



BOARD/COMMISSION: City Council

DATE: 1/13/2025

DIRECTIONS: Fishers Municipal Center Theater 1 Municipal Drive, Fishers, IN 46038

The public may [stream the meeting online](#).

Members of the public may [submit comments online](#) before 12pm on the day of the meeting.

WORK SESSION, 6:15 p.m. - 7:00 p.m., City Hall, Nickel Plate Conference Room, 3rd Floor

Rental Registration Program

Work Session - Rental Registration - 01-13-2025

REGULAR CITY COUNCIL MEETING, 7 p.m.

1. Meeting Called to Order with the Pledge of Allegiance

2. Announcements

3. Proclamations

4. Presentations

a. Employee Service Awards:

30 Years:

David Seward

25 Years:

Randy Kelly

Ronnie Sawyer

20 Years:

Lori Mench

Anthony Zentz

Patrick Keith
William Ross
Josh Mehling
Todd Thornton
Daniel Ebbert
Matthew Harvey
David Flynn
15 Years:
Steve Orusa

5. Council Committee Reports

a. Finance Committee Report

Finance Committee Report - 01-13-2025

b. Rules Committee

Rules Committee Report - 01-13-2025

6. Department Reports

Health Department Report

Health Department Report - 01-13-2025

7. Council Business

a. 2025 - Selection of Council Leadership & Appointments to Non-Standing Committees:

2025 Council Appointments

2025 Council Appointments Non-Standing Appointments

Signed Adoption - Council Business - Council Committee Appointments - 01-13-2025

8. Consent Agenda

a. Request to approve the previous meeting minutes from the **December 16, 2024, Fishers City Council meeting.**

Minutes - 12-16-2024

b. **R011325 - A Resolution of the Common Council Authorizing the City Controller to Transfer Certain Funds.**

City Funds Transfers - Council Action Form - R011325

City Funds Transfers - Exhibit A - R011325

City Funds Transfers - Resolution - R011325

Signed Adoption - City Funds Transfers - Resolution - R011325

Regular Agenda - Budget/Financial

Regular Agenda - Economic Development

Regular Agenda - Government/Miscellaneous

9. 121624 - Request to approve an amendment to Chapter 98 of the City of Fishers Code of Ordinances (Noise) - **2nd and 3rd Reading**

Chapter 98 Amendment - Noise Ordinance - CAF - 121624

Chapter 98 Amendment - Noise Ordinance - Redlined - Ordinance - 121624

Chapter 98 Amendment - Noise Ordinance - Ordinance - 121624

Signed Adoption - Chapter 98 Amendment - Noise Ordinance - Ordinance - 121624

10. 011325 - Request to Approve an Amendment to Chapter 51 of the City of Fishers Code of Ordinances (Sewer Use) - **1st Reading**

Sewer Ordinance Chapter 51 - Sewer Use - CAF - 011325

Sewer Ordinance Chapter 51 - Sewer Use - Exhibit A - 011325

Sewer Ordinance Chapter 51 - Sewer Use - Ordinance - 011325

11. 011325A - Request to Approve an Amendment to the 2025 Salary Ordinance - **1st, 2nd, and 3rd Reading**

Salary Ordinance Amendment - CAF - 011325A

Salary Ordinance Amendment - Exhibit A - 011325A

Salary Ordinance Amendment - Ordinance - 011325A

Signed Adoption - Salary Ordinance Amendment - Ordinance - 011325A

Regular Agenda - Planning & Zoning

12. 111824 - Consideration of a rezone of 44.42 acres from R2 to PUDR, known as the Balmoral Village PUD. (RZ-24-3) - **Final Reading**

Balmoral Village PUD Rezone - Council Action Form - 111824 - Final Reading

Balmoral Village PUD Rezone - Concept Plan - 111824 - Final Reading

Balmoral Village PUD Rezone - Ordinance - 111824 - Final Reading

Signed Adoption - Balmoral Village PUD Rezone - Ordinance - 111824

Annexation

13. 090924C - Request to Approve an Ordinance Annexing Territory to the City of Fishers, Placing the Same within the Corporate Boundaries of the City of Fishers and Making the Same a Part of the City of Fishers (Southeast Fishers Annexation) - **2nd and 3rd Reading**

Southeast Fishers Annexation - CAF - 090924C

Southeast Fishers Annexation - Exhibit A - 090924C

Southeast Fishers Annexation - Exhibit B - 090924C

Southeast Fishers Annexation - Ordinance - 090924C

Signed Adoption - Southeast Fishers Annexation - Ordinance - 090924C

14. Regular Items - Any other Unfinished / New Business

15. Regular Items - Community Comment

Community Comments - 01-13-2025

16. Regular Items - Meeting Adjournment

Minutes - 01-13-2025



Rental Registration Program

Work Session

1/13/2025

Background

Single Family Rentals are a Growing Segment of the Rental Market

Nationally, single-family rentals are among the rental market's fastest growing sectors

Locally:

- **Current Single-Family Rentals in Fishers: 2522***
- From 2020-2040, a considerable percentage of older single-family homes that are currently owner occupied, will enter rental status (**2022 Housing Study**)
- The City currently does not maintain any inventory on single family rentals in Fishers

***SF Rentals represent 8% of all single-family homes in Fishers, 30% of all rental units in Fishers**

Background

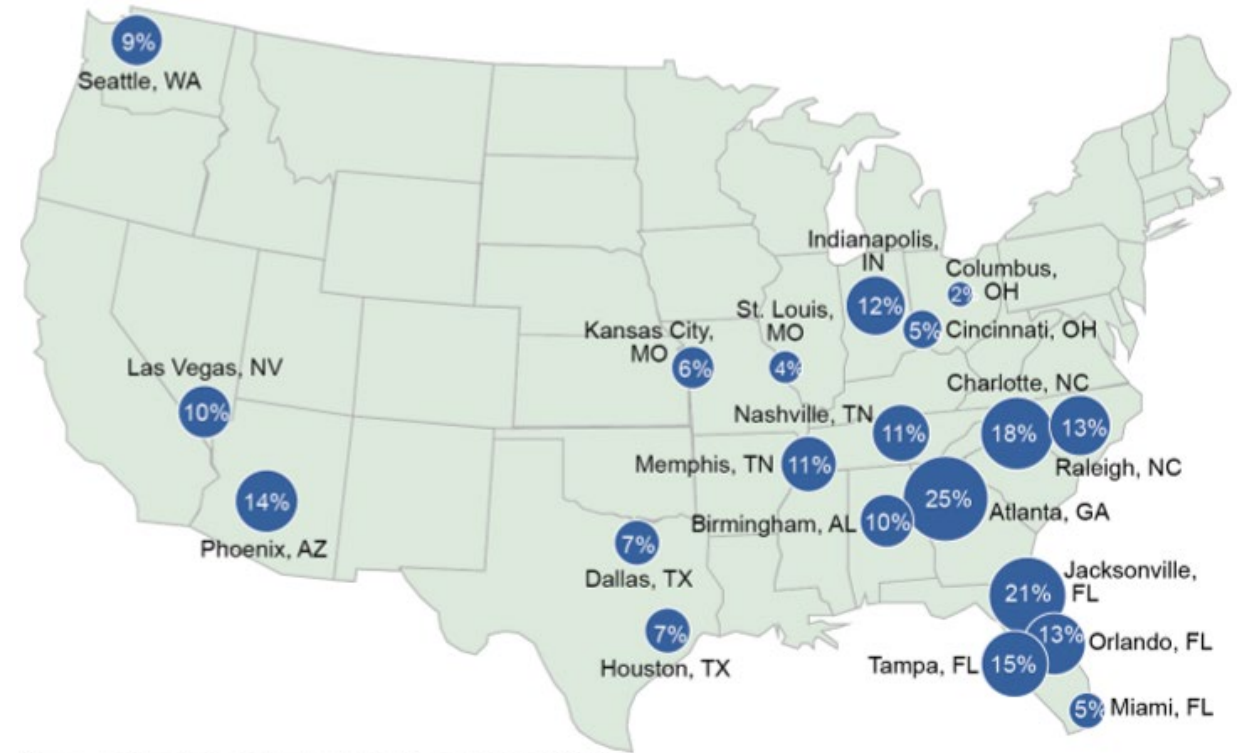
Ownership of Single-Family Rentals:

Increasing number of national single family rental companies and out of town investors are managing rental operations in Fishers (2022 Study)

As of 1/6/2025:

- **1186** Out of State Landlords (47%)
- **583** Institutional/ Corporate Investors (25%)
- **Nationally:** 3.8% of SF Rentals owned by Institutional Investors*

Estimated Share of the Single-Family Rental Market Held by Investors with over 1,000 Homes in Selected Areas, as of 2022



Source: GAO analysis of Urban Institute data. | GAO-24-106643

Note: For more details, see fig.6 in GAO-24-106643.

Implications for the City

Quality Single Family Rental Stock

→ **2022 Study:** Imperative the City maintain a high-quality rental stock.

Single Family Home Ownership Opportunities

→ Ownership in the community and its longevity & vibrancy

2022 Study Recommendation:

Initiate a rental registration program, to maintain a real time inventory of rental homes with key property information to ensure code compliance and welfare of tenants.

Proposal:

Rental Registration + Rental Permit Cap

Proposed Ordinance & Program

Objective:

To maintain the vibrancy and stability of neighborhoods in Fishers by ensuring code compliance and welfare of tenants of **single-family rental units**, while supporting home ownership opportunities in Fishers.

1 Registration & Permitting Requirement

- All single- family rentals in Fishers will require registration and a permit
- Registration = Application for Permit
- Permits will not expire (unless revoked for violations), until ownership of the property changes

2 Rental Permit Cap

- Permits will only be issued to units, if there exists less than 10% of home rental unit permits in a subdivision
- Legacy Rentals (prior to effective date of ordinance) will not be subject to the 10% cap

Key Elements of Program

Data & Technology Infrastructure

- Identify Rentals & Ensure Registration

Proposed Compliance & Enforcement

- Failure to Register Single Family Rental Unit → Subject to Fine
- Prospective Rentals Over 10% Subdivision Permit Cap → Permit Application Denied (Administrative Exceptions will Exist)
 - Legacy Rentals: Any Rentals Existing Prior to Effective Date, Not Subject to Permit Cap
 - Expiration: Permits will only expire with ownership changeover.
- Inspections: Valid Complaint Driven

Property Status Verification

- Prospective Landlords/ Rental Properties → Real Time Verification of Rental Permit Availability

Education & Outreach

Proposed Timeline

- **1-3 Month:** Work Session/ Ordinance Approval
- **Registration Go Live Following Ordinance Approval**
- **Introduction Period:**
 - 10-12-month introduction period to allow for landlords to register properties and receive permit.
 - Education Period
 - HOA Outreach
 - Send Notices to Landlords of Upcoming Change
- **Permit Cap:** “Go live” 90 days after ordinance approval to allow for any transactions in progress to be complete.
- **Following 10-12 Month Transition:** Go Live Date, Enforcement of Registration Begins

Next Steps

- **Ordinance to City Council (February or March)**
- **HOA Meetings**
- **Engaging Stakeholders**

City of Fishers Finance Committee
Minutes
January 08, 2025

BOARD/COMMISSION: City of Fishers Finance Committee

DATE: 01/08/2025

DIRECTIONS: Fishers Municipal Center: Nickel Plate Conference Room, 1 Municipal Drive,
Fishers, IN 46038

FINANCE COMMITTEE MEETING, 5:00 P.M., 3RD FLOOR, NICKEL PLATE CONFERENCE ROOM

1. Meeting Called to Order

- o Chairman John Weingardt called the meeting to order at 5:00 p.m. Present were Cecilia Coble, Selina Stoller, John DeLucia, and Bill Stuart.
- o Others present were City Clerk Jennifer Kehl, Deputy Mayor Elliott Hultgren, Todd Zimmerman, Beth Hampshire, Jake Reardon McSoley, and Mike Lindbloom.

