

ORDINANCE NO. 22-01

AN ORDINANCE OF THE CITY OF PORTAGE, INDIANA
AMENDING CHAPTER 90, ARTICLE V
OF THE CITY OF PORTAGE MUNICIPAL CODE
ENTITLED "ZONING MAP"

BE IT, AND IT HEREBY IS ORDAINED by the Common Council of the City of Portage, Indiana as follows:

SECTION ONE: This Ordinance shall amend Chapter 90, Article V of the City of Portage Municipal Code and accompanying Zoning Map, in the following manner:

The zoning shall be changed from C1 (Small to Medium Scale Commercial) to C2 (Medium to Large Scale Commercial) on the property commonly known as 5870 U.S. Highway 6, and which is described on exhibit (A) attached here to. See also edited zoning map attached here to as exhibit (B).

SECTION TWO: Conditions precedent:

- 1) If no action is taken to develop the property at 5870 U.S. Highway 6 within 24 months of this ordinance approval, the zoning will revert to the original zoning class, C1 (Small to Medium Scale Commercial).

SECTION THREE: Conflicting Ordinances. Any ordinance or provision of any Ordinance of the City of Portage in conflict with the provisions of this ordinance is hereby repealed.

SECTION FOUR: Severability. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION FIVE: Effective Date. This Ordinance shall be in full force and effect from and after its passage and adoption by the Common Council and approval by the Mayor of the City of Portage, Indiana.

PASSED AND ADOPTED by the Common Council of the City of Portage, Indiana
This 18th day of February, 2022.



PRESIDING OFFICER

ATTEST:



NINA RIVAS,
CLERK-TREASURER

ORDINANCE #22-02
ESTABLISHING PROCEDURES FOR BAD DEBT WRITE-OFF

WHEREAS, the Common Council of the City of Portage has determined that is in the best interest of the city to ensure that outstanding receivables are current in the City's Trash Collection, and Sanitary and Stormwater Utilities.

WHEREAS, an account is determined to be uncollectible if it meets one or more of the following criteria;

1. Collection procedures have been followed and the account remains unpaid
2. The debtor cannot be located, nor any of the debtor's assets
3. The City has insufficient documentation to pursue collection efforts
4. The debt is discharged in bankruptcy
5. The debtor has died and there is no known estate or guarantor
6. It is determined that is not cost effective to continue collection efforts, and

WHEREAS, the Clerk-Treasurer will identify by account all outstanding receivables that are twelve (12) months old as of each December 31st and compile a report to be presented to the Common Council for review and approval, and

WHEREAS, the information required for write-off shall include:

1. Customer name and address
2. Account number
3. Date of final bill
4. Remaining unpaid balance

WHEREAS, I.C. 36-1-3 establishes Home Rule Authority, and

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF PORTAGE, PORTER COUNTY, INDIANA, THAT:

1. Once the Common Council approves the uncollectible list, the Clerk-Treasurer will make appropriate entries to write-off uncollectible receivable by using the Direct write-off method. The Direct write-off method results in the write-off of a utility bill directly to Accounts Receivable when deemed to be uncollectible.
2. Accounts that have had a write-off will be flagged as having had an uncollectible balance the in the past. Any future transactions for those account holders will be denied until the uncollectible balance is paid in full. However, this provision will not apply if the debt is fully discharged in bankruptcy.

PASSED AND APODTEED by the Common Council of the City of Portage, Porter County, Indiana

this 18th day of February 2022.


PRESIDING OFFICER

ATTEST:


NINA RIVAS
CLERK-TREASURER

ORDINANCE NO. 22-03

**AN ORDINANCE OF THE CITY OF PORTAGE, PORTER COUNTY, INDIANA
ANNEXING ADJACENT AND CONTIGUOUS TERRITORY**

BE IT AND IT HEREBY IS ORDAINED by the Common Council of the City of Portage, Porter County, Indiana, as follows:

WHEREAS, the City of Portage, Porter County, Indiana, is aware that certain property adjacent to or abutting the southern boundary of the City of Portage, commonly known as the 600 Block of 700 N., Porter County, Indiana, should be annexed to the City of Portage; and

WHEREAS, the parcel is at least or in excess of one-eighth (1/8) contiguous to the corporate boundary limits of the City of Portage; and

WHEREAS, the territory sought to be annexed is needed and can be reasonably utilized by the City of Portage for its development in the reasonably near future; and

