Goshen Fire Department shall be charged the applicable ambulance user fee based on the level of ambulance service provided for each patient run occurrence. There shall be no additional charge if someone accompanies a patient being transported.
- (c) For the purposes of this ordinance and the Ambulance User Fee Schedule, a “Resident” shall mean an individual who resides in the corporate boundaries of the City of Goshen at the time ambulance services are provided. A “Non-Resident” shall mean an individual who does not reside in the corporate boundaries of the City of Goshen at the time ambulance services are provided.
- (d) The ambulance user fees shall be automatically adjusted when the CMS Indiana urban base rates are updated by CMS.
- (e) The Goshen Common Council should review the ambulance user fee schedule at least once every five (5) years beginning May 2028.

(Exhibit A) After Ordinance 5155 was passed, the City of Goshen Ambulance User Fees would be as follows:

Basic Life Support Non-Transport

Resident	\$152.39
Non-Resident	\$203.18

Basic Life Support Non-Emergency Transport (A0428)

Resident	\$380.97
Non-Resident	\$507.96

Basic Life Support Emergency Transport (A0429)

Resident	\$609.54
Non-Resident	\$812.72

Advanced Life Support Non-Transport

Resident	\$228.58
Non-Resident	\$304.78

Advanced Life Support - Level 1 Non-Emergency Transport (A0426)

Resident	\$457.16
Non-Resident	\$609.54

Advanced Life Support - Level 1 Emergency Transport (A0427)

Resident	\$723.84
Non-Resident	\$965.12

Advanced Life Support - Level 2 Emergency Transport (A0433)

Resident	\$1,047.66
Non-Resident	\$1,396.88



Specialty Care Transport (A0434)

Resident \$1,238.13

Non-Resident \$1,650.84

Mileage - Per Loaded Mile, Minimum One Mile (A0425) \$13.07

APRIL 17, 2023 DISCUSSION & PASSAGE OF ORDINANCE 5155:

Mayor Stutsman said this was the City’s ambulance fee ordinance. He said staff worked to make sure the City was updating the fees that can be charged to keep up with increasing Fire Department’s expenses.

Councilor King asked about the cost of the services and how they were determined, especially the calculations of the resident rate equaling 150% of the CMS Indiana urban base rate and the non-resident base rate being 200% of the CMS Indiana urban base rate.

City Attorney Stegelmann said was unsure how those figures were calculated, but said those numbers have been used for many years. He said the percentages have been in place for many years. He said the only change was the addition of Specialty Care Transport. He said in recent years, the Fire Department has been asked more and more to transport patients from Goshen Hospital to other facilities and there has been no charges for that service. So, he said a new fee was added to the new ordinance.

Councilor King said she was curious, from user viewpoint, about the cost of the service being a higher percentage than the CMS Indiana urban base rate and what it meant to them in actual billing.

Mayor Stutsman said he believes most communities bill the maximum allowable Medicare charge to help pay for the cost of ambulance services.

Council President Weddell said most medical billing is based on CMS Medicaid reimbursement rates and most medical facilities will bill a percentage above those rates. He said Medicare will only pay up to their reimbursement level, so medical facilities will write off that difference. He added that these rates come into pay for people who don’t have private insurance and pay in cash for ambulance services, and would pay those upper rates.

Councilor Pérez said social workers in hospitals do the work of connecting with patients who have Medicaid and Medicare. He said they help process the paperwork and any outstanding balance is billed to patients.

Mayor Stutsman said historically these charges have not covered the City’s ambulance costs, but they help extend the program. He said the Fire Department has provided more than 5,000 responses per year. He said that in recent years, the Fire Department has been asked to provide more ambulance transportation from the hospital to specialty facilities and this service has been provided for free. But as the demand has increased, he said City staff determined that something had to be done to recoup some of those costs.

Mayor Stutsman said if Ordinance 5155 was passed, there would be another review of the fees in 2028

Councilor Riegsecker asked if it was true the City wasn’t raising its ambulance fees. **City Attorney Stegelmann** responded, “That’s correct.”

There were no other questions or comments from Councilors, so at 6:45 p.m., Mayor Stutsman invited public comments on Ordinance 5155. There were none.

There were no further Council questions or comments. Council President Weddell indicated that Councilors were ready to vote.



On a roll call vote, Councilors approved Ordinance 5155, City of Goshen Ambulance User Fee Schedule on First Reading, by a 7-0 margin, with all Councilors present voting “yes” at 6:45 p.m. Youth Adviser Velazquez Valdes also voted “yes.”

Councilors gave unanimous consent to the Mayor to proceed with the Second Reading of Ordinance 5155.

Mayor Stutsman called for the introduction, on Second Reading, of Ordinance 5155, City of Goshen Ambulance User Fee Schedule. Council President Weddell asked the Clerk-Treasurer to read Ordinance 5155 by title only, which was done.

Weddell/Eichorn moved for passage of Ordinance 5155 on Second and Final Reading.

Mayor Stutsman invited further questions or comments from Councilors or the public. There were none. Council President Weddell indicated that Councilors were ready to vote.

On a roll call vote, Councilors approved Ordinance 5155, City of Goshen Ambulance User Fee Schedule on Second and Final Reading, by a 7-0 margin, with all Councilors present voting “yes” at 6:46 p.m. Youth Adviser Velazquez Valdes also voted “yes.”

Elected Official Reports:

Mayor Stutsman asked if there were any elected official reports.

Councilor Eichorn said the City **Community Relations Commission (CRC)** will host a reception for its **annual CRC essay contest** at 6 p.m. Tuesday (April 18) in the Schrock Pavilion at Shanklin Park. She said people who attend can read the essays and at 7 p.m., awards will be given to the winners.

Council President Weddell said the **City Redevelopment Commission** met last week. He said **Requests for Proposals (RFPs) have been circulating for several properties**, including the former DT Muffler & Brake shop at 233 South Main Street. He said one offer was received for that property. He said an offer also was received on three empty City lots on 3rd Street, just north of Madison Street. Council President Weddell said he and Commission member Brianne Brenneman met with staff and reviewed the offers. He said an RFP also was circulated for the Millrace Townhomes property, but no offers were received. He said the RFP will be circulated for another 30 days. **Councilor Eichorn** asked if **Council President Weddell** could reveal the names of people who submitted the offers. **Council President Weddell** said the offers were read aloud at the commission meeting and were public information. He said the **Northern Indiana Clay Alliance**, led by **Justin Rothshank and Trevor Daugherty**, submitted an RFP for the former DT Muffler property. And **Larry and Julia Gautsche** submitted an offer on the 3rd street lots.

Councilor Riegsecker said **City Director of Cemeteries Burt Matteson** circulated an email with some updates. The City replaced a 1994 Chevrolet 2500 truck with a 2023 Chevrolet 3500 truck. He said the Cemeteries Department also is seeking additional summer help. **Mayor Stutsman** said primarily the work would involve mowing and maintenance. **Council President Weddell** asked how many hours were being offered. **Mayor Stutsman** said the person hired could probably work as many as eight hours a day mowing.



Councilor Schrock asked **City Director of Public Works & Utilities Dustin Sailor** if there was any news about poorly installed **fiber optic boxes** that he could share with neighbors who have complained. **Sailor** said he is trying to arrange another meeting with the fiber company and that he would invite **Councilor Schrock** to the meeting.

Councilor Riegsecker said he received an email from someone wanting to have **benches at bus stops**. He wondered about the criteria for installing benches so people have a place to sit while waiting for buses.

Mayor Stutsman said the City works with the Michiana Area Council of Governments (MACOG) on bus stops. He said MACOG determines the need for benches and shelters based on the number of riders at stop locations. He said the City can install benches and shelters, but it must pay the entire cost. He said once the City decides to add a bench and shelter, it's also required to provide a concrete platform at each stop and ensure it is compliant with the standards of the Americans with Disabilities Act (ADA). So, he said the City works with MACOG, which can provide some federal funding, and make benches and shelters more affordable for the City. He added that MACOG will soon announce new bus routes and is delaying the installation of any new benches and shelters until then.

Sailor verified the Mayor's information. He added that the City planned to install some seats hooked to poles at some stops, but is holding off until the new routes are announced.

Councilor Riegsecker said if there were sponsorship opportunities for people to donate funds for benches and shelters. **Mayor Stutsman** responded, "We'll always take that." **Councilor King** jokingly asked, "The Riegsecker bench?" **Councilor Riegsecker** responded, "Could be."

Mayor Stutsman said the next step in the bus expansion process is figuring out the new routes. He said he believes MACOG is getting close to announcing the new routes. He said the City has paid for several bus shelters over the years. He added that some stops may be shifted.

Councilor King asked about the process for authorizing new benches. **Mayor Stutsman** said Councilors can recommend new locations for benches. He said City staff have wanted more benches and shelters wherever possible, but funding is the issue.

Councilor Schrock said he believes he received the same email as **Councilor Riegsecker**, from a local resident, expressing the same concern about the need for more bus stop benches.