2. Announcements: None

3. Consent Agenda:

- a. Request to review the previous meeting memoranda: **Minutes for December 11, 2024**
 - Bill Stuart made a motion to approve the December 11, 2024, minutes. Cecilia Coble seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.
- b. **R011325** - A Resolution authorizing the Common Council Authorizing the City Controller to Transfer Certain Funds:
 - John DeLucia made a motion to approve resolution **R011325**. Cecilia Coble seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

RESOLUTIONS:

4. None

ORDINANCES:

5. None

Regular Items

6. Any other Unfinished / New Business

a. Community Center Discussion

- Jake Reardon McSoley and Mike Lindbloom gave a brief overview of the progress of the Community Center. They presented projections of income and expenses for the next 5 years and Membership Fee suggestions. Pre-sale for memberships should begin in February.

8. Meeting Adjournment

- Bill Stuart made a motion to adjourn the meeting. Jon DeLucia seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.
- The meeting was adjourned at 5:30 p.m.

Respectfully submitted,



Jennifer L. Kehl
Fishers City Clerk

**BUDGET & FINANCE COMMITTEE REPORT
COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

* This is a Report of the Budget & Finance Committee. Minutes of the committee meeting can be found online at <https://fishersin.gov/agenda-center/>

John Weingardt, Chairperson
Cecilia Coble, Committee Member
Selina Stoller, Committee Member
John P. DeLucia, Committee Member
Bill Stuart, Committee Member

Meeting Date: 1/8/2025

RESOLUTIONS

- 1. R011325 - A Resolution authorizing the Common Council Authorizing the City Controller to Transfer Certain Funds:**

- ☒ Passage
☐ Non-Passage
☐ Amendment
☐ No Recommendation

ORDINANCES

- 2. None**

ATTEST:



Jennifer L. Kehl, Fishers City Clerk

This instrument was prepared by: Lindsey M. Bennett, Corporate Attorney, City of Fishers, Hamilton County, Indiana, 1 Municipal Drive, Fishers, Indiana, 46038.

**Rules Committee
Minutes
January 13, 2025**

Selina Stoller called the meeting to order at 6:00 p.m. Present were Bill Stuart, Tiffanie Ditlevson, Celica Coble and John Weingardt. Others present were City Clerk Jennifer Kehl and Larry Lannan.

Selina Stoller called for a motion to approve the Selection of Council Leadership & Appointments to Non-Standing Committees.

- John Weingardt made a motion to approve the Selection of Council Leadership & Appointments to Non-Standing Committees. Cecilia Coble seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

Adjournment:

Bill Stuart made a motion to adjourn the meeting. John Weingardt seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

The meeting was adjourned at 6:02 p.m.

Respectfully submitted,



Jennifer L. Kehl
Fishers City Clerk



To: Cecilia Coble, President
From: Selina Stoller, Rules Committee Chair
Date: January 13, 2025
Re: 2025 City Council Boards & Commissions Appointments

Finance Committee

John Weingardt
Cecilia Coble
Todd Zimmerman
John P. DeLucia
Bill Stuart

Rules Committee

John Weingardt
Tiffanie Ditlevson
Selina Stoller
Bill Stuart



To: Cecilia Coble, President
From: Selina Stoller, Rules Committee Chair
Date: January 13, 2025
Re: 2025 City Council Boards & Commissions Appointments

Board of Zoning Appeals (BZA) Fishers

Appointment type	Appointing	Term
Resident	Tom Grinslade	3-year term

Fishers YMCA Branch Board

Appointment type	Appointing	Term
Resident	Naureen Ahmed	1-year term
Resident	Brendan Murphy	1-year term
Resident	Josh Palmer	1-year term

Nickel Plate Review Committee

Appointment type	Appointing	Term
City Councilor	Selina Stoller	2-year term
Resident	Rich Block	2-year term

Planned Unit Development (PUD) Committee

Appointment type	Appointing	Term
City Councilor	Pete Peterson	1-year term

Redevelopment Commission

Appointment type	Appointing	Term
Resident	Dan Canan	1 year term
Resident	Brad Johnson	1-year term



Riverplace PUD Committee

Appointment type	Appointing	Term
City Councilor	John Weingardt	1-year term
Resident - Architect	Shawn Curran	1-year term
Resident	Drew Bender	1-year term



Fishers Health Department Update – 01/13/2025

Health First Indiana

- HFI Funding for 2025, \$1,935,997.50, received. Requirements to report on Core Services with KPIS and metrics. Information available here <https://www.in.gov/healthfirstindiana/your-community-info/>.
- Approval for ongoing funding for 2026-2027 will be dependent on state legislative approval during 2025 budget session.

Community Health Assessment

- Data analysis draft complete. Will be disseminating community survey January – February 2025 and forming steering committee as next steps to gather community input.

Culture of Health

- Preparing to launch Sunday open gym time for school age kids in Fishers, in coordination with Fishers Parks and HSE Schools. Will be held at Fishers Junior High. Follow on social media for more information.
- “Wellness Wander,” a passive installation with mental health tips is rotating through various Parks is at Billerica Park in January.
- Assisting community partner to hold first triathlon in Fishers in 2025. Registration is now open for 2025 Geist Half Marathon.

Core Health Services

- Immunizations & Testing: 219 patients seen for immunizations and testing services in December. Demand for tuberculosis testing increased (21). Zero COVID-19 and blood lead tests administered. 2024 totals: 3,152 patients seen for immunization and testing services; 6,648 immunizations, 591 TB tests, 8 lead tests and 11 COVID-19 tests administered.
- Reportable conditions managed at a steady pace and monitored for outbreak potential. Active cases managed increased from 71 to 86. 2024 totals: 338 total investigations and 272 confirmed, probable or suspected cases.

Health Education

- 12 health education sessions offered in December to 1,730 individuals (174 sessions with 19,090 individuals year to date).
- Health Educator currently sees all students in grades K-1 and 3-8 at least once in the year. Additionally, all high school health classes and other classes on demand.
- New health educator hired- will allow for expansion of education offerings to wider community.

Mental Health

- StigmaFree Fishers platform & Community Resource List continue to see increase in usage and awareness. Since launch 17,698 unique users and 20,549 total sessions. 2024 year 10,297 unique users with 11,768 sessions, of which 10,244 users are new from 2023. Most users from Fishers and surrounding area, female, and younger than 25 years of age. 48% of users under age 18, 69% under age 24. Most common topic centers, resources, and assessments used in 2024 on depression, anxiety, and alcohol use.

Environmental Health & Inspections

- Check out the [Food Grade and Inspection Dashboard](#) for most recent grades and inspection reports. 2025 inspections and grading just started.
- Environmental health inspector now certified to teach Certified Pool Operator courses. Will begin offering in Spring, 2025.

SANITARY INSPECTION GRADE





Community Outreach and Social Media

- Follow us on Facebook, X and Instagram to help us get the word out on the great work we are doing!

Public Health Social Work

- Social worker and community health advocates connecting residents to services and care for substance use disorder, disability resources, mental health counseling, caregiver support, home health care, assisted living, and more. December 2024 had 72 unique individuals with 97 encounters and 105 referrals to community resources. 2024 totals: 1,505 encounters, 944 unique individuals and 1,005 referrals to community resources.
- All FPD emergency detentions are automatically referred into program to assist with mental health crises. Social worker handles all referrals. 166 individuals referred in 2024.
- Fall prevention program: Continuing recruitment for in-home risk assessments, minor modifications and referrals to reduce risk. Community Health Advocate trained in evidence-based program SteppingOn to offer residents structured courses to reduce fall risk. First course for residents scheduled to begin April 2025.
- Social needs assessment to identify barriers to physical, mental, and social well-being offered daily in clinic. Program offers on-site social work support to any clinic patient with referrals to organizations for support with employment, connection to medical care providers, assistance with food/housing/financial insecurity, social isolation, and literacy. 534 individuals completed a needs assessment in 2024.

Grants and Funding:

- FHD receives grant funding via the Indiana Department of Health and the Food and Drug Administration. These grants support: immunizations, emergency preparedness, school health and wellness initiatives, and food inspections.
- FHD has applied for grant funding from the USDA in partnership with HSE schools and Fishers AgriPark to support an additional greenhouse to provide fresh, locally grown produce to HSE schools' school lunch program. Produce would be in-part grown with HSE student assistance.
- School-based student-led club grant portal now open and receiving grant proposals. Initial funding provided by Indy Fuel owner, Jim Hallett. First grants have been awarded. All school-based clubs eligible to apply for awards up to \$500 per school year for health or service-focused projects. More information and application portal here: <https://health.fishersin.gov/resources/school-health-club-grant-program-2/>
- Health department distributes contracts to community agencies focused on access to care and prevention efforts. Current contracts with: Shepherd's Center of Hamilton County, Trinity Free Clinic, and Breathe Easy Hamilton County. Funding source for these efforts is Health First Indiana Funds.
- FHD has distributed \$150,000 to the HSE Foundation to support an expansion of Project Hope. This expansion will allow increased access to mental health services provided through school-based therapists for students in need. FHD has also distributed \$2800 to support truancy prevention classes at HSE schools.
- All health department contracts are posted here: <https://app.smartsheet.com/b/publish?EQBCT=0e1d1aa1427b4be39bd2c23e34d6086f> for 30 days before signature per Indiana Code.

Open Positions and Compliance

- Selected as host site for Indiana Public Health Association intern program (3rd straight year). Internship paid via external stipend. Will post opportunity February 2025.
- All available positions are posted for a minimum of 30 days here: <https://cityoffishers.hrmdirect.com/employment/job-openings.php?search=true&>
- All contracts are posted here: <https://app.smartsheet.com/b/publish?EQBCT=0e1d1aa1427b4be39bd2c23e34d6086f> per Indiana Code.



To: Cecilia Coble, President
From: Selina Stoller, Rules Committee Chair
Date: January 13, 2025
Re: 2025 City Council Boards & Commissions Appointments

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Resident	Brad Johnson	1-year term



Riverplace PUD Committee

Appointment type	Appointing	Term
City Councilor	John Weingardt	1-year term
Resident - Architect	Shawn Curran	1-year term
Resident	Drew Bender	1-year term



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Cecilia Coble
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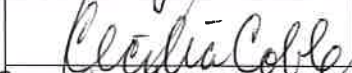
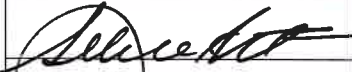
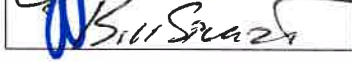
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COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA

YAY

NAY

ABSTAIN

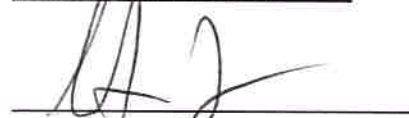
	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the 13th day of JANUARY 2025 at 8:30 p.m.