WHEREAS, the real estate commonly known as the 600 Block of 700 N., Porter County, Indiana, will be connected to sanitary sewer service provided by the City of Portage and potable water service provided by Indiana American Water Company; and

WHEREAS, the City of Portage, by resolution, has adopted a written Fiscal Plan pursuant to I.C. 36-4-3-13, as amended, with respect to this parcel of real estate.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Portage, Porter County, Indiana:

SECTION ONE: That the following described parcel of real estate be, and the same is, hereby annexed to and declared a part of the City of Portage, Porter County, Indiana, to-wit:

LEGAL DESCRIPTION:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 7 WEST OF THE SECOND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOW: BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 50 MINUTES 12 SECONDS EAST ALONG EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1125.20 FEET; THENCE NORTH 17 DEGREES 03 MINUTES 05 SECONDS WEST, 1178.22 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 45 MINUTES 52 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 329.06 FEET MORE OR LESS TO THE POINT OF BEGINNING, IN PORTER COUNTY, INDIANA. PROPERTY ADDRESS: 700 N, HOBART, IN 46342

Commonly known as: 600 Block of 700 N., Porter County, Indiana

SECTION TWO: That the parcel of real estate sought to be annexed will be assigned to City Council District Four (4) as a voting district in the City of Portage pursuant to I.C. 36-4-3-4(g), as amended.

SECTION THREE: That the zoning district classification of said parcel of real estate is hereby determined to be R4 District, Single Family Residential and the Annexation Agreement and all exhibits thereto shall hereby be made a part of this Annexation Ordinance.

SECTION FOUR: Be it further ordained that the municipal corporate boundaries of the City of Portage, Porter County, Indiana, shall be, and the same are, hereby declared to be extended so as to include all of the parcel of real estate hereinabove described as part of the City of Portage, Porter County, Indiana.

ORDINANCE NO. 22-04

AN ORDINANCE OF THE CITY OF PORTAGE, INDIANA AMENDING CHAPTER 38, ARTICLE 11, DIVISION 2, CHAPTER 38, SECTION 38-38 OF THE MUNICIPAL CODE ENTITLED "FEES"

BE IT, AND IT HEREBY IS, ORDAINED by the Common Council of the City of Portage, Indiana as follows:

Section 1. Ordinance Amendment. Chapter 38, Article II, Division 2, Section 38-38 shall be amended by replacing the existing text in its entirety with the following new text:

There is established the following fee schedule for the use ambulance services:


- (a) A charge of \$1219.00 for each transportation of an individual requiring basic life support service (BLS);
- (b) A charge of \$1119.00 for each transportation of an individual requiring *non-emergency* basic life support service (BLS);
- (c) A charge of \$1590.00 for each transportation of an individual requiring advanced life support, level I (ALS 1);
- (d) A charge of \$1908.00 for each transportation of an individual requiring advanced life support, level II (ALS 2);
- (e) A charge of \$1490 for each transportation of an individual requiring *non-emergency* advanced life support for (ALS 1) and (ALS 2);
- (f) In addition to the flat fees described in the above subsections (a), (b), (c), (d) and (e), each individual transported by the ambulance service shall be charge a mileage fee in the amount of \$18.55 per mile. The mileage fee shall be assessed on the miles traveled from the location where the individual is picked up by the ambulance to the hospital or medical facility where the individual is transported;
- (g) A medical service fee of \$265.00 shall be collected for each incident where:
 - 1) Ambulance service is requested by or on behalf of a patient;
 - 2) A medical service is provided by the patient by emergency medical personnel;
 - 3) The patient refuses ambulance transport; and
 - 4) The Fire Chief determines such services are beyond the scope of non-transport assistance normally provided without charge;
- (h) All fees listed in subsections (a) through (g) shall increase by six percent annually, effective on January 1st of each calendar year;
- (i) The amendments shall be retroactive to January 1, 2022.

Section 2. Conflicting Ordinances. Any Ordinance or provision of any Ordinance of the City of Portage or of the Municipal code of the City of Portage in conflict with the provisions of this Ordinance is hereby repealed.


Section 3. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor of the City of Portage and publication as required by law and the amendments shall be retroactive to January 1, 2022.