Mayor Stutsman that without federal funding, the cost of benches and shelters is quite high. **Sailor** said the cost can be between \$13,000 and \$15,000 each. The Mayor said Goshen has 20 bus stops, so MACOG only helps pay for benches and shelters at the stops with the highest ridership.

Councilor Pérez said has enjoyed working with **Youth Adviser Velazquez Valdes**. He said she applied to colleges for admission and just learned that she has been accepted to Harvard College. He congratulated her for this accomplishment. He joked that she must now decide whether to go to Harvard or another college, like Yale. **Mayor Stutsman** joked that perhaps Youth Adviser Velazquez Valdes should "hold out; you might get into a good school."

Councilor Pérez said he appreciated the Youth Adviser for her work with the Mayor and her internship with the City. He said all of the City's youth advisers have gotten into good colleges. He added that this was "continuing the tradition of Goshen producing great young people that go and do great things and sometimes they come back."

Youth Adviser Velazquez Valdes said, "I'm planning to study government so I can actually understand what you're all talking about half the time." **Mayor Stutsman** joked, "Will you come back and explain it to us?" She responded, "Sure. You may have to do some more explaining."

Councilor Nisley thanked the **Engineering Department** for working with him and **NIPSCO** and fixing a light that had been out for about two years. He said neighbors appreciate it.



Councilor Riegsecker said he contacted NIPSCO about another street light that was out and it was replaced. He said no City staff members were involved in that case.

Mayor Stutsman said **Youth Adviser Velazquez Valdes** helped secure a \$10,000 grant for a mural in the art alley. He thanked her for taking the initiative in securing the grant.

Mayor Stutsman said that earlier today **Kid Mayor Conner Gwaltney**, a fourth-grader at Parkside Elementary School, helped the Mayor preside at a meeting of the Board of Works and Safety. Afterward, he said he and Conner met at City Hall for a discussion about City issues. He said Conner is 10 years old and had great questions.

Mayor Stutsman said he announced last week that his final day as mayor will be June 16. He said he hoped the Council and the future mayor will continue the City's youth leadership programs. The Mayor said he began the youth adviser program in 2016 and it has grown to include a youth caucus, the kid mayor and kid caucus. Mayor Stutsman said these programs are a great way to ensure that City leaders are hearing the voices of all people in the community. He thanked **Youth Adviser Velazquez Valdes** and all previous youth advisers.

Councilor Schrock said it was nice to hear such good news about young people in Goshen, adding, "It's not all bad news." **Mayor Stutsman** agreed, adding that youth are more involved than when he was a young person in Goshen.

There were no further comments by elected officials.

Adjournment:

Councilor Nisley made a motion to adjourn the meeting. **Councilor Pérez** seconded the motion. **Councilors** unanimously approved the motion to adjourn the meeting.

Mayor Stutsman adjourned the meeting at 6:59 p.m.

APPROVED:

Jeremy P. Stutsman, Mayor of Goshen

ATTEST:

Richard R. Aguirre, City Clerk-Treasurer



CITY OF GOSHEN, INDIANA

Goshen Downtown Economic Improvement District Board

c/o City of Goshen Legal Department

City Annex

204 East Jefferson Street, Suite 2

Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 533-8626 • TDD (574) 534-3185

May 15, 2023

To: Goshen Common Council

From: Shannon Marks

RE: Goshen Downtown Economic Improvement District Board

The Goshen Downtown Economic Improvement District (EID) Board consists of five members appointed by the Goshen Common Council. The Board members must either be an owner of real estate in the district or directly involved in a business operating within the district, and at least three of the five members must own real estate within the district. The current members of the EID Board are Kare Anderson, Justin Bell, Dave Pottinger, Jonathan Weiland and Scott Woldruff, all which own real estate within the district. The terms of Board members Kare Anderson and Justin Bell will expire on May 31, 2023.

Goshen City Ordinance 4062 requires the EID Board to first poll all real estate owners within the district for names of persons to serve on the Board and then forward the results of the polling to the Common Council. Ballots with the names of five individuals that are interested in serving on the EID Board were mailed to the property owners of all parcels in the district that are assessed an annual assessment. The property owners were asked to vote for up to two candidates, and to return the ballot to this office by May 11, 2023. The results of this polling will be tallied and presented to the Common Council for final approval at the May 15, 2023 meeting.

ORDINANCE 5157

College Avenue (County Road 36) Annexation

WHEREAS pursuant to Indiana Code § 36-4-3-5.1, one hundred percent (100%) of the landowners have filed a Petition for Annexation into the City of Goshen and requested the Goshen Common Council adopt an ordinance to annex the real estate as identified on the map attached to this ordinance as Exhibit A, hereinafter referred to as the "Annexation Area."

WHEREAS at least one-fourth (1/4) of the aggregate external boundaries of the Annexation Area are contiguous with the corporate limits of the City of Goshen.

WHEREAS the Annexation Area is or will be zoned for industrial uses.

WHEREAS a written fiscal plan and policy has been developed for the Annexation Area and adopted by resolution of the Goshen Common Council.

WHEREAS the City can physically and financially provide the same municipal services to the Annexation Area as the City is now providing for the rest of the residents of the City of Goshen.

WHEREAS the Annexation Area is a logical extension of the City's corporate boundaries, and the area is needed and can be used for the continued development and managed growth of the City of Goshen.

WHEREAS pursuant to notice given, the Goshen Common Council conducted a public hearing in which all interested parties were given the opportunity to testify on the proposed annexation.

NOW, THEREFORE, BE IT ORDAINED by the Goshen Common Council that:

SECTION 1 Annexation Area Described; Acreage

- (A) The real estate generally located along both the north and south sides of College Avenue (County Road 36), west of County Road 31 and east of the railroad as identified on the map attached to this ordinance as Exhibit A, and more particularly described in Exhibit B, is annexed to the City of Goshen, Indiana and included within the City's corporate boundaries. The real estate depicted in Exhibit A and described in Exhibit B shall hereinafter be referred to as the "Annexation Area."

- (B) The Annexation Area also includes any public highway and rights-of-way of the public highway that are contiguous to the Annexation Area to the extent required by Indiana Code § 36-4-3-2.5. Such public highways include 209 feet of County Road 36.
- (C) The total acreage of the Annexation Area is approximately 34.2 acres, more or less.

SECTION 2 Zoning

The Annexation Area will be zoned as M-1 Industrial District (Light Industrial) upon the effective date of annexation into the City of Goshen.

SECTION 3 Council District

- (A) Area 1 of the Annexation Area as identified in Exhibit A and Exhibit B is assigned to Goshen City Council District Four (4).
- (B) Area 2 of the Annexation Area as identified in Exhibit A and Exhibit B is assigned to Goshen City County District Five (5).
- (C) In addition, to correct an inadvertent omission in Ordinance 5131, Elkhart Township Precinct 04, Census Block 1000 (area located north of Area 1 of the Annexation Area) is assigned to Goshen City Council District Four (4).

SECTION 4 Effective Date

The effective date of the annexation of the real estate described in Section 1 shall be at least thirty (30) days after the adoption of the annexation ordinance and publication of notice, and upon the filing and recording of the ordinance pursuant to Indiana Code § 36-4-3-22(a), but in no event before August 1, 2023.

SECTION 5 Filing and Recording of Ordinance

This ordinance shall be filed with the Auditor of Elkhart County, the Circuit Court Clerk of Elkhart County, the Board of Registration of Elkhart County, the Office of the Secretary of State, and the Office of Census Data established by Indiana Code § 2-5-1.1-12, and recorded in the Office of the Elkhart County Recorder pursuant to Indiana Code § 36-4-3-22.

[Continued on next page.]