ATTEST:
Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL


Scott A. Fadness, Mayor

JANUARY 13, 2024
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

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

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

**Fishers City Council
Minutes
December 16, 2024**

MEMBERS OF THE PUBLIC MAY SUBMIT COMMENTS BEFORE 12PM ON Monday, December 16, 2024, BY GOING TO: https://townoffishers.formstack.com/forms/public_meeting_comment_form.

BOARD/COMMISSION: City Council Meeting

DATE: 12/16/2024

DIRECTIONS: City Hall, One Municipal Drive, Fishers, IN 46038

REGULAR CITY COUNCIL MEETING, 7:00 p.m., City Hall, Auditorium

1. Meeting Called to Order with the Pledge of Allegiance

- President Cecilia Coble called the meeting to order at 7:00 p.m. Present were Pete Peterson, John Weingardt, Todd Zimmerman, John Delucia, Brad DeReamer, Selina Stoller Tiffanie Ditlevson, and Bill Stuart. Others present were City Clerk Jennifer Kehl, Deputy Mayor Elliott Hultgren, Chris Greisl, Lisa Bradford, Jordin Alexander, Ross Hilleary, Lindsey Bennett, Ethan Lee, Jake Reardon-McSoley, Chief Ed Gebhardt, Assistant Chief Mike Taylor, Ashley Elrod, Tracy Gaynor, Ken Shepherd, Ross Reinhardt, Krystal Funderburk, Aija Funderburk, Mike Lindbloom, Addison Hieronymus, Fred Sheet, and Todd Hieronymus. Mayor Scott Fadness was absent.

2. Announcements: *None*

3. Proclamations: *None*

4. Presentations: *None*

5. Council Committee Reports

a. Finance Committee Report

- o John Weingardt gave a brief report on the Finance Committee Meeting.

6. Department Reports

a. Health Department Report

- o Report is attached.

7. Consent Agenda:

- a. Request to approve the previous meeting minutes from the **November 18, 2024**, City Council meeting.
- b. **R121624** - A Resolution of the Common Council Authorizing the City Controller to Transfer Certain Funds.
- c. **R121624A** - A Resolution Determining Certain Accounts Uncollectable and Authorizing the City Controller to Void the Outstanding Checks.
 - o John Weingardt made a motion to approve the Consent Agenda. Pete Peterson seconded the motion. There was no remonstrance, all members voted yay. The motion passed.

Business/ Financial

8. **R121624B** - A Resolution of the Common Council Authorizing the City Controller to Appropriate Additional General Fund Funds to the City of Fishers Municipal Budget - **Public Hearing**
- Lisa Bradford gave her presentation to the city council members.
 - Brad DeReamer asked Lisa what the time frame of the bond is. Lisa stated 20 years.
 - Tiffanie Ditlevson stated the paperwork presented stated it was for 10 years.
 - President Cecilia Coble opened the meeting for a **Public Hearing**. No one came forward and the **Public Hearing** was closed.
 - Pete Peterson made a motion to approve resolution R121624B with the paperwork being amended to read 20 years for the bond. Brad DeReamer seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

Government/Miscellaneous

9. **121624** - Request to approve an amendment to Chapter 98 of the City of Fishers Code of Ordinances (Noise) - **1st Reading**.
- Assistant Chief Mike Taylor gave his presentation to the city council members.
 - Selina Stoller spoke about the issues with the trash pick up at the new Kroger and surrounding businesses. They are picking up very early in the morning and disturbing the surrounding residents.
 - Bill Stuart asked if there are any changes from the last meeting they spoke on the updated ordinance. Assistant Chief Mike Taylor the decibels went from 70-80. The ordinance states it shall be unlawful for any person, corporation, or entity to play, use, or operate any device that exceeds the following limits: (1) During the hours of 7:00 a.m. to 11:00 p.m. 80 decibels as measured at least fifty feet (50') from the property line of where the device is located.
 - Pete Peterson made a motion to have the **1st Reading** on ordinance **121624**.
10. **121624A** - A Request to Approve an Amendment to the 2025 Salary Ordinance - **1st, 2nd, and 3rd Reading**
- Ethan Lee gave his presentation to the city council members.
 - Pete Peterson made a motion to suspend the rules and have the **1st, 2nd, and 3rd Reading** on ordinance **121624A**. Bill Stuart seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.
 - Pete Peterson made a motion to approve ordinance **121624A**. Tiffanie Ditlevson seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

Planning & Zoning

Voluntary Annexations

Kid City USA Cyntheanne Road Annexation:

11. **R121624D** - Request to approve a resolution adopting the Fiscal Plan for the Kid City USA Cyntheanne Road property (ANX-24-7).
- Ross Hilleary gave his presentation to the city council members.
 - Pete Peterson made a motion to approve resolution **R121624D**. Selina Stoller seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

12. **111824A** - Request to approve a voluntary annexation of 3.61 acres, known as the Kid City USA Cyntheanne Road property. Subject site is generally located east of N. Cyntheanne Road and north of Southeastern Parkway, with a common address of 12344 Cyntheanne Road. (ANX-24-7) - **Final Reading**

- Pete Peterson made a motion to approve ordinance **111824A**. Selina Stoller seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

Autumn Estates Annexation:

13. **R121624C** - Request to approve a resolution adopting the Fiscal Plan for the Autumn Estates property (ANX-24-8).

- John Weingardt made a motion to approve resolution **R121624**. Todd Zimmerman seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

14. **111824B** - Request to approve a voluntary annexation of 17.75 acres, known as the Autumn Estates property. Subject site is generally located northeast of Southeastern Parkway and southeast of Cyntheanne Road. (ANX-24-8) - **Final Reading**

- John Weingardt made a motion to approve ordinance **111824B**. Todd Zimmerman seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

REGULAR ITEMS

15. Any other Unfinished / New Business:

- Cecilia Coble nominated and made a motion to elect Pete Peterson to be the 2025 President of the City Council and John DeLucia as the 2025 Vice President of the City Council. Tiffanie Ditlevson seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

16. Community Comment: ***No one came forward***

17. Meeting Adjournment:

- Pete Peterson made a motion to adjourn the meeting. Selina Stoller seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.
- The meeting was adjourned at 7:20 p.m.

Respectfully submitted,



Jennifer L. Kehl
Fishers City Clerk

DATE:

DECEMBER 16, 2024

	PLEASE PRINT NAME	STAFF/ BUSINESS NAME / RESIDENT ADDRESS / OTHER
1	Ken Shepherd	RUZ
2	Ross Reinhardt	Resident
3	Lyndal Funderburk	Resident / Mayors Youth Academy
4	Aija Funderburk	Resident
5	Mike Wadsworth	COF - Employee / Resident
6	Ethan Lee	Staff
7	Addison Hieronymus	Mya / Resident
8	Fred Scheel	Resident
9	Todd Hieronymus	Resident
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**BUDGET & FINANCE COMMITTEE REPORT
COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

* This is a Report of the Budget & Finance Committee. Minutes of the committee meeting can be found online at <https://fishersin.gov/agenda-center/>

John Weingardt, Chairperson
Cecilia Coble, Committee Member
Selina Stoller, Committee Member
John P. DeLucia, Committee Member
Bill Stuart, Committee Member

Meeting Date: 12/11/2024

RESOLUTIONS

1. R121624 - A Resolution authorizing the Common Council Authorizing the City Controller to Transfer Certain Funds:

- ☒ Passage
☐ Non-Passage
☐ Amendment
☐ No Recommendation

2. R121624A - A Resolution Determining Certain Accounts Uncollectable and Authorizing the City Controller to Void the Outstanding Checks in These Accounts:

- ☒ Passage
☐ Non-Passage
☐ Amendment
☐ No Recommendation

3. R121624B - A Resolution of the Common Council Authorizing the City Controller to Appropriate Additional General Fund Funds to the City of Fishers Municipal Budget:

- ☒ Passage
☐ Non-Passage
☐ Amendment
☐ No Recommendation

ORDINANCES

4. None

ATTEST:


Jennifer L. Kehl, Fishers City Clerk

This instrument was prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, 1 Municipal Drive, Fishers, Indiana, 46038.

**City of Fishers Finance Committee
Minutes
December 11, 2024**

BOARD/COMMISSION: City of Fishers Finance Committee

DATE: 12/11/2024

DIRECTIONS: Fishers Municipal Center: Nickel Plate Conference Room, 1 Municipal Drive,
Fishers, IN 46038

FINANCE COMMITTEE MEETING, 5:00 P.M., 3RD FLOOR, NICKEL PLATE CONFERENCE ROOM

1. Meeting Called to Order

- Chairman John Weingardt called the meeting to order at 5:00 p.m. Present were Cecilia Coble, John DeLucia. Bill Stuart was present remotely. Selina Stoller was absent.
- Others present were City Clerk Jennifer Kehl, Deputy Mayor Elliott Hultgren and Lisa Bradford.

2. Announcements

3. Consent Agenda

- a. Request to review the previous meeting memoranda: **Minutes for October 2, 2024**
 - Cecilia Coble Made a motion to approve the October 2, 2024, minutes. John DeLucia seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.
- b. **R121624** - A Resolution authorizing the Common Council Authorizing the City Controller to Transfer Certain Funds:
 - Cecilia Coble made a motion to approve resolution R121624. John DeLucia seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.
- c. **R121624A** - A Resolution Determining Certain Accounts Uncollectable and Authorizing the City Controller to Void the Outstanding Checks in These Accounts:
 - Lisa Bradford gave her presentation to the Finance Committee members.
 - John DeLucia made a motion to approve resolution R121624A. Cecilia Coble seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

RESOLUTIONS:

- 4. **R121624B** - A Resolution of the Common Council Authorizing the City Controller to Appropriate Additional General Fund Funds to the City of Fishers Municipal Budget: Council Action Form | Resolution | Exhibit A | Exhibit B
 - Lisa Bradford gave her presentation to the Finance Committee members.
 - Cecilia Coble made a motion to approve resolution R121624B. Cecilia Coble seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

ORDINANCES:

5. NONE

Regular Items

6. 2025 Calendar of Proposed Monthly Topics

- Lisa Bradford and Deputy Mayor Elliott Hultgren went over the 2025 tentative Finance Committee meeting schedule.

7. Any other Unfinished / New Business

- None

8. Meeting Adjournment

- John DeLucia made a motion to adjourn the meeting. Cecilia Coble seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.
- The meeting was adjourned at 5:24 p.m.

Respectfully submitted,



Jennifer L. Kehl
Fishers City Clerk



Fishers Health Department Update – 12/16/2024

Health First Indiana

- HFI Funding for 2025, \$1,935,997.50, approved by IDOH and approved with City budget. Requirements to report on Core Services with KPIS and metrics. Information available here <https://www.in.gov/healthfirstindiana/your-community-info/>.
- Approval for ongoing funding for 2026-2027 will be dependent on state legislative approval during 2025 budget session.

Community Health Assessment

- Data analysis draft complete. Will be disseminating community survey and forming steering committee as next steps to gather community input.