PASSED AND ADOPTED by the Common Council of the City of Portage, Porter County, Indiana, on the 10th day of May, 2022


SUE LYNCH
Mayor

ATTEST:


Nina Rivas
Clerk-Treasurer

ORDINANCE NO. 22-05

AN ORDINANCE OF THE CITY OF PORTAGE, INDIANA AMENDING CHAPTER 38, ARTICLE 11, DIVISION 2, SECTION 38-41 OF THE MUNICIPAL CODE ENTITLED "USE OF FEES"

BE IT, AND IT HEREBY IS, ORDAINED by the Common Council of the City of Portage, Indiana as follows:

Section 1. Ordinance Amendment. Chapter 38, Article II, Division 2, Section 38-41 shall be amended by replacing the existing text in its entirety with the following new text:

A fund known as the "Fire Department Equipment Fund" is hereby created as a non-reverting fund.

100 percent of the Medicaid reimbursement program collected pursuant to section 38-38, shall be deposited into the Fire Department Equipment Fund to be used for the purchase and maintenance of equipment and supplies utilized for the provision of emergency medical services and shall be retroactive to January 1, 2022.

Ten percent of any other fees collected pursuant to [section 38-38](#) and other fees designated by the common council shall be deposited *monthly* in the Fire Department Equipment Fund to be used for the purchase and maintenance of equipment and supplies utilized for the provision of emergency medical services. The remaining 90 percent of the fees collected pursuant to [section 38-38](#) shall be deposited *monthly* into the general fund of the city.

Section 2. Conflicting Ordinances. Any Ordinance or provision of any Ordinance of the City of Portage or of the Municipal code of the City of Portage in conflict with the provisions of this Ordinance is hereby repealed.

Section 3. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor of the City of Portage and publication as required by law and shall be retroactive as of January 1, 2022.



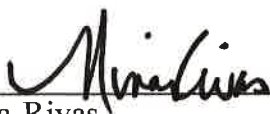
Sue Lynch
Presiding Officer

ATTEST:




Nina Rivas
Clerk-Treasurer

Presented by me to the Mayor of the City of Portage, Porter County, Indiana, this
10th day of May, 2022



Nina Rivas
Clerk-Treasurer

Presented to me the Mayor of the City of Portage, Porter County, Indiana, this
10th day of May, 2022



Sue Lynch
Mayor



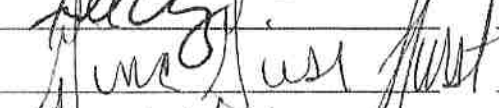
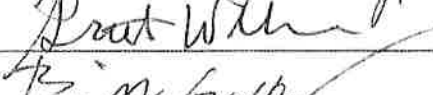
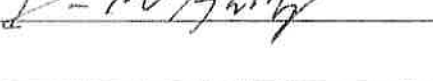
**ORDINANCE #22-06
REESTABLISHING CUMULATIVE
CUMULATIVE CAPITAL DEVELOPMENT FUND
Under Indiana Code 36-9-15.5**

BE IT RESOLVED by the Common Council of the City of Portage, Porter County, Indiana that a need now exists for the reestablishment of a Cumulative Capital Development Fund for all uses as set out in IC 36-9-15.5.

BE IT FURTHER RESOLVED that this Board will adhere to the provisions of Indiana Code 36-9-15.5. The proposed fund will not exceed \$0.50 on each \$100 of assessed valuation. Said tax rate will be levied beginning with taxes for 2022 payable 2023.

BE IT FURTHER RESOLVED that proofs of publication of the public hearing held on the 27th day of April, 2022, and a certified copy of this ordinance shall be submitted to the Department of Local Government Finance of the State of Indiana as provided by law. This Cumulative Fund is subject to the approval of the Department of Local Government Finance.

Duly adopted by the following vote of the members of said Common Council of the City of Portage this 27th day of April, 2022.