EXHIBIT A

College Avenue (County Road 36) Annexation Area Map

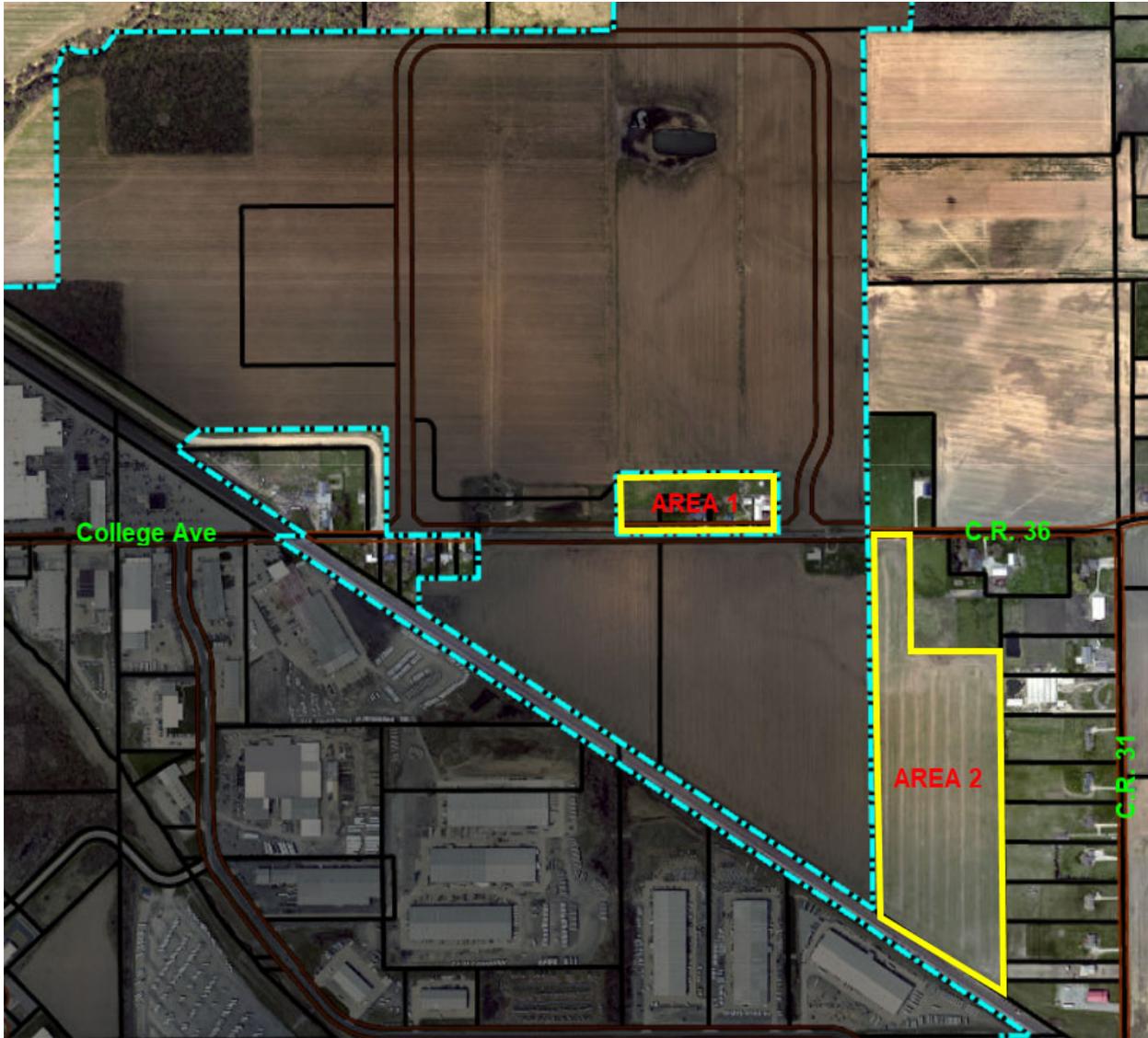


EXHIBIT B

College Avenue (County Road 36) Annexation Area Described

AREA 1 - Area 1 identified on Exhibit A consists of the following three (3) parcels generally located on the north side of College Avenue (County Road 36), and more particularly described as follows:

Parcel Number 20-11-13-400-005.000-014, Parcel Number 20-11-13-400-009.000-014, and Parcel Number 20-11-13-400-010.000-014.

A PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 36 NORTH, RANGE 6 EAST, ELKHART TOWNSHIP, ELKHART COUNTY INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS (BEARINGS IN THIS DESCRIPTION ARE BASED ON A LINE CONNECTING THE MONUMENT AT THE SOUTHWEST CORNER AND THE MONUMENT AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER BEING NORTH 89 DEGREES 39 MINUTES 16 SECONDS EAST):

BEGINNING AT A HARRISON MONUMENT MARKING THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 36 NORTH, RANGE 6 EAST; THENCE NORTH 00 DEGREES 22 MINUTES 23 SECONDS WEST, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 13, 320.49 FEET; THENCE NORTH 89 DEGREES 39 MINUTES 16 SECONDS EAST, 845.97 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 44 SECONDS EAST, 320.49 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 39 MINUTES 16 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER, 845.82 FEET, MORE OR LESS, TO THE POINT OF BEGINNING OF THIS DESCRIPTION, CONTAINING 6.224 ACRES, MORE OR LESS.

AREA 2 - Area 2 identified on Exhibit A consists of the following parcel generally located on the south side of College Avenue (County Road 36), and more particularly described as follows:

Parcel Number 20-11-24-226-006.000-014

A PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 36 NORTH, RANGE 6 EAST, SECOND PRINCIPAL MERIDIAN, ELKHART TOWNSHIP, ELKHART COUNTY, INDIANA, CONTAINING 28.02 ACRES, MORE OR LESS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A HARRISON MONUMENT MARKING THE NORTHEAST QUARTER CORNER OF SECTION 24, TOWNSHIP 36 NORTH, RANGE 6 EAST; THENCE SOUTH 89 DEGREES 39 MINUTES 12 SECONDS WEST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1106.04 FEET, TO A MAG NAIL, BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 39 MINUTES 12 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 209.00 FEET TO A MAG NAIL; THENCE SOUTH 00 DEGREES 42 MINUTES 25 SECONDS EAST OF THE EAST LINE OF DEED RECORD 2021-03702, A DISTANCE OF 1979.00 FEET TO AN IRON REBAR ON THE NORTH RIGHT OF WAY OF THE NORFOLK SOUTHERN RAILWAY; THENCE SOUTH 56 DEGREES 33 MINUTES 42 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY OF THE

NORFOLK SOUTHERN RAILWAY, A DISTANCE OF 830.98 FEET TO AN IRON REBAR WITH CAP; THENCE NORTH 00 DEGREES 42 MINUTES 00 SECONDS WEST 627 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1815.05 FEET TO AN IRON REBAR WITH CAP; THENCE SOUTH 89 DEGREES 39 MINUTES 12 SECONDS WEST A DISTANCE OF 478.95 FEET, TO AN IRON REBAR WITH CAP; THENCE NORTH 00 DEGREES 42 MINUTES 25 SECONDS EAST, A DISTANCE OF 627.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PASSED by the Goshen Common Council on _____, 2023.

Presiding Officer

ATTESTED:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2023, at _____
a.m./p.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2023.

Mayor

This ordinance prepared by Shannon Marks, City of Goshen Legal Department, 204 East Jefferson Street, Suite 2, Goshen, Indiana 46528.

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 (Shannon Marks).

ORDINANCE 5158

Prohibiting Camping and Storage of Personal Property on Public Property

WHEREAS, public property is intended to be used by the public for public purposes, including daily City of Goshen operations; park recreational use; pedestrian, bicycle and vehicular transportation; and other public uses;

WHEREAS, camping without adequate sanitation services, such as sewer, water, and garbage, presents a public health and safety concern by increasing the spread of disease and potential for members of the public, including individuals experiencing homelessness, to contract illnesses;

WHEREAS, the City of Goshen is experiencing use of its public spaces for camping and storage of personal property by individuals without stable homes;

WHEREAS, the City seeks to prevent harm to the health and safety of the public and to promote the public health, safety, and general welfare by keeping public streets, parks, sidewalks, parking lots, and other public property within the City readily accessible to the public, and to prevent use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for the purposes for which they were intended;

WHEREAS, the City's staff continually works with individuals experiencing homelessness to match such individuals with housing, mental health, and other services they require, and provide transportation to overnight shelters;

WHEREAS, the City of Goshen staff will continue to treat homeless individuals with respect, dignity, and compassion and strive to minimize harm and trauma when providing assistance; and

WHEREAS, if no overnight shelter designated for homeless individuals is available, then the provisions of this Ordinance will not be enforced.

NOW THEREFORE, BE IT ORDAINED by the Goshen Common Council that:

SECTION 1. Definitions.

The following definitions shall be applicable in this ordinance:

- A. "Camp" or "Camping" means to pitch, erect, or occupy Camp Facilities, or to use Camp Equipment, or both, for the purpose of, or in such a way as will permit or facilitate remaining overnight for one or more nights, or parking a trailer, Recreational Vehicle, or other vehicle for the purpose of remaining overnight for one or more nights.

B. "Camp Facilities" include, but are not limited to, tents, huts, temporary shelters, lean-tos (cardboard or other materials), trailers, Recreational Vehicles, or other vehicles.

C. "Camp Equipment" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, cooking utensils, and similar equipment.

D. "Park" means any real property, as well as any building, structure, parking lot, equipment, sign, shelter, swimming pool, vegetation, playground, or other physical property owned or controlled by the City for park purposes.

E. "Recreational Vehicle" means a travel trailer, motor home, campers, truck camper, or camping trailer that is primarily designed or used as temporary living quarters, and can be self-propelled or mounted on or drawn by another vehicle.

SECTION 2. Unlawful Camping and Storage of Camp Facilities, Camp Equipment, and related Personal Property.