Culture of Health

- Preparing to launch Sunday open gym time for school age kids in Fishers, in coordination with Fishers Parks and HSE Schools. Will be held at Fishers Junior High. Follow on social media for more information.
- “Wellness Wander”, a passive installation with mental health tips is rotating through various Parks- have received very positive feedback! December Wellness Wander is at Flat Fork Creed Park and focused on mental health, mindfulness and connection with nature.
- Assisting community partner to hold first triathlon in Fishers in 2025. Already planning for next year’s Geist Half Marathon.

Core Health Services

- Immunizations & Testing: 373 patients seen for immunizations and testing services in November. Demand for tuberculosis testing decreased (13). Zero COVID-19 and blood lead tests administered. Flu and COVID-19 vaccine demand increasing (over 60% of all appointments) as we enter respiratory illness season.
- Reportable conditions managed at a steady pace and monitored for outbreak potential. Active cases managed decreased 10% (from 78 to 71). Pertussis activity increasing across U.S. – CDC Surveillance update available at this [link](#). Pertussis cases across Indiana have increased 148% compared to last year (378% increase across US 2024 YTD vs 2023). Twelve confirmed or probable cases in Fishers this year compared to fewer than five in 2023.
- In-house insurance billing for clinical services started December 2, 2024.

Health Education

- 17 health education sessions offered in November to 1,797 individuals (162 sessions with 17,360 individuals year to date).
- Health Educator currently sees all students in grades K-1 and 3-8 at least once in the year. Additionally, all high school health classes and other classes on demand.

Mental Health

- Hosted *Survivor of Suicide Loss Day* in collaboration with American Foundation for Suicide Prevention at Fishers Municipal Theater Saturday, November 23, 2024; well-received event with 27 participants.
- [Stigma Free Fishers](#) platform & [Community Resource List](#) continue to see increase in usage and awareness. Since launch 16,895 unique users and 19,658 total sessions. This year 9,755 unique users with 11,157 sessions, of which 9,702 users are new from last year. Most users from Fishers and surrounding area, female, and younger than 25 years of age. 47% of users under age 18, 69% under age 24. Most common topic centers, resources, and assessments used so far in 2024 on depression, anxiety, and alcohol use.



Environmental Health & Inspections

- Check out the [Food Grade and Inspection Dashboard](#) for most recent grades and inspection reports. To date, 330 A, 24 B, and 6 C graded permanent restaurants.
- Environmental health inspector now certified to teach Certified Pool Operator courses. Will begin offering in Spring, 2025.

Community Outreach and Social Media

- Continue to outreach with a variety of community partners. Have coordinated flu and covid vaccine clinics for communities, food pantries and other partners. Participate in programming events in coordination with the Hamilton East Public Library. Assist with coordination of events such as the *International Survivors of Suicide Loss Day*.
- Follow us on Facebook, X and Instagram to help us get the word out on the great work we are doing!

Public Health Social Work

- Social worker and community health advocates connecting individuals to services and care for substance use disorder, disability resources, mental health counseling, caregiver support, home health care, assisted living, and more. November 2024 had 82 unique individuals with 98 encounters and 70 referrals to community resources.
- All FPD emergency detentions are automatically referred into program to assist with mental health crises. Social worker handles all referrals. 157 individuals year to date.
- Fall prevention program: Continuing recruitment for in-home risk assessments, minor modifications and referrals to reduce risk. Community Health Advocate trained in evidence-based program *SteppingOn* to offer residents structured courses to reduce fall risk. Launching in 2025.
- Social needs assessment to identify barriers to physical, mental, and social well-being offered daily in clinic. Program offers on-site social work support to any clinic patient with referrals to organizations for support with employment, connection to medical care providers, assistance with food/housing/financial insecurity, social isolation, and literacy. To date, over 500 individuals have completed a needs assessment.

Grants and Funding:

- FHD receives grant funding via the Indiana Department of Health and the Food and Drug Administration. These grants support: immunizations, emergency preparedness, school health and wellness initiatives, and food inspections.
- School-based student-led club grant portal now open and receiving grant proposals. Initial funding provided by Indy Fuel owner, Jim Hallett. First grants have been awarded. All school-based clubs eligible to apply for awards up to \$500 per school year for health or service-focused projects. More information and application portal here: <https://health.fishersin.gov/resources/school-health-club-grant-program-2/>
- Health department distributes contracts to community agencies focused on access to care and prevention efforts. Current contracts with: Shepherd's Center of Hamilton County, Trinity Free Clinic, and Breathe Easy Hamilton County. Funding source for these efforts is Health First Indiana Funds.
- FHD has distributed \$150,000 to the HSE Foundation to support an expansion of Project Hope. This expansion will allow increased access to mental health services provided through school-based therapists for students in need. FHD has also distributed \$2800 to support truancy prevention classes at HSE schools.
- All health department contracts are posted here: <https://app.smartsheet.com/b/publish?EQBCT=0e1d1aa1427b4be39bd2c23e34d6086f> for 30 days before signature per Indiana Code.

Open Positions

- Selected as host site for Indiana Public Health Association intern program (3rd straight year). Internship paid via external stipend. Will post opportunity February 2025.
- All available positions are posted for a minimum of 30 days here: <https://www.governmentjobs.com/careers/fishersin> and here: <https://app.smartsheet.com/b/publish?EQBCT=0e1d1aa1427b4be39bd2c23e34d6086f> per Indiana Code.



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	A Resolution Authorizing the City Controller to Transfer Certain City of Fishers Budget Funds Into Certain Budget Categories			
SUBMITTED BY	Name & Title: Lisa Bradford, City Controller			
	Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☒ Consent	☐ Ordinance	☒ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☐ 1 st Reading	☐ 2 nd Reading	☐ Public Hearing	☐ 3 rd Reading ☐ Final Reading
	Ordinance #:		Resolution #: R011325	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☒ Assistant/Deputy Department Head	☒ Controller's Office
	☒ Department Head	☒ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☒ Other: Corresponding Department Heads
	☐ Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	A transfer of funds from one appropriation to another means removing monies from one category such as “supplies” and moving it to another such as “contractual services”. Due to various circumstances and reasons sometimes throughout the year budget appropriations in their respective funds need to be transferred to avoid drawing a negative balance. When this occurs, the respective department provides a written and signed transfer request to the Controller's Office. All transfers require Department Head approval before submission to the Controller's Office, whether or not they are between categories (ex. 200's to 300's) in the same department or transfers between departments. Transfers between departments also require City Council approval in addition to Department Head approval. As such, all transfers requiring City Council approval are prepared by the Controller's Office and submitted to the City Council for approval. Upon approval they are processed by the Controller's Office. Money cannot be transferred between funds. Attached is a resolution and its accompanying Exhibit A ("Transfers") requesting authorization for the City Controller to transfer all funds as outlined in the exhibit.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	See Exhibit A
	Additional Appropriation #:	N/A
	Narrative:	This action does not require an expenditure or receive a revenue, rather it is transferring funds within various City funds. See Exhibit A for all transfers and transfer detail.
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Approve this resolution and authorize the City Controller to make the transfers
	2.	Deny this resolution and request
	3.	Approve selected transfer requests
	4.	Provide alternate direction
PROJECT TIMELINE	All approved transfers will be transferred respectively immediately following approval.	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that the City Council approve this resolution authorizing the City Controller to transfer all funds as outlined in Exhibit A and fully oversee this process and request.	
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Resolution 2. Exhibit A	

BUDGET AMENDMENTS JOURNAL ENTRY PROOF

LN	ORG	OBJECT	PROJ	ORG DESCRIPTION	ACCOUNT DESCRIPTION	EFF DATE	PREV BUDGET	BUDGET CHANGE	AMENDED BUDGET	ERR
ACCOUNT					LINE DESCRIPTION					
YEAR-PER	JOURNAL	EFF-DATE	REF 1	REF 2	SRC JNL-DESC	ENTITY AMEND				
2025 01	10	01/14/2025	HD	R011325	BUA HDVehic	1 1				
1	21205058 42200				Fire Dept - City Health Dept	Operating Supplies	214,600.00	-30,622.63	183,977.37	
	2120.501.58.000.42200.					HD Vehicle	01/14/2025			
2	21205058 44920				Fire Dept - City Health Dept	Capital Expenses	.00	30,622.63	30,622.63	
	2120.501.58.000.44920.					HD Vehicle	01/14/2025			
** JOURNAL TOTAL								0.00		
YEAR-PER	JOURNAL	EFF-DATE	REF 1	REF 2	SRC JNL-DESC	ENTITY AMEND				
2025 01	93	01/14/2025	WQ	R011325	BUA MtchGrntFd	1 1				
1	62609014 43100				Stormwater - PW Water Quality	Professional Services	850,764.00	-175,500.00	675,264.00	
	6260.901.94.000.43100.					Matching Grant Funding	01/14/2025			
2	62609014 43905				Stormwater - PW Water Quality	Contribution Expense	.00	175,500.00	175,500.00	
	6260.901.94.000.43905.					Matching Grant Funding	01/14/2025			
** JOURNAL TOTAL								0.00		
YEAR-PER	JOURNAL	EFF-DATE	REF 1	REF 2	SRC JNL-DESC	ENTITY AMEND				
2025 01	219	01/14/2025	PKSAgr	R011324	BUA PksAgrIncm	1 1				
1	10107010 43100				General Fund - Parks & Rec	Professional Services	1,491,400.00	-41,183.66	1,450,216.34	
	1010.701.00.000.43100.					Norcom building at Agripark	01/14/2025			
2	10107010 44300				General Fund - Parks & Rec	Buildings	.00	41,183.66	41,183.66	
	1010.701.00.000.44300.					Norcom building at Agripark	01/14/2025			
** JOURNAL TOTAL								0.00		

BUDGET AMENDMENT JOURNAL ENTRY PROOF

CLERK: valois1

YEAR	PER	JNL	SRC	ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT LINE	DESC	T	OB	DEBIT	CREDIT
2025	1	10													
BUA	21205058-42200				01/14/2025	HDvehic	HD	R011325		T	Operating Supplies	5			30,622.63
											HD Vehicle				
BUA	21205058-44920				01/14/2025	HDvehic	HD	R011325		T	Capital Expenses	5		30,622.63	
											HD Vehicle				
											JOURNAL 2025/01/10	TOTAL		.00	.00
2025	1	93													
BUA	62609014-43100				01/14/2025	MtchGrntFd	WQ	R011325		T	Professional Services	5			175,500.00
											Matching Grant Funding				
BUA	62609014-43905				01/14/2025	MtchGrntFd	WQ	R011325		T	Contribution Expense	5		175,500.00	
											Matching Grant Funding				
											JOURNAL 2025/01/93	TOTAL		.00	.00
2025	1	219													
BUA	10107010-43100				01/14/2025	PksAgrIncm	PKSAgr	R011324		T	Professional Services	5			41,183.66
											Norcom building at Agripark				
BUA	10107010-44300				01/14/2025	PksAgrIncm	PKSAgr	R011324		T	Buildings	5		41,183.66	
											Norcom building at Agripark				
											JOURNAL 2025/01/219	TOTAL		.00	.00

BUDGET AMENDMENT JOURNAL ENTRY PROOF

FUND ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
FUND TOTAL						.00	.00

** END OF REPORT - Generated by Lorena valois **

RESOLUTION NO. R011325

**A RESOLUTION AUTHORIZING THE CITY CONTROLLER
TO TRANSFER CERTAIN CITY OF FISHERS BUDGET FUNDS
INTO CERTAIN BUDGET CATEGORIES**

WHEREAS, the City of Fishers, Hamilton County, Indiana (“City”) has budgeted certain amounts of funds that are used for general municipal operational purposes of the City;

WHEREAS, the certain funds as described in Exhibit A, which is attached hereto and incorporated herein (“Transfers”) are in need of various transfers in order to continue their intended purposes and operations; and

WHEREAS, the Common Council for the City of Fishers, Hamilton County, Indiana (“City Council”) now desires to authorize the City Controller to transfer said funds into said accounts, all is further described in Exhibit A.