AYE	NAY
	_____
	_____
	_____
	_____
	_____
_____	_____

ATTEST:


Clerk-Treasurer

**ADDITIONAL APPROPRIATION & REDUCTION
ORDINANCE #22-07**

Whereas, it has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget; now, therefore:

Sec. 1. Be it ordained (resolved) by the Common Council of the City of Portage, Porter County, that for the expenses of the taxing unit, the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

Fund Name: 2403 ARP Grant Fund	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification:		
Personal Services	\$3,508,124.00	\$ _____
Supplies	\$139,000.00	\$ _____
Other Services & Charges	\$148,000.00	\$ _____
TOTAL for ARP Grant Fund:	\$3,795,124.00	\$ _____

Sec. 2. Whereas, it has been shown that certain existing appropriations now have unobligated balances that will not be needed for the purposes for which appropriated, it is further ordained (resolved) that the following existing appropriations be reduced in the following amounts:

Fund Name: 1101 General Fund	AMOUNT OF REDUCTION REQUESTED	AMOUNT OF REDUCTION APPROVED BY FISCAL BODY
Major Budget Classification:		
Personal Services		
1101200413.0500	\$1,200,000.00	\$ _____
1101210413.0500	\$1,200,000.00	\$ _____
TOTAL for General Fund:	\$2,400,000.00	\$ _____

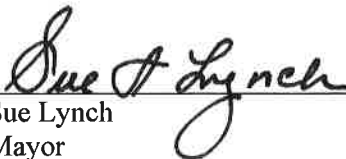
Fund Name: 2204 Park & Recreation Fund

Major Budget Classification:		
Personal Services		
2204500413.0500	\$142,481.00	\$ _____
Supplies		
2204500422.0210	\$17,000.00	\$ _____
Other Services and Charges		
2204500434.0200	\$41,000.00	\$ _____
2204500435.0100	\$60,000.00	\$ _____
2204500435.0200	\$35,000.00	\$ _____
2204500435.0400	\$12,000.00	\$ _____
TOTAL for Park & Recreation Fund:	\$307,481.00	\$ _____

Fund Name: 2201 Motor Vehicle Highway

Major Budget Classification:		
Personal Services		
2201300413.0500	\$965,643.00	\$ _____
Supplies		
2201500422.0210	\$122,000.00	\$ _____
TOTAL for Motor Vehicle Highway:	\$1,087,643.00	\$ _____

Adopted this 27th day of April, 2022.


Sue Lynch
Mayor

ATTEST:



Nina Rivas
Clerk-Treasurer

**ADDITIONAL APPROPRIATION
ORDINANCE #22-08**

Whereas, it has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget; now, therefore:

Sec. 1. Be it ordained (resolved) by the Common Council of the City of Portage, Porter County, that for the expenses of the taxing unit, the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

Fund Name: 1101 General Fund	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Major Budget Classification:		
Capital Outlay		
1101200449.0000	\$1,200,000.00	\$ _____
1101210449.0000	\$1,200,000.00	\$ _____
TOTAL for General Fund:	\$2,400,000.00	\$ _____

Fund Name: 2204 Park & Recreation Fund		
Major Budget Classification:		
Capital Outlay		
2204500449.0000	\$307,481.00	\$ _____
TOTAL for Park & Recreation Fund:	\$307,481.00	\$ _____


Fund Name: 2201 Motor Vehicle Highway		
Major Budget Classification:		
Capital Outlay		
2201300449.0000	\$1,087,643.00	\$ _____
TOTAL for Motor Vehicle Highway:	\$1,087,643.00	\$ _____

Fund Name: 2203 Motor Vehicle Highway Restricted		
Major Budget Classification:		
Capital Outlay		
2203000449.0000	\$560,000.00	\$ _____
TOTAL for Motor Vehicle Highway Restricted	\$560,000.00	\$ _____

Adopted this 27th day of April, 2022.



 Sue Lynch
 Mayor

ATTEST:


 Nina Rivas
 Clerk-Treasurer

Presented by me to the Mayor of the City of Portage, Porter County, Indiana this 27th day of April, 2022

Approved by me, the Mayor of the City of Portage, Porter County, Indiana this 27th day of April, 2022



 Sue Lynch
 Mayor

ATTEST:


 Nina Rivas
 Clerk-Treasurer

Withdrawn
7/19/22



ORDINANCE NO. 22-09

AN ORDINANCE OF THE CITY OF PORTAGE, INDIANA
AMENDING CHAPTER 90, ARTICLE V
OF THE CITY OF PORTAGE MUNICIPAL CODE
ENTITLED "ZONING MAP"

BE IT, AND IT HEREBY IS ORDAINED by the Common Council of the City of Portage, Indiana as follows:

SECTION ONE: This Ordinance shall amend Chapter 90, Article V of the City of Portage Municipal Code, and accompanying Zoning Map, in the following manner:

The zoning shall be changed from NC (Neighborhood Commercial) and R2 (Low Density Residential) to C2 (Medium to Large Scale Commercial) on the property identified as 5630 U.S. Highway 6 and the attached legal description in attached Exhibit (A) and the Topographic Survey Exhibit (B) for 9.836 +/- acres.