Except as otherwise provided by ordinance, it shall be unlawful for any person to Camp, occupy Camp Facilities, or to place, store, or maintain Camp Facilities, Camp Equipment, or other related personal property on any property owned or controlled by the City of Goshen, including, but not limited to the following types of areas, except with permission of the Goshen Board of Works and Safety:

A. Any sidewalk, street, alley, highway, or right-of-way;

B. Any Park or trail;

C. Any publicly owned parking lot or publicly owned area, improved or unimproved; or

D. Any public area where Camping obstructs or interferes with the intended public use of the property.

This section shall not apply to vehicles, including trailers and Recreational Vehicles, which are unoccupied and legally parked in rights-of-way, unless otherwise prohibited by law.

SECTION 3. Unauthorized Camp Areas.

Upon a determination by City of Goshen staff that property owned or controlled by the City of Goshen is being used for Camping without authorization, the Camp Equipment, Camp Facilities, and all other personal property located at such area may be removed by City of Goshen staff, subject to the following provisions:

A. If the unauthorized encampment poses a significant risk of harm to any person, or to the public, City of Goshen staff may immediately remove any Camp Equipment, Camp Facilities, and all other personal property.

B. If an unauthorized encampment does not pose a risk of harm to any person, or to the public, City of Goshen staff may remove any Camp Equipment, Camp Facilities, and all other personal property after complying with the following steps:

(1) The City shall post notice at the site of the encampment in a manner reasonably calculated to effectively communicate notice to the property owners, at least a 48-hours in advance of any removal of any Camp Equipment, Camp Facilities, and all other personal property, which notice shall include the following:

- (a) The address or location of the unauthorized encampment;
- (b) A statement that Camping in the area is prohibited by this ordinance;
- (c) the date and time the property will be removed;
- (d) A statement that any Camp Equipment, Camp Facilities, and all other personal property remaining at the encampment after the notice period is subject to removal by the City
- (e) the location to which the property will be removed; and
- (f) the telephone number and name of the person to be contacted regarding the recovery of the property; and a statement that the any Camp Equipment, Camp Facilities, and all other personal property remaining on the site at the scheduled removal date and time shall be deemed abandoned and subject to disposal

(2) At the end of the 48-hour notice period, any Camp Equipment, Camp Facilities, and all other personal property may be removed by City personnel or agents of the City.

C. Any Camp Equipment, Camp Facilities, and all other personal property removed by City of Goshen staff must be stored by City of Goshen staff for sixty (60) days prior to being disposed. Notice of the location where any Camp Equipment, Camp Facilities, and all other personal property removed from the encampment may be claimed shall be posted at the location from which the personal property was removed in a manner reasonably calculated to effectively communicate notice to the property owners. Any litter, trash, garbage, or solid waste, or items that constitute a significant health hazard, found at the encampment shall be immediately disposed in a proper manner, and need not be stored by City of Goshen staff.

D. If the name and contact information for the owner of a particular item of any Camp Equipment, Camp Facilities, and all other personal property can reasonably be

identified, the City shall attempt to contact the identified owner and provide notice that the item has been removed and how to claim the item.

SECTION 4. Parked Recreational Vehicles Exempt.

The provisions of this Chapter shall not apply to Recreational Vehicles legally parked on any street, on in any publicly owned parking lot or publicly owned area, improved or unimproved, if the Recreational Vehicle is not at that time being used as a temporary living quarters.

SECTION 5. Enforcement.

This ordinance shall be enforced in the City's Ordinance Violations Bureau and/or in accordance with the applicable provisions of Title 1, Article 1, Chapter 3 of the Goshen City Code, as may be amended from time to time.

SECTION 6. Enforcement Suspended.

Except as otherwise provided in this ordinance, enforcement of provisions of this ordinance shall be suspended for persons who are indigent and homeless any time there is no space or beds available in reasonably accessible homeless shelters, to the extent such available space is required by law.

SECTION 7. Severability.

The provisions of this ordinance are severable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 8. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.

PASSED by the Goshen Common Council on _____, 2023.

Presiding Officer

ATTEST:

Richard R. Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on _____, 2023, at the hour of
____:____.m.

Richard R. Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on _____, 2023.

Jeremy P. Stutsman, Mayor

ORDINANCE 5159

Amending Ordinance Violations Bureau

WHEREAS, Indiana Code § 33-36-2-1 allows a municipal corporation to establish an ordinance violations bureau;

WHEREAS, Indiana Code § 36-1-6-3 allows municipal corporations to enforce ordinances through admission of violation before an ordinance violations bureau and allows that bureau to turn over to the municipal corporation all sums collected as civil penalties for ordinance violations; and

WHEREAS, the Common Council of the City of Goshen, Indiana established an ordinance violations bureau which is codified in the Goshen City Code at §1.2.1.1; and

WHEREAS, the Common Council of the City of Goshen, Indiana wishes to add Goshen City Code violations that are subject to admission before the violations clerk, and define appropriate levels and amounts of civil penalties to be imposed for such violations.

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

Section 1. Creation.

An Ordinance Violations Bureau (“Bureau”) was created and shall continue to operate under the authority of I.C. § 33-36-2-1, as amended, and under the terms of this Ordinance.

Section 2. Violations Clerk; Duties.

- 2.1. The Clerk of the City Court shall serve as the Violations Clerk, who shall administer the Bureau.
- 2.2. The Violations Clerk shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties as set forth in Section 3 of this Ordinance, but not more than Two Hundred Fifty Dollars (\$250).
- 2.3. The Violations Clerk shall account for all payments received and deliver such penalty payments to the City of Goshen Clerk-Treasurer for all violations of the Goshen City Code, at such intervals as the City of Goshen Clerk-Treasurer determines, to be deposited in the general fund of the City of Goshen.
- 2.4. The Violations Clerk shall account for all payments received on behalf of every municipal corporation for whom the Violations Clerk has accepted payment of civil penalties pursuant to an interlocal agreement described in I.C. 33-36-2-4, deliver such penalty payments to the appropriate municipal corporation as provided in the interlocal agreement, and deliver records related to such payments to the Clerk-Treasurer’s office for civil penalties attributable to the City of Goshen.

Section 3. Schedule of Civil Penalties.

3.1. Pursuant to I.C. § 33-36-3-1, provisions of the Goshen City Code subject to admission of violation before the Violations Clerk (each such Code provision shall be hereinafter referred to individually as a “Bureau Ordinance”) are designated in the Bureau Ordinances Schedule found in this Code Section. Notwithstanding any other enforcement procedures provided by applicable statute, rule, or ordinance, each Bureau Ordinance may be enforced through an admission of violation before the Violations Clerk to the full extent allowed under I.C. § 36-1-6-3(a)(1), as amended, and under the authority of I.C. § 33-36-2-1, as amended. The Bureau Ordinances Schedule below assigns an appropriate Civil Penalty Tier to violations of each City of Goshen Bureau Ordinance.

**City of Goshen
Bureau Ordinances Schedule**

Goshen Code Section	Type of Violation	Penalty Tier
Animal Control		
3.1.1.1	Animals running at large	3
3.1.1.3	Keeping livestock, fowl or wild animals	3
3.1.1.4	Harboring vicious animal	2
3.1.1.5	Animals disturbing the peace	3
3.1.4.2	Keeping chickens	3
Fire Prevention and Protection		
3.2.1.1	Open burning	3
3.2.1.4	Leaf burning	3
Noise Control		
3.3.1.1	Excessive noise and sound	2
3.3.1.2	Noise level standards for motor vehicles and sound amplification on public property	2
Controlled Parking in Yards; Sidewalks		
4.4.1.1	General parking violations (except parking in designated handicapped space)	4
4.4.1.1	General parking violations- parking in handicapped space	3
4.4.2.1a	Parking in prohibited parking areas (in yards)	4
4.4.2.1b	Parking in prohibited parking areas (over sidewalks or curbs)	3

Public Works and Utilities		
5.1.2.1	Constructing sidewalks and driveways without permit	2
5.2.1.6	Connecting to the city water system without approval	2
Buildings and Building Regulations		
6.1.1.7	Building permit required	1
6.1.1.15	Stop work order	1
6.1.1.16	Certificate of occupancy	2
6.1.1.12	Inspection required	3
6.2.1.1	Mechanical and electrical licensing required	1
Neighborhood Preservation		
6.3.1.1	Minimum standards for all structures, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.2	Minimum standards for basic equipment and facilities, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.3	Minimum standards for light, ventilation, egress and heating, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.4	Safe and sanitary maintenance, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.5	Minimum space, use and location requirements, except as the ordinance applies to buildings deemed unsafe	1
6.3.1.6	Responsibility of owners and occupants, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.7	Hotels and rooming houses, except as the ordinance applies to buildings deemed unsafe	3
6.3.1.8	Smoke detectors, except as the ordinance applies to unsafe buildings	2
6.3.1.9	Minimum standards for commercial and industrial properties, except as the ordinance applies to buildings deemed unsafe	1
6.3.1.10	Application for registration receipt, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.11	Inspection, except as the ordinance applies to buildings deemed unsafe	2
Requirements for Stormwater Management Associated with Illicit Discharges		
6.6.1.2	Discharge of any non-stormwater related materials or substances to stormwater drainage systems or any water course that violates applicable water quality standards	1
6.6.1.2	Any illicit connections to the stormwater drainage system or any water course that allows non-stormwater discharges to occur	1
6.6.1.2	Discharge of yard waste (e.g., grass clippings, leaves, etc.) to a stormwater drainage system or any water course	3