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

Section 1. The Council hereby authorizes the City Controller to make all transfers as described in Exhibit A (“Transfers”) and execute them in a timely and orderly fashion.

Section 2. This Resolution shall be in full force and effect from and upon its passage and in accordance with Indiana law.

ALL OF WHICH IS RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana this 13th day of January 2025.

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

YAY

NAY

ABSTAIN

	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 13th day of January 2025 at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL

Scott A. Fadness, Mayor

January 13, 2025
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

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

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

RESOLUTION NO. R011325

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TO TRANSFER CERTAIN CITY OF FISHERS BUDGET FUNDS
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WHEREAS, the Common Council for the City of Fishers, Hamilton County, Indiana (“City Council”) now desires to authorize the City Controller to transfer said funds into said accounts, all is further described in Exhibit A.

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

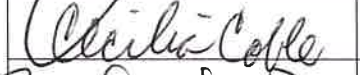
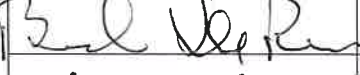
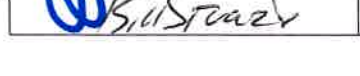
Section 1. The Council hereby authorizes the City Controller to make all transfers as described in Exhibit A (“Transfers”) and execute them in a timely and orderly fashion.

Section 2. This Resolution shall be in full force and effect from and upon its passage and in accordance with Indiana law.

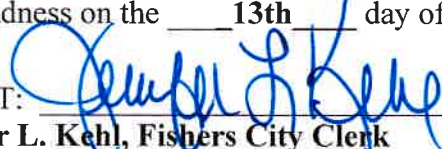
ALL OF WHICH IS RESOLVED by the Common Council for the City of Fishers, Hamilton County, Indiana this 13th day of January 2025.

R011325

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

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

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the 13th day of January 2025 at 8:30 p.m.

ATTEST: 
Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL


Scott A. Fadness, Mayor

January 13, 2025
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

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

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security
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BUDGET AMENDMENTS JOURNAL ENTRY PROOF

LN	ORG	OBJECT	PROJ	ORG DESCRIPTION	ACCOUNT DESCRIPTION	EFF DATE	PREV BUDGET	BUDGET CHANGE	AMENDED BUDGET	ERR
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	2120.501.58.000.42200.				HD Vehicle		01/14/2025			
2	21205058 44920			Fire Dept - City Health Dept	Capital Expenses		.00	30,622.63	30,622.63	
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	6260.901.94.000.43100.				Matching Grant Funding		01/14/2025			
2	62609014 43905			Stormwater - PW Water Quality	Contribution Expense		.00	175,500.00	175,500.00	
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** JOURNAL TOTAL								0.00		
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	1010.701.00.000.43100.				Norcom building at Agripark		01/14/2025			
2	10107010 44300			General Fund - Parks & Rec	Buildings		.00	41,183.66	41,183.66	
	1010.701.00.000.44300.				Norcom building at Agripark		01/14/2025			
** JOURNAL TOTAL								0.00		

BUDGET AMENDMENT JOURNAL ENTRY PROOF

CLERK: valois1

YEAR	PER	JNL	SRC	ACCOUNT	EFF DATE	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT LINE	DESC	T	OB	DEBIT	CREDIT
2025	1	10													
BUA	21205058-42200				01/14/2025	HDvehic	HD	R011325		T	Operating Supplies	5			30,622.63
											HD Vehicle				
BUA	21205058-44920				01/14/2025	HDvehic	HD	R011325		T	Capital Expenses	5		30,622.63	
											HD Vehicle				
											JOURNAL 2025/01/10	TOTAL		.00	.00
2025	1	93													
BUA	62609014-43100				01/14/2025	MtchGrntFd	WQ	R011325		T	Professional Services	5			175,500.00
											Matching Grant Funding				
BUA	62609014-43905				01/14/2025	MtchGrntFd	WQ	R011325		T	Contribution Expense	5		175,500.00	
											Matching Grant Funding				
											JOURNAL 2025/01/93	TOTAL		.00	.00
2025	1	219													
BUA	10107010-43100				01/14/2025	PksAgrIncm	PKSAgr	R011324		T	Professional Services	5			41,183.66
											Norcom building at Agripark				
BUA	10107010-44300				01/14/2025	PksAgrIncm	PKSAgr	R011324		T	Buildings	5		41,183.66	
											Norcom building at Agripark				
											JOURNAL 2025/01/219	TOTAL		.00	.00

BUDGET AMENDMENT JOURNAL ENTRY PROOF

FUND ACCOUNT	YEAR	PER	JNL	EFF DATE	ACCOUNT DESCRIPTION	DEBIT	CREDIT
FUND TOTAL						.00	.00

** END OF REPORT - Generated by Lorena valois **



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	A Resolution Authorizing the City Controller to Transfer Certain City of Fishers Budget Funds Into Certain Budget Categories			
SUBMITTED BY	Name & Title: Lisa Bradford, City Controller			
	Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☒ Consent	☐ Ordinance	☒ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☐ 1 st Reading	☐ 2 nd Reading	☐ Public Hearing	☐ 3 rd Reading ☐ Final Reading
	Ordinance #:		Resolution #: R011325	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☒ Assistant/Deputy Department Head		☒ Controller's Office
	☒ Department Head		☒ Finance Committee
	☐ Deputy Mayor		☐ Technical Advisory Committee
	☐ Mayor		☒ Other: Corresponding Department Heads
	☐ Legal Counsel – <i>Name of Reviewer:</i>		
BACKGROUND (Includes description, background, and justification)	A transfer of funds from one appropriation to another means removing monies from one category such as “supplies” and moving it to another such as “contractual services”. Due to various circumstances and reasons sometimes throughout the year budget appropriations in their respective funds need to be transferred to avoid drawing a negative balance. When this occurs, the respective department provides a written and signed transfer request to the Controller's Office. All transfers require Department Head approval before submission to the Controller's Office, whether or not they are between categories (ex. 200's to 300's) in the same department or transfers between departments. Transfers between departments also require City Council approval in addition to Department Head approval. As such, all transfers requiring City Council approval are prepared by the Controller's Office and submitted to the City Council for approval. Upon approval they are processed by the Controller's Office. Money cannot be transferred between funds. Attached is a resolution and its accompanying Exhibit A ("Transfers") requesting authorization for the City Controller to transfer all funds as outlined in the exhibit.		
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A	
	Expenditure \$:	N/A	
	Source of Funds:	See Exhibit A	
	Additional Appropriation #:	N/A	
	Narrative:	This action does not require an expenditure or receive a revenue, rather it is transferring funds within various City funds. See Exhibit A for all transfers and transfer detail.	
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Approve this resolution and authorize the City Controller to make the transfers	
	2.	Deny this resolution and request	
	3.	Approve selected transfer requests	
	4.	Provide alternate direction	
PROJECT TIMELINE	All approved transfers will be transferred respectively immediately following approval.		
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that the City Council approve this resolution authorizing the City Controller to transfer all funds as outlined in Exhibit A and fully oversee this process and request.		
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Resolution 2. Exhibit A		



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	Request to Approve an Amendment to Chapter 98 of the City of Fishers Municipal Code (Noise)			
SUBMITTED BY	Name & Title: Michael Taylor Department: Police			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☐ 1 st Reading	☒ 2 nd Reading	☐ Public Hearing	☒ 3 rd Reading ☐ Final Reading
	Ordinance #: 121624		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	X Seeking award or other scenario & will provide contract at a later date		☐ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☐ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☐ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☒ Legal Counsel – Name of Reviewer: Lindsey M. Bennett	
BACKGROUND (Includes description, background, and justification)	The City of Fishers is experiencing an increase in outdoor musical performances occurring near residences. Due to this increase, it has become necessary to review the City's current noise ordinance and adjust the limits, taking into consideration the City's growth and the proximity between residential and commercial businesses.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	
	Expenditure \$:	
	Source of Funds:	
	Additional Appropriation #:	
	Narrative:	
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Approve
	2.	Reject
	3.	
	4.	
PROJECT TIMELINE		
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends approving the Ordinance.	
SUPPLEMENTAL INFORMATION (List all attached documents)		

ORDINANCE NO. 121624

**AN ORDINANCE OF THE CITY OF FISHERS, INDIANA
AMENDING CHAPTER 98 OF THE FISHERS, IN CODE OF ORDINANCES**

WHEREAS, the City of Fishers (“City”), pursuant to Indiana Code 36-8-2-8, has the power and authority to regulate the generation of sound within its corporate boundaries;

WHEREAS, the Common Council of the City of Fishers, Indiana (“City Council”), finds that it is in the public interest to amend the City’s noise ordinance so as to better protect the health, safety and welfare of the City’s residents and guests; and

WHEREAS, it is the intent of Fishers to prevent excessive sound and vibration which may be a serious hazard to the public health and welfare, safety and the quality of life.

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

Section 1. Section 98.01 of the Fishers Code of Ordinances shall be amended as follows:

§ 98.01 DEFINITIONS.

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

BUSINESS SOUNDS. Sounds associated with the normal conduct of legally established non-transient businesses, organizations, and governmental entities. Examples include noise emanating from normal patronage or property maintenance. Business sounds do not include sounds from devices, motor vehicles, or watercraft.

DEVICE. Any radio, tape recorder/player, compact disc player, stereo system, record player, television or other electronic device capable of producing, reproducing, or amplifying any sound, noise, musical rhythm or vocal sound.

MOTOR VEHICLE. Any vehicle, such as, but not limited to automobiles, trucks, motorcycles or any other vehicles propelled or operated by means of power.

PLAINLY AUDIBLE. Any noise, musical sound, musical rhythm or any other sound that is electronically amplified or broadcast in any manner that can be heard by the human ear without the use of a hearing aid.

PUBLIC RIGHT-OF- WAY or PUBLIC PLACE. Includes, but is not limited to, any avenue, street, road, alley, easement, parkway, highway, sidewalk, park or other public place that is owned or controlled by any governmental entity.

RESIDENTIAL UNIT. A single family or multifamily dwelling located within the City’s corporate limits.

WATERCRAFT. As defined by IC 6-6-11-1.

Section 2. Section 98.02 of the Fishers Code of Ordinances shall be amended as follows:

§ 98.02 OFFENSE.

(A) It shall be unlawful for any person, corporation, or entity to generate or produce noise that exceeds 80 decibels for any period of time, when measured on a dB(A) scale from a distance of not less than 50 feet from the property line.