SECTION TWO: Contingencies. NONE

SECTION THREE: Conflicting Ordinances. Any ordinance or provision of any Ordinance of the City of Portage in conflict with the provisions of this ordinance is hereby repealed.

SECTION FOUR: Severability. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION FIVE: Effective Date. This Ordinance shall be in full force and effect from and after its passage and adoption by the Common Council and approval by the Mayor of the City of Portage, Indiana.

PASSED AND ADOPTED by the Common Council of the City of Portage, Indiana
This _____ day of _____, 2022.

PRESIDING OFFICER

ATTEST:

NINA RIVAS,
CLERK-TREASURER

ORDINANCE NO. 22-10

AN ORDINANCE OF THE CITY OF PORTAGE, INDIANA AMENDING CHAPTER 18, TO
ADD ARTICLE X, ENTITLED "MOBILE FOOD VENDORS"

DIVISION 1. - GENERALLY

Sec. 18-353. - Definitions.

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

Food shall mean any raw, cooked, or processed edible substance, ice, beverage, drink or ingredient used or intended for the use or for sale in whole or in part for human consumption.

Food vending push cart shall mean any non-motorized unit, box or container that is not propelled or moved by an engine and is used for the purpose of selling food.

Mobile Food Vehicle shall mean a self-contained food establishment that is on wheels, self-propelled or moved by an engine and the vehicle is utilized for the sale and/or production of food.

Mobile Food Vendor includes any individual person, firm, or corporation who operates mobile food vending pushcarts and/or mobile food vehicles and are licensed to do business in the State of Indiana and holding all requisite State and County Health Department business and resale licensures and permits to sell food and beverages in Indiana. This term shall not include food delivery services that deliver food or beverages ordered by a purchaser to a specific address provided by the purchaser.

City means the City of Portage, Indiana.

Park means a designated area determined by the Portage Parks Department.

Private Property means any area that is not owned or leased by the City or Park, which can include a residence or business.

DIVISION 2. – MOBILE FOOD VENDORS OPERATING WITHIN PORTAGE PARKS DEPARTMENT

Sec. 18-354. – Permit Display.

Any mobile food vendor operating within the park shall at all times display the permit obtained by the County Health Department while operating within the City, as well as a mobile food vendor permit obtained from the Portage Park Department.

Sec. 18-355. – Application.

Any mobile food vendor operating within the park shall at all times fill out an application by contacting the Portage Parks Department at least a week prior to operation. It shall be within the discretion of the Parks Department to determine availability. A copy of a mobile food vendor's permit issued by the Porter County Health Department must be provided to the Portage Parks Department, as well as a copy of a mobile food vendor's liability insurance.

Sec. 18-356. – Fee.

An application fee must be paid upon submission of the application to the Parks Department. There is a \$25 non-refundable application fee. There shall also be a \$300 permit fee due immediately upon approval of the application and prior to utilization of the park. The Permit is valid from June 1st thru May 31st of each year, regardless of the date you acquire it. Checks shall be made payable to the Portage Parks Department. In the event the permit issued by the Portage Parks Department is revoked, the entire permit fee is non-refundable.

Sec. 18-357. – Investigation of an Applicant.

Upon receipt of any application for a permit under the provisions of this chapter, the Portage Parks Department has the right to ask the Portage Police Department to investigate a mobile food vendor's criminal history and/or code enforcement history as it deems necessary for the protection of the public good welfare and safety. If, as a result of the investigation, the applicant's history is found to be such as to endanger or be detrimental to the public, the permit shall be denied or, if issued, revoked by the Portage Parks Department. The \$25.00 application fee shall also be forfeited as a result of any permit being revoked based on a criminal investigation.

Sec. 18-358. – Location Restrictions.

Presented by me to the Mayor of the City of Portage, Porter County, Indiana, this 10th

day of May, 2022.

Nina Rivas
Nina Rivas, Clerk-Treasurer

Presented to me the Mayor of the City of Portage, Porter County, Indiana, this 10th day

of May, 2022.

Sue Lynch
Sue Lynch, Mayor