6.6.1.2	Failure to take all reasonable steps to ensure the discovery, containment, cleanup, and documentation of any improper or unpermitted release or discharge.	1
Construction Site Stormwater Run-off Control		
6.6.2.1	Working without an approved Stormwater Pollution Prevention Plan or an expired stormwater clearance	1
6.6.2.1	Self-inspection report not performed, or the inspection forms are not provided when requested.	2
6.6.2.4	Concrete/mortar washout	2
6.6.2.4	Perimeter protection	2
6.6.2.4	Construction entrance/exit	2
6.6.2.4	Site stabilization	2
6.6.2.4	Inlet protection	2
6.6.2.4	Dewatering	2
6.6.2.4	Runoff control	2
6.6.2.4	Trash/litter	2
6.6.2.4	Spill control/containment issues	2
6.6.2.4	Direct discharge of pollutants to surface water	1
Uniform Requirements for Post Construction Stormwater Management		
6.6.3.2	Discharge of stormwater directly into a wetland or local waterway without adequate treatment or in violation of applicable state or federal laws	1
6.6.3.3	Failure to comply with Post-Construction Stormwater Management Plan inspection and maintenance of stormwater post-construction measures requirements.	2
6.6.3.3	Failure to maintain natural and constructed drainage systems.	2
Rank Vegetation and Noxious Weeds		
6.9.1.1	Rank Vegetation and Noxious Weeds	3
Accumulation of Materials		
6.10.1.2	Solid waste violations without opportunity to correct violations	3
6.10.1.4	Solid waste violations requiring prior notice of violation	3
Signs in Right of Way		
6.12.3.1	Placing signs in Right of Way	2
Brush		
Ord. 5054	Improper Placement of Brush	3

Ord. 5054	Improper Placement of Leaves	3
Ord. 5054	Large Quantities of Brush, Commercial Services, or Non-Residential	1
Camping		
Ord. 5157	Camping and Storage of Camp Facilities and Camp Equipment	2
Zoning Ordinance 3011		
	Expired plates/unlicensed vehicles in residential district	2
	Trailer/RV/boat in front yard	2
	Vehicles in excess of 1 ton capacity parked in residential area	2
	Parking on unimproved surface/grass	2
	Three or more inoperable vehicles, or parts thereof	2
	Auto repair/body work/paint shop in residential area	2
	RV used as residence	2
	Structure/fence/sign/driveway expansion without permit	2
	Development in regulatory floodplain without permit	2
	Temporary/mobile signs without permits	2
	Operating without a Conditional Use Permit	2
	Storage of salvage materials on residential property	2

3.2. Pursuant to I.C. § 33-36-3-1, provisions of the Elkhart County Code subject to admission of violation before the Violations Clerk (each such Code provision shall be hereinafter referred to individually as a “Bureau Ordinance”) are designated in the Bureau Ordinances Schedule found in this Code Section. Notwithstanding any other enforcement procedures provided by applicable statute, rule, or ordinance, each Bureau Ordinance may be enforced through an admission of violation before the Violations Clerk to the full extent allowed under I.C. § 36-1-6-3(a)(1), as amended, and under the authority of I.C. § 33-36-2-1, as amended. The Bureau Ordinances Schedule below assigns an appropriate Civil Penalty Tier to violations of each Elkhart County Bureau Ordinance.

**Elkhart County
Bureau Ordinances Schedule**

Elkhart County Code	Type of Violation	Penalty Tier
Zoning		

Chapter 158, Title XV	Land Usage	1
Nuisance		
Chapter 92, Title IX	General Regulations	1

3.3. An admission of violation to a Bureau Ordinance shall cause to be imposed a civil penalty in the amount designated in the Civil Penalty Tiers schedule below that corresponds to the Tier level assigned to each Bureau Ordinance by the Bureau Ordinance Schedule. Second and subsequent admissions of violation of Bureau Ordinances occurring within a Twelve (12) month period will be subject to a greater civil penalty, as designated in the Civil Penalty Tiers schedule found in this Code Section.

Civil Penalty Tiers

	First Offence	Second Offence	Third Offence
Tier 4	\$25	\$50	\$75
Tier 3	\$50	\$75	\$100
Tier 2	\$75	\$125	\$200
Tier 1	\$175	\$225	\$250

Section 4. Issuance of Citations.

4.1. Any City of Goshen official, employee, or agent authorized by the Goshen City Code or state law to enforce the provisions of the Goshen City Code may issue citations for the violation of Bureau Ordinances. More specifically, the following table identifies who may issue citations for violations of Bureau Ordinances:

Goshen Code Section	Type of Violation	Enforcement Authority
Animal Control		
3.1.1.1	Animals running at large	Ordinance Compliance Officers, Police Officers
3.1.1.3	Keeping livestock, fowl or wild animals	
3.1.1.4	Harboring vicious animal	
3.1.1.5	Animals disturbing the peace	
3.1.4.2	Keeping chickens	
Fire Prevention and Protection		
3.2.1.1	Open burning	Ordinance Compliance Officers, Police Officers
3.2.1.4	Leaf burning	

Noise Control		
3.3.1.1	Excessive noise and sound	Ordinance Compliance Officers, Police Officers
3.3.1.2	Noise level standards for motor vehicles and sound amplification on public property	
Controlled Parking in Yards; Sidewalks		
4.4.1.1	General parking violations (except parking in designated handicapped space)	Ordinance Compliance Officers, Police Officers
4.4.1.1	General parking violations- parking in handicapped space	
4.4.2.1	Parking in prohibited parking areas	
Public Works and Utilities		
5.1.2.1	Constructing sidewalks and driveways without permit	Members of Legal Department, Building Department, Police Department, or Ordinance Compliance Officer.
5.2.1.6	Connecting to the city water system without approval	
Buildings and Building Regulations		
6.1.1.7	Building permit required	The Building Commissioner
6.1.1.15	Stop work order	
6.1.1.16	Certificate of occupancy	
6.1.1.12	Inspection required	
6.2.1.1	Mechanical and electrical licensing required	
Neighborhood Preservation		
6.3.1.1	Minimum standards for all structures, except as the ordinance applies to buildings deemed unsafe	The Building Commissioner
6.3.1.2	Minimum standards for basic equipment and facilities, except as the ordinance applies to buildings deemed unsafe	
6.3.1.3	Minimum standards for light, ventilation, egress and heating, except as the ordinance applies to buildings deemed unsafe	
6.3.1.4	Safe and sanitary maintenance, except as the ordinance applies to buildings deemed unsafe	
6.3.1.5	Minimum space, use and location requirements, except as the ordinance applies to buildings deemed unsafe	
6.3.1.6	Responsibility of owners and occupants, except as the ordinance applies to buildings deemed unsafe	

6.3.1.7	Hotels and rooming houses, except as the ordinance applies to buildings deemed unsafe	
6.3.1.8	Smoke detectors, except as the ordinance applies to buildings deemed unsafe	
6.3.1.9	Minimum standards for commercial and industrial properties, except as the ordinance applies to buildings deemed unsafe	
6.3.1.10	Application for registration receipt, except as the ordinance applies to buildings deemed unsafe	
6.3.1.11	Inspection, except as the ordinance applies to buildings deemed unsafe	
Requirements for Stormwater Management Associated with Illicit Discharges		
6.6.1.2	Discharge of any non-stormwater related materials or substances to stormwater drainage systems or any water course that violates applicable water quality standards	Superintendent of the Department of Stormwater Management
6.6.1.2	Any illicit connections to the stormwater drainage system or any water course that allows non-stormwater discharges to occur	
6.6.1.2	Repeat violations of the discharge of yard waste (e.g., grass clippings, leaves, etc.) to a stormwater drainage system or any water course	
6.6.1.2	Failure to take all reasonable steps to ensure the discovery, containment, cleanup, and documentation of any improper or unpermitted release or discharge.	
Construction Site Stormwater Run-off Control		
6.6.2.1	Working without an approved Stormwater Pollution Prevention Plan or an expired stormwater clearance	Superintendent of the Department of Stormwater Management
6.6.2.1	Self-inspection report not performed, or the inspection forms are not provided when requested.	
6.6.2.4	Concrete/mortar washout	
6.6.2.4	Perimeter protection	
6.6.2.4	Construction entrance/exit	
6.6.2.4	Site stabilization	
6.6.2.4	Inlet protection	