(B) Except as provided by 98.03, it shall be unlawful for any person, corporation, or entity to play, use, or operate any device that exceeds the following limits:

(1) During the hours of 7:00 a.m. to 11:00 p.m. 80 decibels as measured at least fifty feet (50') from the property line of where the device is located;

(2) During the hours of 11:00 p.m. and 7:00 a.m., plainly audible from a point no closer than fifty feet (50') from the property line of property where a device producing or amplifying the sound is located; or

(3) During the hours of 11:00 p.m. and 7:00 a.m., plainly audible from the shared boundary between residential units when the device producing or amplifying the sound is located within an apartment complex or other shared-wall condominium/townhouse styled private residential structure.

(C) It shall be unlawful for any person to play, use, or operate a device from a watercraft or boat (as defined by IC 6-6-11-1) located on Geist Reservoir that exceeds 80 decibels at the shoreline or water's edge.

(D) It shall be unlawful within the municipal limits of the city, for any device within or attached to any motor vehicle to be utilized in or at such a level so as to be plainly audible at a distance greater than 30 feet from said device.

(E) The use and operation of lawn mowers, weed blowers, garden tractors, construction and repair equipment, go-carts, generators and power tools and the like, shall be limited to the following hours: between the hours of 7:00 a.m. and 10:00 p.m. May 15th to September 15th, and 7:00 a.m. to 9:00 p.m. September 16th to May 14th only.

(F) The use of rubbish collection equipment shall be in accordance with [Chapter 50](#) of the City Code of Ordinances dealing with garbage, trash and refuse collections.

(G) Business sounds within 50 feet of a Residential Unit. When sounds or noise are associated with the normal conduct of legally established non-transient businesses, organizations, and governmental entities, and the sounds emanate from a property with a border that is located within 50 feet of a Residential Unit, such sounds:

(1) Shall not exceed 80 decibels, as measured from a point no closer than the property line of any Residential Unit between the hours of 7:00 a.m. and 11:00 p.m.

(2) Shall not exceed 70 decibels, as measured from a point no closer than the property line of any Residential Unit between the hours of 11:00 p.m. and 7:00 a.m.

Section 3. Section 98.03 of the Fishers Code of Ordinances shall be amended as follows:

§ 98.03 EXCEPTION.

The following are exempted from the provisions of this section:

(A) Sounds emitted from authorized emergency vehicles or sirens (including tornado sirens).

(B) Burglar and car alarms and other warning devices, when properly installed, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

(C) City, school or other governmental entity sanctioned parades, festivals, carnivals, fairs, celebrations, athletic events, concert performances, band and drum corps performances, artistic performances and the like, as well as any rehearsals for same.

(D) The emission of sound for the purposes of alerting persons to the existence of an emergency or the testing of such equipment, or for the performance of emergency construction, repair or other work.

(E) Sounds associated with the normal operation of the Gun Club (14926 East 113th Street, Fortville, IN 46060), church bells, cannon salutes, Conner Prairie's re-enactments or Symphony on the Prairie, and boat racing horns on Geist Reservoir during a bona fide practice or race used by an official of the race or practice, when such sounds are within the normal range appropriate for such use.

(F) Subject to the other provisions of this section, and any other applicable law, rule or regulation, those sounds associated with motor vehicles lawfully operating on city, county, state, and federal streets and highways.

(G) Sounds associated with the operation of aircraft or snow removal equipment.

(H) Sounds emitted by emergency, generators in the event of power failure, periodic testing and maintenance shall adhere to division (B) above.

(I) Sounds emitted by construction work or road work approved by the city or other governmental entity.

(J) Train horns as required by law.

(K) Sounds associated with the lawful use of consumer fireworks as prescribed by § [99.02](#) of this Code.

(L) Sounds associated with equipment or animals lawfully used by a disabled person to accommodate the person's disability.

(M) Projects receiving a Nickel Plate District Construction Waiver from the Board of Public Works and Safety.

Section 4. All other provisions of Fishers' ordinances or policies not in conflict with or specifically changed by this amendment shall remain in full force and effect.

Section 5. This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with Indiana law.

ALL OF WHICH IS SO ORDAINED BY THE COMMON COUNCIL OF FISHERS,
INDIANA THIS 13th DAY OF JANUARY, 2025.

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

YAY

NAY

ABSTAIN

	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		

	Cecilia Coble, Member	
	Brad DeReamer, Member	
	Selina Stoller, Member	
	Todd Zimmerman, Member	
	Tiffanie Ditlevson Member	
	Bill Stuart, Member	

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the _____ day of _____ 2025 at _____ p.m.

ATTEST: _____
Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL



Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

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

ORDINANCE NO. 121624

**AN ORDINANCE OF THE CITY OF FISHERS, INDIANA
AMENDING CHAPTER 98 OF THE FISHERS, IN CODE OF ORDINANCES**

WHEREAS, the City of Fishers (“City”), pursuant to Indiana Code 36-8-2-8, has the power and authority to regulate the generation of sound within its corporate boundaries;

WHEREAS, the Common Council of the City of Fishers, Indiana (“City Council”), finds that it is in the public interest to amend the City’s noise ordinance so as to better protect the health, safety and welfare of the City’s residents and guests; and

WHEREAS, it is the intent of Fishers to prevent excessive sound and vibration which may be a serious hazard to the public health and welfare, safety and the quality of life.

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

Section 1. Section 98.01 of the Fishers Code of Ordinances shall be amended as follows:

§ 98.01 DEFINITIONS.

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

BUSINESS SOUNDS. Sounds associated with the normal conduct of legally established non-transient businesses, organizations, and governmental entities. Examples include noise emanating from normal patronage or property maintenance. Business sounds do not include sounds from devices, motor vehicles, or watercraft.

DEVICE. Any radio, tape recorder/player, compact disc player, stereo system, record player, television or other electronic device capable of producing, reproducing, or amplifying any sound, noise, musical rhythm or vocal sound.

MOTOR VEHICLE. Any vehicle, such as, but not limited to automobiles, trucks, motorcycles or any other vehicles propelled or operated by means of power.

PLAINLY AUDIBLE. Any noise, musical sound, musical rhythm or any other sound that is electronically amplified or broadcast in any manner that can be heard by the human ear without the use of a hearing aid.

PUBLIC RIGHT-OF- WAY or PUBLIC PLACE. Includes, but is not limited to, any avenue, street, road, alley, easement, parkway, highway, sidewalk, park or other public place that is owned or controlled by any governmental entity.

RESIDENTIAL UNIT. A single family or multifamily dwelling located within the City’s corporate limits.

WATERCRAFT. As defined by IC 6-6-11-1.

Section 2. Section 98.02 of the Fishers Code of Ordinances shall be amended as follows:

§ 98.02 OFFENSE.

(A) It shall be unlawful for any person, corporation, or entity to generate or produce noise that exceeds 80 decibels for any period of time, when measured on a dB(A) scale from a distance of not less than 50 feet from the property line.

(B) Except as provided by 98.03, it shall be unlawful for any person, corporation, or entity to play, use, or operate any device that exceeds the following limits:

(1) During the hours of 7:00 a.m. to 11:00 p.m. 80 decibels as measured at least fifty feet (50') from the property line of where the device is located;

(2) During the hours of 11:00 p.m. and 7:00 a.m., plainly audible from a point no closer than fifty feet (50') from the property line of property where a device producing or amplifying the sound is located; or

(3) During the hours of 11:00 p.m. and 7:00 a.m., plainly audible from the shared boundary between residential units when the device producing or amplifying the sound is located within an apartment complex or other shared-wall condominium/townhouse styled private residential structure.

(C) It shall be unlawful for any person to play, use, or operate a device from a watercraft or boat (as defined by IC 6-6-11-1) located on Geist Reservoir that exceeds 80 decibels at the shoreline or water's edge.

(D) It shall be unlawful within the municipal limits of the city, for any device within or attached to any motor vehicle to be utilized in or at such a level so as to be plainly audible at a distance greater than 30 feet from said device.

(E) The use and operation of lawn mowers, weed blowers, garden tractors, construction and repair equipment, go-carts, generators and power tools and the like, shall be limited to the following hours: between the hours of 7:00 a.m. and 10:00 p.m. May 15th to September 15th, and 7:00 a.m. to 9:00 p.m. September 16th to May 14th only.

(F) The use of rubbish collection equipment shall be in accordance with [Chapter 50](#) of the City Code of Ordinances dealing with garbage, trash and refuse collections.

(G) Business sounds within 50 feet of a Residential Unit. When sounds or noise are associated with the normal conduct of legally established non-transient businesses, organizations, and governmental entities, and the sounds emanate from a property with a border that is located within 50 feet of a Residential Unit, such sounds:

(1) Shall not exceed 80 decibels, as measured from a point no closer than the property line of any Residential Unit between the hours of 7:00 a.m. and 11:00 p.m.

(2) Shall not exceed 70 decibels, as measured from a point no closer than the property line of any Residential Unit between the hours of 11:00 p.m. and 7:00 a.m.

Section 3. Section 98.03 of the Fishers Code of Ordinances shall be amended as follows:

§ 98.03 EXCEPTION.

The following are exempted from the provisions of this section:

(A) Sounds emitted from authorized emergency vehicles or sirens (including tornado sirens).

(B) Burglar and car alarms and other warning devices, when properly installed, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

(C) City, school or other governmental entity sanctioned parades, festivals, carnivals, fairs, celebrations, athletic events, concert performances, band and drum corps performances, artistic performances and the like, as well as any rehearsals for same.

(D) The emission of sound for the purposes of alerting persons to the existence of an emergency or the testing of such equipment, or for the performance of emergency construction, repair or other work.

(E) Sounds associated with the normal operation of the Gun Club (14926 East 113th Street, Fortville, IN 46060), church bells, cannon salutes, Conner Prairie's re-enactments or Symphony on the Prairie, and boat racing horns on Geist Reservoir during a bona fide practice or race used by an official of the race or practice, when such sounds are within the normal range appropriate for such use.

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(J) Train horns as required by law.

(K) Sounds associated with the lawful use of consumer fireworks as prescribed by § [99.02](#) of this Code.

(L) Sounds associated with equipment or animals lawfully used by a disabled person to accommodate the person's disability.

(M) Projects receiving a Nickel Plate District Construction Waiver from the Board of Public Works and Safety.

Section 4. All other provisions of Fishers' ordinances or policies not in conflict with or specifically changed by this amendment shall remain in full force and effect.

Section 5. This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with Indiana law.

ALL OF WHICH IS SO ORDAINED BY THE COMMON COUNCIL OF FISHERS,
INDIANA THIS 13th DAY OF JANUARY, 2025.

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

YAY

NAY

ABSTAIN

	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the _____ day of _____ 2025 at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL



Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, Corporation Counsel, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

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

ORDINANCE NO. 121624

**AN ORDINANCE OF THE CITY OF FISHERS, INDIANA
AMENDING CHAPTER 98 OF THE FISHERS, IN CODE OF ORDINANCES**

WHEREAS, the City of Fishers (“City”), pursuant to Indiana Code 36-8-2-8, has the power and authority to regulate the generation of sound within its corporate boundaries;

WHEREAS, the Common Council of the City of Fishers, Indiana (“City Council”), finds that it is in the public interest to amend the City’s noise ordinance so as to better protect the health, safety and welfare of the City’s residents and guests; and

WHEREAS, it is the intent of Fishers to prevent excessive sound and vibration which may be a serious hazard to the public health and welfare, safety and the quality of life.

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

Section 1. Section 98.01 of the Fishers Code of Ordinances shall be amended as follows:

§ 98.01 DEFINITIONS.

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

BUSINESS SOUNDS. Sounds associated with the normal conduct of legally established non-transient businesses, organizations, and governmental entities. Examples include noise emanating from normal patronage or property maintenance. Business sounds do not include sounds from devices, motor vehicles, or watercraft.

DEVICE. Any radio, tape recorder/player, compact disc player, stereo system, record player, television or other electronic device capable of producing, reproducing, or amplifying any sound, noise, musical rhythm or vocal sound.

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PLAINLY AUDIBLE. Any noise, musical sound, musical rhythm or any other sound that is electronically amplified or broadcast in any manner that can be heard by the human ear without the use of a hearing aid.

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RESIDENTIAL UNIT. A single family or multifamily dwelling located within the City’s corporate limits.

WATERCRAFT. As defined by IC 6-6-11-1.

Section 2. Section 98.02 of the Fishers Code of Ordinances shall be amended as follows:

§ 98.02 OFFENSE.

(A) It shall be unlawful for any person, corporation, or entity to generate or produce noise that exceeds 80 decibels for any period of time, when measured on a dB(A) scale from a distance of not less than 50 feet from the property line.

(B) Except as provided by 98.03, it shall be unlawful for any person, corporation, or entity to play, use, or operate any device that exceeds the following limits:

(1) During the hours of 7:00 a.m. to 11:00 p.m. 80 decibels as measured at least fifty feet (50') from the property line of where the device is located;

(2) During the hours of 11:00 p.m. and 7:00 a.m., plainly audible from a point no closer than fifty feet (50') from the property line of property where a device producing or amplifying the sound is located; or

(3) During the hours of 11:00 p.m. and 7:00 a.m., plainly audible from the shared boundary between residential units when the device producing or amplifying the sound is located within an apartment complex or other shared-wall condominium/townhouse styled private residential structure.

(C) It shall be unlawful for any person to play, use, or operate a device from a watercraft or boat (as defined by IC 6-6-11-1) located on Geist Reservoir that exceeds 80 decibels at the shoreline or water's edge.

(D) It shall be unlawful within the municipal limits of the city, for any device within or attached to any motor vehicle to be utilized in or at such a level so as to be plainly audible at a distance greater than 30 feet from said device.

(E) The use and operation of lawn mowers, weed blowers, garden tractors, construction and repair equipment, go-carts, generators and power tools and the like, shall be limited to the following hours: between the hours of 7:00 a.m. and 10:00 p.m. May 15th to September 15th, and 7:00 a.m. to 9:00 p.m. September 16th to May 14th only.

(F) The use of rubbish collection equipment shall be in accordance with [Chapter 50](#) of the City Code of Ordinances dealing with garbage, trash and refuse collections.

(G) Business sounds within 50 feet of a Residential Unit. When sounds or noise are associated with the normal conduct of legally established non-transient businesses, organizations, and governmental entities, and the sounds emanate from a property with a border that is located within 50 feet of a Residential Unit, such sounds:

(1) Shall not exceed 80 decibels, as measured from a point no closer than the property line of any Residential Unit between the hours of 7:00 a.m. and 11:00 p.m.

(2) Shall not exceed 70 decibels, as measured from a point no closer than the property line of any Residential Unit between the hours of 11:00 p.m. and 7:00 a.m.

Section 3. Section 98.03 of the Fishers Code of Ordinances shall be amended as follows:

§ 98.03 EXCEPTION.

The following are exempted from the provisions of this section:

(A) Sounds emitted from authorized emergency vehicles or sirens (including tornado sirens).

(B) Burglar and car alarms and other warning devices, when properly installed, providing the cause for such alarm or warning device sound is investigated and turned off within a reasonable period of time.

(C) City, school or other governmental entity sanctioned parades, festivals, carnivals, fairs, celebrations, athletic events, concert performances, band and drum corps performances, artistic performances and the like, as well as any rehearsals for same.

(D) The emission of sound for the purposes of alerting persons to the existence of an emergency or the testing of such equipment, or for the performance of emergency construction, repair or other work.

(E) Sounds associated with the normal operation of the Gun Club (14926 East 113th Street, Fortville, IN 46060), church bells, cannon salutes, Conner Prairie's re-enactments or Symphony on the Prairie, and boat racing horns on Geist Reservoir during a bona fide practice or race used by an official of the race or practice, when such sounds are within the normal range appropriate for such use.

(F) Subject to the other provisions of this section, and any other applicable law, rule or regulation, those sounds associated with motor vehicles lawfully operating on city, county, state, and federal streets and highways.

(G) Sounds associated with the operation of aircraft or snow removal equipment.

(H) Sounds emitted by emergency, generators in the event of power failure, periodic testing and maintenance shall adhere to division (B) above.

(I) Sounds emitted by construction work or road work approved by the city or other governmental entity.

(J) Train horns as required by law.

(K) Sounds associated with the lawful use of consumer fireworks as prescribed by § [99.02](#) of this Code.

(L) Sounds associated with equipment or animals lawfully used by a disabled person to accommodate the person's disability.

(M) Projects receiving a Nickel Plate District Construction Waiver from the Board of Public Works and Safety.

Section 4. All other provisions of Fishers' ordinances or policies not in conflict with or specifically changed by this amendment shall remain in full force and effect.

Section 5. This Ordinance shall be in full force and effect from and upon its adoption and publication in accordance with Indiana law.

ALL OF WHICH IS SO ORDAINED BY THE COMMON COUNCIL OF FISHERS,
INDIANA THIS 13th DAY OF JANUARY, 2025.

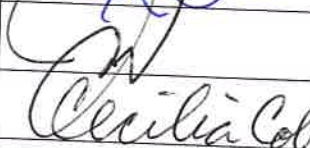
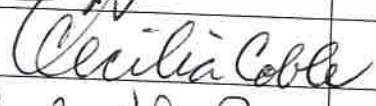
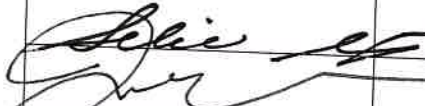
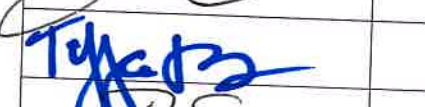
**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

121624

YAY

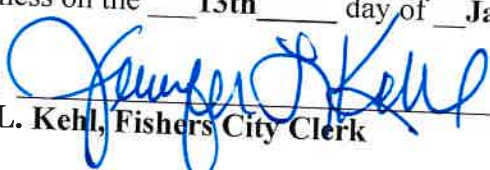
NAY

ABSTAIN

	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 13th day of January 2025 at 8:30 p.m.

ATTEST:


Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL


Scott A. Fadness, Mayor

JANUARY 13, 2025
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

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

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



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	Request to Approve an Amendment to Chapter 98 of the City of Fishers Municipal Code (Noise)			
SUBMITTED BY	Name & Title: Michael Taylor Department: Police			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☐ 1 st Reading	☒ 2 nd Reading	☐ Public Hearing	☒ 3 rd Reading ☐ Final Reading
	Ordinance #: 121624		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	X Seeking award or other scenario & will provide contract at a later date		☐ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☐ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☐ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☒ Legal Counsel – Name of Reviewer: Lindsey M. Bennett	
BACKGROUND (Includes description, background, and justification)	The City of Fishers is experiencing an increase in outdoor musical performances occurring near residences. Due to this increase, it has become necessary to review the City's current noise ordinance and adjust the limits, taking into consideration the City's growth and the proximity between residential and commercial businesses.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	
	Expenditure \$:	
	Source of Funds:	
	Additional Appropriation #:	
	Narrative:	
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Approve
	2.	Reject
	3.	
	4.	
PROJECT TIMELINE		
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends approving the Ordinance.	
SUPPLEMENTAL INFORMATION (List all attached documents)		



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	Request to Approve an Amendment Chapter 51 (Sewer Use) of the City of Fishers Code of Ordinances			
SUBMITTED BY	Name & Title: Jeremy Schmitt, Sanitary Engineer Department: Engineering			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☒ 1 st Reading	☐ 2 nd Reading	☐ Public Hearing	☐ 3 rd Reading ☐ Final Reading
	Ordinance #: 011325A		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	X Seeking award or other scenario & will provide contract at a later date		☐ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☐ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☐ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☒ Legal Counsel – Name of Reviewer: Lindsey M. Bennett	
BACKGROUND (Includes description, background, and justification)	The City of Fishers Sewer Use Ordinance is in need of some updates to comply with current law and current practices. These changes include:	
	• Updates to pretreatment requirements for: - o flammable or explosive substances - o pH - o temperature • Adds that wastewater facility oversizing reimbursement will not be considered when wastewater facilities are only being extended across the property being developed. • Various updates to Rates and Charges as follows: - o Eliminates discrepancies within rate schedules - o Adds additional user categories - o Cleans up differences between the two rate districts which are now being referred to as the following: ▪ District 1 (formerly Fishers legacy service area) ▪ District 2 (formerly HSEU service area) - o Creates a monthly minimum charge of 2 EDUs for new non-residential customers in District 1. These customers will be billed based on equivalent EDUs rather than water usage. This matches District 2. - o Creates a mechanism for non-residential customers in District 1 to be moved from a meter-based billing system to an EDU based billing system. - o Adds a fats, oils, and grease (FOG) facility charge for non-residential customers in District 1 who require a FOG facility. This matches District 2. - o Clarifies non-residential billing procedures and responsibilities where tenants are involved. - o Updates charges for preparing and filing liens.	
	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	
OPTIONS (Include Deny Approval Option)	1.	Approve
	2.	Reject
	3.	
	4.	