6.6.2.4	Dewatering	
6.6.2.4	Runoff control	
6.6.2.4	Trash/litter	
6.6.2.4	Spill control/containment issues	
6.6.2.4	Direct discharge of pollutants to surface water	
Uniform Requirements for Post Construction Stormwater Management		
6.6.3.2	Discharge of stormwater directly into a wetland or local waterway without adequate treatment or in violation of applicable state or federal laws	Superintendent of the Department of Stormwater Management
6.6.3.3	Failure to comply with Post-Construction Stormwater Management Plan inspection and maintenance of stormwater post-construction measures requirements.	
6.6.3.3	Failure to maintain natural and constructed drainage systems.	
Rank vegetation and Noxious Weeds		
6.9.1.1	Rank Vegetation and Noxious Weeds	Ordinance compliance officer, police officer, or member of Legal Department.
Accumulation of Materials		
6.10.1.2	Solid waste violations without opportunity to correct violations	Members of Legal Department, Building Department, Police Department, or Ordinance Compliance Officer.
6.10.1.4	Solid waste violations requiring prior notice of violation	
Signs in Right of Way		
6.12.3.1	Placing signs in Right of Way	Ordinance compliance officer, police officer, or member of Legal Department.
Brush		
Ord. 5054	Improper Placement of Brush	Members of Legal Department, Building Department, Police Department, or Ordinance Compliance Officer.
Ord. 5054	Improper Placement of Leaves	
Ord. 5054	Large Quantities of Brush, Commercial Services, or Non-Residential	
Camping		
Ord. 5157	Camping and Storage of Camp Facilities and Camp Equipment	Members of Legal Department, Building Department, Police Department, or Ordinance Compliance Officer.

Zoning Ordinance 3011		
	Expired plates/unlicensed vehicles in residential district	Planning and Zoning Administrator, Assistant Planning and Zoning Administrator, Building Commissioner, Ordinance compliance officer, Police department
	Trailer/RV/boat in front yard	
	Vehicles in excess of 1 ton capacity parked in residential area	
	Parking on unimproved surface/grass	
	Three or more inoperable vehicles, or parts thereof	
	Auto repair/body work/paint shop in residential area	
	RV used as residence	
	Structure/fence/sign/driveway expansion without permit	
	Development in regulatory floodplain without permit	
	Temporary/mobile signs without permits	
	Operating without a Conditional Use permit	
	Storage of salvage materials on residential property	

- 4.2. Any official, employee, or agent from Elkhart County government authorized by Elkhart County ordinances or by state law to enforce Elkhart County's code may issue citations for the violation of Elkhart County Bureau Ordinances.
- 4.3. Citations issued under this ordinance shall include the following information:
- (a) The name of the responsible person;
 - (b) A description of the alleged violation, including the date thereof, and the code section;
 - (c) The time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;
 - (d) The amount of the schedule civil penalty for the violation;
 - (e) The methods by which the alleged violation may be admitted or denied;
 - (f) The consequences of failing to pay the required fines/costs or contact the Bureau within the required time;
 - (g) The address of the Violations Clerk; and
 - (h) The days and hours that the Ordinance Violations Bureau is open.

- 4.4. A copy of the citation shall be served by personally delivering the citation to the person alleged to have violated Bureau Ordinances, unless the alleged violation relates to the use or occupancy of land, a building, or other structure, in which case the citation may be posted on the property and a copy mailed by first class mail to the owner of such land, building, or other structure at the last known address of the alleged violator.

Section 5. Duty to Appear.

Any person upon whom a citation is issued pursuant to this Ordinance shall, within ten (10) days of the issuance of the citation, appear at the Violations Clerk's office to either admit or deny the violation, enter a written denial, or deliver an admission with the corresponding penalty payment.

Section 6. Payment.

Upon admission of a Bureau Ordinance before the Violations Clerk, the Violations Clerk shall assess civil penalties and accept payment from the violator in the amounts designated in the Bureau Ordinances Schedule and Civil Penalties Tiers.

Section 7. Right to Trial; Denial of Violation, Failure to Satisfy Civil Penalty Assessed.

- 7.1. Nothing in this Ordinance shall be construed to limit a person charged with an ordinance violation to that person's right to a trial on the allegations found in a citation, nor shall it be construed to limit any right the person might have to appeal, whether such appeal would be to the Goshen Board of Public Works and Safety or other authority. If a person charged with an ordinance violation wants to exercise the right to trial, the person shall appear before the Violations Clerk and deny the violation, or enter a written denial with the Violations Clerk.
- 7.2. If a person denies the allegations found in a citation, fails to satisfy a civil penalty assessed after having entered an admission of violation, or fails to deny or admit the violation, the Violations Clerk shall report this fact to the City of Goshen Legal Department or to legal counsel of a unit utilizing the Bureau under an interlocal agreement, who may then initiate proceedings in court against the person for the alleged ordinance violation.

Section 8. Other Legal Action.

- 8.1. Nothing in this ordinance shall be deemed to require initiation of ordinance enforcement activity by issuing an ordinance violation citation subject to admission of violation in the Ordinance Violations Bureau. The procedure made available by I.C § 36-1-6-3 and this Ordinance may be bypassed, and enforcement may be initiated by filing a Complaint in an appropriate court to enforce Bureau Ordinances or seek enforcement through the Board of Works.

8.2. The filing of citations in the Ordinance Violations Bureau shall not preclude the filing of a Complaint in an appropriate court to enforce Bureau Ordinances if a person served with a citation denies the violation alleged in the citation, requests a trial on the allegations contained in the citation, or fails to respond to the citation filed in the Ordinance Violations Bureau.

Section 9. Other Ordinances.

All Ordinances, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. All Ordinances, or parts thereof, not inconsistent with this Ordinance shall remain in full force and effect.

Section 10. Severability.

The provisions of this ordinance are severable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 11. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication according to the laws of the State of Indiana.

PASSED by the City of Goshen Common Council on _____ day of _____, 2023.

Presiding Officer

ATTEST

Richard Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on the ___ day of _____, 2023,
at _____ a.m./p.m.

Richard Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on the _____ day of _____, 2023, at _____
a.m./p.m.

Jeremy P. Stutsman, Mayor

ORDINANCE 5159

Amending Ordinance Violations Bureau

WHEREAS, Indiana Code § 33-36-2-1 allows a municipal corporation to establish an ordinance violations bureau;

WHEREAS, Indiana Code § 36-1-6-3 allows municipal corporations to enforce ordinances through admission of violation before an ordinance violations bureau and allows that bureau to turn over to the municipal corporation all sums collected as civil penalties for ordinance violations; and

WHEREAS, the Common Council of the City of Goshen, Indiana established an ordinance violations bureau which is codified in the Goshen City Code at §1.2.1.1; and

WHEREAS, the Common Council of the City of Goshen, Indiana wishes to ~~more clearly define what ordinance~~ add Goshen City Code violations that are subject to admission ~~of violation~~ before the violations clerk, and define appropriate levels and amounts of civil penalties to be imposed for such violations ~~of the City of Goshen Code, and more clearly describe its Ordinance Violations Bureau.~~

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

Section 1. Creation.

An Ordinance Violations Bureau ("Bureau") was created and shall continue to operate under the authority of I.C. § 33-36-2-1, as amended, and under the terms of this Ordinance.

Section 2. Violations Clerk; Duties.

- 2.1. The Clerk of the City Court shall serve as the Violations Clerk, who shall administer the Bureau.
- 2.2. The Violations Clerk shall accept written appearances, waivers of trial, admissions of violations, and payment of civil penalties as set forth in Section 3 of this Ordinance, but not more than Two Hundred Fifty Dollars (\$250).
- 2.3. The Violations Clerk shall account for all payments received and deliver such penalty payments to the City of Goshen Clerk-Treasurer for all violations of the Goshen City Code, at such intervals as the City of Goshen Clerk-Treasurer determines, to be deposited in the general fund of the City of Goshen.
- 2.4. The Violations Clerk shall account for all payments received on behalf of every municipal corporation for whom the Violations Clerk has accepted payment of civil penalties pursuant to an interlocal agreement described in I.C. 33-36-2-4, deliver such penalty payments to the appropriate municipal corporation as provided in the interlocal

agreement, and deliver records related to such payments to the Clerk-Treasurer’s office for civil penalties attributable to the City of Goshen.

Section 3. Schedule of Civil Penalties.

3.1. Pursuant to I.C. § 33-36-3-1, provisions of the Goshen City Code subject to admission of violation before the Violations Clerk (each such Code provision shall be hereinafter referred to individually as a “Bureau Ordinance”) are designated in the Bureau Ordinances Schedule found in this Code Section. Notwithstanding any other enforcement procedures provided by applicable statute, rule, or ordinance, each Bureau Ordinance may be enforced through an admission of violation before the Violations Clerk to the full extent allowed under I.C. § 36-1-6-3(a)(1), as amended, and under the authority of I.C. § 33-36-2-1, as amended. The Bureau Ordinances Schedule below assigns an appropriate Civil Penalty Tier to violations of each City of Goshen Bureau Ordinance.

**City of Goshen
Bureau Ordinances Schedule**

Goshen Code Section	Type of Violation	Penalty Tier
Animal Control		
3.1.1.1	Animals running at large	3
3.1.1.3	Keeping livestock, fowl or wild animals	3
3.1.1.4	Harboring vicious animal	2
3.1.1.5	Animals disturbing the peace	3
3.1.4.2	Keeping chickens	3
Fire Prevention and Protection		
3.2.1.1	Open burning	3
3.2.1.4	Leaf burning	3
Noise Control		
3.3.1.1	Excessive noise and sound	2
3.3.1.2	Noise level standards for motor vehicles and sound amplification on public property	2
Controlled Parking in Yards; Sidewalks		
4.4.1.1	General parking violations (except parking in designated handicapped space)	4
4.4.1.1	General parking violations- parking in handicapped space	3

4.4.2.1a	Parking in prohibited parking areas (in yards)	4
4.4.2.1b	Parking in prohibited parking areas (over sidewalks or curbs)	3
Public Works and Utilities		
<u>5.1.2.1</u>	<u>Constructing sidewalks and driveways without permit</u>	<u>2</u>
<u>5.2.1.6</u>	<u>Connecting to the city water system without approval</u>	<u>2</u>
Buildings and Building Regulations		
6.1.1.7	Building permit required	1
6.1.1.15	Stop work order	1
6.1.1.16	Certificate of occupancy	2
6.1.1.12	Inspection required	3
6.2.1.1	Mechanical and electrical licensing required	1
Neighborhood Preservation		
6.3.1.1	Minimum standards for all structures, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.2	Minimum standards for basic equipment and facilities, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.3	Minimum standards for light, ventilation, egress and heating, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.4	Safe and sanitary maintenance, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.5	Minimum space, use and location requirements, except as the ordinance applies to buildings deemed unsafe	1
6.3.1.6	Responsibility of owners and occupants, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.7	Hotels and rooming houses, except as the ordinance applies to buildings deemed unsafe	3
6.3.1.8	Smoke detectors, except as the ordinance applies to unsafe buildings	2
6.3.1.9	Minimum standards for commercial and industrial properties, except as the ordinance applies to buildings deemed unsafe	1
6.3.1.10	Application for registration receipt, except as the ordinance applies to buildings deemed unsafe	2
6.3.1.11	Inspection, except as the ordinance applies to buildings deemed unsafe	2
Requirements for Stormwater Management Associated with Illicit Discharges		
6.6.1.2	Discharge of any non-stormwater related materials or substances to stormwater drainage systems or any water course that violates applicable water quality standards	1

6.6.1.2	Any illicit connections to the stormwater drainage system or any water course that allows non-stormwater discharges to occur	1
6.6.1.2	Discharge of yard waste (e.g., grass clippings, leaves, etc.) to a stormwater drainage system or any water course	3
6.6.1.2	Failure to take all reasonable steps to ensure the discovery, containment, cleanup, and documentation of any improper or unpermitted release or discharge.	1
Construction Site Stormwater Run-off Control		
6.6.2.1	Working without an approved Stormwater Pollution Prevention Plan or an expired stormwater clearance	1
6.6.2.1	Self-inspection report not performed, or the inspection forms are not provided when requested.	2
6.6.2.4	Concrete/mortar washout	2
6.6.2.4	Perimeter protection	2
6.6.2.4	Construction entrance/exit	2
6.6.2.4	Site stabilization	2
6.6.2.4	Inlet protection	2
6.6.2.4	Dewatering	2
6.6.2.4	Runoff control	2
6.6.2.4	Trash/litter	2
6.6.2.4	Spill control/containment issues	2
6.6.2.4	Direct discharge of pollutants to surface water	1
Uniform Requirements for Post Construction Stormwater Management		
6.6.3.2	Discharge of stormwater directly into a wetland or local waterway without adequate treatment or in violation of applicable state or federal laws	1
6.6.3.3	Failure to comply with Post-Construction Stormwater Management Plan inspection and maintenance of stormwater post-construction measures requirements.	2
6.6.3.3	Failure to maintain natural and constructed drainage systems.	2
Rank Vegetation and Noxious Weeds		
6.9.1.1	Rank Vegetation and Noxious Weeds	3
Accumulation of Materials		
6.10.1.2	Solid waste violations without opportunity to correct violations	3
6.10.1.4	Solid waste violations requiring prior notice of violation	3
Signs in Right of Way		

6.12.3.1	Placing signs in Right of Way	2
Brush		
<u>Ord. 5054</u>	<u>Improper Placement of Brush</u>	<u>3</u>
<u>Ord. 5054</u>	<u>Improper Placement of Leaves</u>	<u>3</u>
<u>Ord. 5054</u>	<u>Large Quantities of Brush, Commercial Services, or Non-Residential</u>	<u>1</u>
Camping		
<u>Ord. 5157</u>	<u>Camping and Storage of Camp Facilities and Camp Equipment</u>	<u>2</u>
Zoning Ordinance 3011		
	Expired plates/unlicensed vehicles in residential district	2
	Trailer/RV/boat in front yard	2
	Vehicles in excess of 1 ton capacity parked in residential area	2
	Parking on unimproved surface/grass	2
	Three or more inoperable vehicles, <u>or parts thereof</u>	2
	Auto repair/body work/paint shop in residential area	2
	RV used as residence	2
	Structure/fence/sign/driveway expansion without permit	2
	Development in regulatory floodplain without permit	2
	Temporary/mobile signs without permits	2
	<u>Operating without a Conditional Use Permit</u>	<u>2</u>
	<u>Storage of salvage materials on residential property</u>	<u>2</u>

3.2. Pursuant to I.C. § 33-36-3-1, provisions of the Elkhart County Code subject to admission of violation before the Violations Clerk (each such Code provision shall be hereinafter referred to individually as a “Bureau Ordinance”) are designated in the Bureau Ordinances Schedule found in this Code Section. Notwithstanding any other enforcement procedures provided by applicable statute, rule, or ordinance, each Bureau Ordinance may be enforced through an admission of violation before the Violations Clerk to the full extent allowed under I.C. § 36-1-6-3(a)(1), as amended, and under the authority of I.C. § 33-36-2-1, as amended. The Bureau Ordinances Schedule below

assigns an appropriate Civil Penalty Tier to violations of each Elkhart County Bureau Ordinance.

**Elkhart County
Bureau Ordinances Schedule**

Elkhart County Code	Type of Violation	Penalty Tier
Zoning		
Chapter 158, Title XV	Land Usage	1
Nuisance		
Chapter 92, Title IX	General Regulations	1

3.3. An admission of violation to a Bureau Ordinance shall cause to be imposed a civil penalty in the amount designated in the Civil Penalty Tiers schedule below that corresponds to the Tier level assigned to each Bureau Ordinance by the Bureau Ordinance Schedule. Second and subsequent admissions of violation of Bureau Ordinances occurring within a Twelve (12) month period will be subject to a greater civil penalty, as designated in the Civil Penalty Tiers schedule found in this Code Section.

Civil Penalty Tiers

	First Offence	Second Offence	Third Offence
Tier 4	\$25	\$50	\$75
Tier 3	\$50	\$75	\$100
Tier 2	\$75	\$125	\$200
Tier 1	\$175	\$225	\$250

Section 4. Issuance of Citations.

4.1. Any City of Goshen official, employee, or agent authorized by the Goshen City Code or state law to enforce the provisions of the Goshen City Code may issue citations for the violation of Bureau Ordinances. More specifically, the following table identifies who may issue citations for violations of Bureau Ordinances:

Goshen Code Section	Type of Violation	Enforcement Authority
Animal Control		
3.1.1.1	Animals running at large	

3.1.1.3	Keeping livestock, fowl or wild animals	Ordinance Compliance Officers, Police Officers
3.1.1.4	Harboring vicious animal	
3.1.1.5	Animals disturbing the peace	
3.1.4.2	Keeping chickens	
Fire Prevention and Protection		
3.2.1.1	Open burning	Ordinance Compliance Officers, Police Officers
3.2.1.4	Leaf burning	
Noise Control		
3.3.1.1	Excessive noise and sound	Ordinance Compliance Officers, Police Officers
3.3.1.2	Noise level standards for motor vehicles and sound amplification on public property	
Controlled Parking in Yards; Sidewalks		
4.4.1.1	General parking violations (except parking in designated handicapped space)	Ordinance Compliance Officers, Police Officers
4.4.1.1	General parking violations- parking in handicapped space	
4.4.2.1	Parking in prohibited parking areas	
<u>Public Works and Utilities</u>		
<u>5.1.2.1</u>	<u>Constructing sidewalks and driveways without permit</u>	<u>Members of Legal Department, Building Department, Police Department, or Ordinance Compliance Officer.</u>
<u>5.2.1.6</u>	<u>Connecting to the city water system without approval</u>	
Buildings and Building Regulations		
6.1.1.7	Building permit required	The Building Commissioner
6.1.1.15	Stop work order	
6.1.1.16	Certificate of occupancy	
6.1.1.12	Inspection required	
6.2.1.1	Mechanical and electrical licensing required	
Neighborhood Preservation		
6.3.1.1	Minimum standards for all structures, except as the ordinance applies to buildings deemed unsafe	The Building Commissioner
6.3.1.2	Minimum standards for basic equipment and facilities, except as the ordinance applies to buildings deemed unsafe	

6.3.1.3	Minimum standards for light, ventilation, egress and heating, except as the ordinance applies to buildings deemed unsafe		
6.3.1.4	Safe and sanitary maintenance, except as the ordinance applies to buildings deemed unsafe		
6.3.1.5	Minimum space, use and location requirements, except as the ordinance applies to buildings deemed unsafe		
6.3.1.6	Responsibility of owners and occupants, except as the ordinance applies to buildings deemed unsafe		
6.3.1.7	Hotels and rooming houses, except as the ordinance applies to buildings deemed unsafe		
6.3.1.8	Smoke detectors, except as the ordinance applies to buildings deemed unsafe		
6.3.1.9	Minimum standards for commercial and industrial properties, except as the ordinance applies to buildings deemed unsafe		
6.3.1.10	Application for registration receipt, except as the ordinance applies to buildings deemed unsafe		
6.3.1.11	Inspection, except as the ordinance applies to buildings deemed unsafe		
Requirements for Stormwater Management Associated with Illicit Discharges			
6.6.1.2	Discharge of any non-stormwater related materials or substances to stormwater drainage systems or any water course that violates applicable water quality standards		Superintendent of the Department of Stormwater Management
6.6.1.2	Any illicit connections to the stormwater drainage system or any water course that allows non-stormwater discharges to occur		
6.6.1.2	Repeat violations of the discharge of yard waste (e.g., grass clippings, leaves, etc.) to a stormwater drainage system or any water course		
6.6.1.2	Failure to take all reasonable steps to ensure the discovery, containment, cleanup, and documentation of any improper or unpermitted release or discharge.		
Construction Site Stormwater Run-off Control			

6.6.2.1	Working without an approved Stormwater Pollution Prevention Plan or an expired stormwater clearance	Superintendent of the Department of Stormwater Management
6.6.2.1	Self-inspection report not performed, or the inspection forms are not provided when requested.	
6.6.2.4	Concrete/mortar washout	
6.6.2.4	Perimeter protection	
6.6.2.4	Construction entrance/exit	
6.6.2.4	Site stabilization	
6.6.2.4	Inlet protection	
6.6.2.4	Dewatering	
6.6.2.4	Runoff control	
6.6.2.4	Trash/litter	
6.6.2.4	Spill control/containment issues	
6.6.2.4	Direct discharge of pollutants to surface water	
Uniform Requirements for Post Construction Stormwater Management		
6.6.3.2	Discharge of stormwater directly into a wetland or local waterway without adequate treatment or in violation of applicable state or federal laws	Superintendent of the Department of Stormwater Management
6.6.3.3	Failure to comply with Post-Construction Stormwater Management Plan inspection and maintenance of stormwater post-construction measures requirements.	
6.6.3.3	Failure to maintain natural and constructed drainage systems.	
Rank vegetation and Noxious Weeds		
6.9.1.1	Rank Vegetation and Noxious Weeds	Ordinance compliance officer, police officer, or member of Legal Department.
Accumulation of Materials		
6.10.1.2	Solid waste violations without opportunity to correct violations	Members of Legal Department, Building Department, Police Department, or Ordinance Compliance Officer.
6.10.1.4	Solid waste violations requiring prior notice of violation	
Signs in Right of Way		

6.12.3.1	Placing signs in Right of Way	Ordinance compliance officer, police officer, or member of Legal Department.
<u>Brush</u>		
<u>Ord. 5054</u>	<u>Improper Placement of Brush</u>	<u>Members of Legal Department, Building Department, Police Department, or Ordinance Compliance Officer.</u>
<u>Ord. 5054</u>	<u>Improper Placement of Leaves</u>	
<u>Ord. 5054</u>	<u>Large Quantities of Brush, Commercial Services, or Non-Residential</u>	
<u>Camping</u>		
<u>Ord. 5157</u>	<u>Camping and Storage of Camp Facilities and Camp Equipment</u>	<u>Members of Legal Department, Building Department, Police Department, or Ordinance Compliance Officer.</u>
Zoning Ordinance 3011		
	Expired plates/unlicensed vehicles in residential district	Planning and Zoning Administrator, Assistant Planning and Zoning Administrator, Building Commissioner, Ordinance compliance officer, Police department
	Trailer/RV/boat in front yard	
	Vehicles in excess of 1 ton capacity parked in residential area	
	Parking on unimproved surface/grass	
	Three or more inoperable vehicles, or parts thereof	
	Auto repair/body work/paint shop in residential area	
	RV used as residence	
	Structure/fence/sign/driveway expansion without permit	
	Development in regulatory floodplain without permit	
	Temporary/mobile signs without permits	
	<u>Operating without a Conditional Use permit</u>	
	<u>Storage of salvage materials on residential property</u>	

4.2. Any official, employee, or agent from Elkhart County government authorized by Elkhart County ordinances or by state law to enforce Elkhart County's code may issue citations for the violation of Elkhart County Bureau Ordinances.

4.3. Citations issued under this ordinance shall include the following information:

- (a) The name of the responsible person;

- (b) A description of the alleged violation, including the date thereof, and the code section;
- (c) The time within which the person must contact the Bureau for purposes of admitting or denying responsibility for the violation;
- (d) The amount of the schedule civil penalty for the violation;
- (e) The methods by which the alleged violation may be admitted or denied;
- (f) The consequences of failing to pay the required fines/costs or contact the Bureau within the required time;
- (g) The address of the Violations Clerk; and
- (h) The days and hours that the Ordinance Violations Bureau is open.

4.4. A copy of the citation shall be served by personally delivering the citation to the person alleged to have violated Bureau Ordinances, unless the alleged violation relates to the use or occupancy of land, a building, or other structure, in which case the citation may be posted on the property and a copy mailed by first class mail to the owner of such land, building, or other structure at the last known address of the alleged violator.

Section 5. Duty to Appear.

Any person upon whom a citation is issued pursuant to this Ordinance shall, within ten (10) days of the issuance of the citation, appear at the Violations Clerk’s office to either admit or deny the violation, enter a written denial, or deliver an admission with the corresponding penalty payment.

Section 6. Payment.

Upon admission of a Bureau Ordinance before the Violations Clerk, the Violations Clerk shall assess civil penalties and accept payment from the violator in the amounts designated in the Bureau Ordinances Schedule and Civil Penalties Tiers.

Section 7. Right to Trial; Denial of Violation, Failure to Satisfy Civil Penalty Assessed.

7.1. Nothing in this Ordinance shall be construed to limit a person charged with an ordinance violation to that person’s right to a trial on the allegations found in a citation, nor shall it be construed to limit any right the person might have to appeal, whether such appeal would be to the Goshen Board of Public Works and Safety or other authority. If a person charged with an ordinance violation wants to exercise the right to trial, the person shall appear before the Violations Clerk and deny the violation, or enter a written denial with the Violations Clerk.

7.2. If a person denies the allegations found in a citation, fails to satisfy a civil penalty assessed after having entered an admission of violation, or fails to deny or admit the violation, the Violations Clerk shall report this fact to the City of Goshen Legal

Department or to legal counsel of a unit utilizing the Bureau under an interlocal agreement, who may then initiate proceedings in court against the person for the alleged ordinance violation.

Section 8. Other Legal Action.

- 8.1. Nothing in this ordinance shall be deemed to require initiation of ordinance enforcement activity by issuing an ordinance violation citation subject to admission of violation in the Ordinance Violations Bureau. The procedure made available by I.C § 36-1-6-3 and this Ordinance may be bypassed, and enforcement may be initiated by filing a Complaint in an appropriate court to enforce Bureau Ordinances or seek enforcement through the Board of Works.
- 8.2. The filing of citations in the Ordinance Violations Bureau shall not preclude the filing of a Complaint in an appropriate court to enforce Bureau Ordinances if a person served with a citation denies the violation alleged in the citation, requests a trial on the allegations contained in the citation, or fails to respond to the citation filed in the Ordinance Violations Bureau.

Section 9. Other Ordinances.

All Ordinances, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. All Ordinances, or parts thereof, not inconsistent with this Ordinance shall remain in full force and effect.

Section 10. Severability.

The provisions of this ordinance are severable, and the invalidly of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 11. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval and publication according to the laws of the State of Indiana.

PASSED by the City of Goshen Common Council on _____ day of _____, 2023.

Presiding Officer

ATTEST

Richard Aguirre, Clerk-Treasurer

PRESENTED to the Mayor of the City of Goshen on the ___ day of _____, 2023,
at _____ a.m./p.m.

Richard Aguirre, Clerk-Treasurer

APPROVED and ADOPTED on the _____ day of _____, 2023, at _____
a.m./p.m.

Jeremy P. Stutsman, Mayor