PROJECT TIMELINE	Become effective March 1, 2025
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends approving the Ordinance.
SUPPLEMENTAL INFORMATION (List all attached documents)	Exhibit A – Proposed Sewer Use Ordinance

EXHIBIT A
Ordinance No. 011325

General Provisions

- 51.01 Definitions
- 51.02 Depositing objectionable waste prohibited
- 51.03 Discharge of wastewater or other polluted waters to natural outlets
- 51.04 Privies, septic tanks and other facilities
- 51.05 Owner's responsibility to install suitable toilet facilities
- 51.06 Destroying or tampering with wastewater structures or equipment
- 51.07 Right of entry for purpose of inspection; confidential information; indemnification
- 51.08 Establishing and regulating waste disposal system in certain areas located within four miles of corporate boundaries

Private Wastewater Disposal System

- 51.15 Connecting building sewer to private wastewater disposal system
- 51.16 Written permit to be obtained
- 51.17 Compliance with State Department of Environmental Management

Building Sewer and Connections

- 51.25 Connecting building sewer to public sewer
- 51.26 Use of old building sewers with new buildings
- 51.27 Size, slope and alignment; conformance to other applicable rules and regulations
- 51.28 Gravity flow to public sewer; lifted by approved means
- 51.29 Sources of surface runoff or groundwater to public sanitary sewer prohibited
- 51.30 Excavations
- 51.31 Inspection of connection to public sewer

Use of Public Sewers

- 51.40 Discharge of stormwater and other unpolluted drainage
- 51.41 Prohibited discharges to public sewers
- 51.42 Discharge of certain wastes restricted
- 51.43 Pretreatment, equalization of waste flows
- 51.44 Grease, oil and sand interceptors

- 51.45 Pretreatment or flow-equalizing facilities
- 51.46 Installation of suitable sampling and measurement appurtenances
- 51.47 Measurements, tests and analyses
- 51.48 User of sewer services to provide information
- 51.49 Industrial wastes; special agreement
- 51.50 Fats, oils and grease management program

Contribution Requirements for Developers and New Users of Sewage Facilities

- 51.55 Definitions
- 51.56 Expansion and connection policy
- 51.57 (Reserved)
- 51.58 (Reserved)
- 51.59 Prior agreements of city
- 51.60 Protection of bond holders of sewage works
- 51.61 Amendments

Terminating Water Service to Delinquent Sewer Users

- 51.65 Termination of service procedures
- 51.66 Termination of service not exclusive remedy
- 51.67 Procedure

Rates and Charges

- 51.70 Schedule of user charges
- 51.71 (Reserved)
- 51.72 Billing of service charges
- 51.73 Fee for preparing and filing liens

Exemptions From Sewer Billing

- 51.80 Water lines used strictly for irrigation purposes exempt from sewer billing

GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

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

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in milligrams per liter.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

INDUSTRIAL WASTES. The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

MAY. Is permissible. (See definition of **SHALL** below).

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of 10^{-7} .

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility.

SANITARY SEWER. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SEWAGE. The spent water of a community. The preferred term is **WASTEWATER**.

SEWER. A pipe or conduit that carries wastewater or drainage water.

SHALL. Is mandatory. (See definition of **MAY** above).

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN or **STORM SEWER.** A drain or sewer for conveying water, groundwater, sub-surface water or unpolluted water from any source.

SUPERINTENDENT. The superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the city, or its authorized deputy, agent or representative.

SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment plants or wastewater treatment plant or water pollution control plant.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.

§ 51.02 DEPOSITING OBJECTIONABLE WASTE PROHIBITED.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or objectionable waste.

§ 51.03 DISCHARGE OF WASTEWATER OR OTHER POLLUTED WATERS TO NATURAL OUTLETS.

It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of said city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

§ 51.04 PRIVIES, SEPTIC TANKS AND OTHER FACILITIES.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

§ 51.05 OWNER'S RESPONSIBILITY TO INSTALL SUITABLE TOILET FACILITIES.

The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after the date of the official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

§ 51.06 DESTROYING OR TAMPERING WITH WASTEWATER STRUCTURES OR EQUIPMENT.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this section shall be subject to immediate arrest under charge of disorderly conduct.

§ 51.07 RIGHT OF ENTRY FOR PURPOSE OF INSPECTION; CONFIDENTIAL INFORMATION; INDEMNIFICATION.

(A) The Superintendent and other duly authorized employees of the city, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

(B) The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against a loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.41.

(D) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement,

shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 51.08 ESTABLISHING AND REGULATING WASTE DISPOSAL SYSTEM IN CERTAIN AREAS LOCATED WITHIN FOUR MILES OF CORPORATE BOUNDARIES.

(A) No sewer utility shall commence collection, processing or disposition of waste substances and domestic or sanitary sewage (hereinafter referred to as “Sewer Service”) within the corporate boundaries of the city or within an area which is within four miles of the corporate boundaries of the city in the area identified as the Fishers Sewer Planning Area, unless such sewer utility shall first obtain a permit, contract, license or franchise (hereinafter referred to as “permit”) from the city, authorizing the sewer service, and a finding by the City Council that the public convenience and necessity require sewer service by the sewer utility, and defining specifically the area to be covered by the permit, such finding to be made after a public hearing has been held before said City Council pursuant to not less than ten days published notice in accordance with the provisions of IC 5-3-1.

(B) At the public hearing pursuant to division (A), an applicant for a permit to provide sewer service pursuant to the terms of this chapter shall demonstrate to the City Council by the presentation of competent evidence that it has met the following criteria:

- (1) That it has the financial ability to install, commence and maintain said proposed service;
- (2) That the plans and specifications for the sewer interceptor system to be constructed and installed shall have received the written approval of the city's Consulting Engineer and the Indiana Department of Environmental Management prior to the commencement of construction;
- (3) That a contract will have been executed by the applicant and submitted to the city for its consideration and acceptance that will obligate the applicant upon the issuance of the permit to pay to the city the city's rates and charges as by ordinance provided for the transmission of sanitary sewage to the city for treatment at the city's treatment facility;
- (4) That the applicant shall establish that it has the lawful power and authority to apply for said permit and to operate said proposed service. The permit shall state that before commencing operations and serving customers, the sewer utility shall file its rates and charges with the Indiana Utility Regulatory Commission for approval by the Commission. The city also recognizes that the applicant may derive its authority to apply for such permit from other express statutory authority, such as a municipal utility, a conservancy district or a regional waste district;
- (5) The permit shall state that before commencing construction or operations and serving customers, the sewer utility shall apply for and receive all of the necessary federal and/or state and/or county regulatory permits and licenses necessary to operate the sewer service in the area identified as the Fishers Sewer Planning Area. It is the intention of the city to recognize the jurisdiction of the Indiana Utility Regulatory Commission to fix the price to be charged for the service to be rendered by the applicant notwithstanding the provisions of IC 36-9-2-16 in the case of a regulated utility. In the event that a municipal utility, conservancy district, or regional waste district obtains the necessary federal and state licenses and permits, it is the intention of the city to recognize the jurisdiction of the permitting agency, and to consider such entity to have standing to apply for a permit from the city.

(C) After the city issues a sewer service permit pursuant to the provisions of this chapter, no other sewer utility shall commence sewer service in the permitted area without itself first obtaining a permit to do so from the city in accordance with the criteria set out above. In addition, the city may issue additional permits within the same permitted area only if the following additional criteria are satisfied:

(1) The sewer utility with an existing permit is not furnishing reasonably adequate sewer service and is not willing or capable of furnishing sewer service in the area for which an additional permit is sought;

(2) A period of at least 24 months has expired from the date of issuance of the existing permit;

(3) Issuance of the additional permit will not impair the ability of the existing sewer utility to continue to furnish existing sewer service within the permitted area;

(4) Public convenience and necessity as determined by the city require the issuance of an additional permit; and

(5) The sewer utility applying for an additional permit obtains approval from the Indiana Utility Regulatory Commission pursuant to the Public Service Commission Act, IC 8-1-2-1 and following, or otherwise meets the statutory requirements for lawful operation including a discharge permit from the Indiana Department of Environmental Management.

(D) The city reserves the right to revoke any sewer service permit which it may grant, in whole or in part, for any of the following grounds as determined by the City Council acting in its legislative capacity at any regular meeting of said City Council:

(1) Failure of the sewer utility holding such sewer service permit to furnish reasonably adequate sewer service within the area defined in the permit;

(2) Failure of the sewer utility holding the sewer service permit to comply with any term, condition or limitation of such permit;

(3) Any act undertaken by the Indiana Department of Environmental Management or the Indiana Utility Regulatory Commission which in any way limits or restricts the ability of the sewer utility to act upon the authority of said state bodies.

(E) In the absence of a clear and convincing health related reason, the City Council resolves that no cross county sewer service should be permitted that would allow for the sanitary sewage treatment of areas located within Fall Creek Township of Hamilton County by any provider of sanitary sewage treatment services other than the City of Fishers.

_(F) All ordinances or parts of ordinances currently in effect within the city, which are in conflict, directly or indirectly, with the provisions of this chapter are hereby repealed.

PRIVATE WASTEWATER DISPOSAL SYSTEM

§ 51.15 CONNECTING BUILDING SEWER TO PRIVATE WASTEWATER DISPOSAL SYSTEM.

Where a public sanitary or combined sewer is not available under the provisions of § 51.05, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter.

§ 51.16 WRITTEN PERMIT TO BE OBTAINED.

Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit from the Hamilton County Health Department.

§ 51.17 COMPLIANCE WITH STATE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Environmental Management of the state.

BUILDING SEWER AND CONNECTIONS

§ 51.25 CONNECTING BUILDING SEWER TO PUBLIC SEWER.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and the WPCF "Manual of Practice No. 9." All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

§ 51.26 USE OF OLD BUILDING SEWERS WITH NEW BUILDINGS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this chapter.

§ 51.27 SIZE, SLOPE AND ALIGNMENT; CONFORMANCE TO OTHER APPLICABLE RULES AND REGULATIONS.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

§ 51.28 GRAVITY FLOW TO PUBLIC SEWER; LIFTED BY APPROVED MEANS.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 51.29 SOURCES OF SURFACE RUNOFF OR GROUNDWATER TO PUBLIC SANITARY SEWER PROHIBITED.

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

§ 51.30 EXCAVATIONS.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Street, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

§ 51.31 INSPECTION OF CONNECTION TO PUBLIC SEWER.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

USE OF PUBLIC SEWERS

§ 51.40 DISCHARGE OF STORMWATER AND OTHER UNPOLLUTED DRAINAGE.

(A) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sewer; except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Superintendent.

_(B) Stormwater other than that exempted under division (A) above, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

§ 51.41 PROHIBITED DISCHARGES TO PUBLIC SEWERS.

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; including waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using test methods in 40 CFR 261.21

(B) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;

(C) Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, et seq., either whole or ground by garbage grinders.

§ 51.42 DISCHARGE OF CERTAIN WASTES RESTRICTED.

The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- (A) Wastewater having a temperature higher than 104° F. (40° C.);
- (B) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin;
- (C) Wastewater from industrial plants containing floatable oils, fat or grease;
- (D) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;
- (E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials;
- (F) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent;
- (G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
- (H) Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.
- (I) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such

degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

(J) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

§ 51.43 PRETREATMENT, EQUALIZATION OF WASTE FLOWS.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 51.42, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may do the following:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 51.47.

(B) When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

§ 51.44 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in § 51.42(C), or any flammable wastes, sand or other harmful ingredients: except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner(s) personnel must be performed by currently licensed waste disposal firms.

§ 51.45 PRETREATMENT OR FLOW-EQUALIZING FACILITIES.

Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

§ 51.46 INSTALLATION OF SUITABLE SAMPLING AND MEASUREMENT APPURTENANCES.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 51.47 MEASUREMENTS, TESTS AND ANALYSES.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

§ 51.48 USER OF SEWER SERVICES TO PROVIDE INFORMATION.

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- (A) Wastewater discharge peak rate and volume over a specified time period;
- (B) Chemical analyses of wastewater;
- (C) Information on raw materials, processes and products affecting wastewater volume and quality;
- (D) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
- (E) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
- (F) Details of wastewater pretreatment facilities;
- (G) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

§ 51.49 INDUSTRIAL WASTES; SPECIAL AGREEMENT.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.

§ 51.50 FATS, OILS AND GREASE MANAGEMENT PROGRAM.

This Fats, Oils and Grease ("FOG") Policy (hereinafter referred to as "Policy") addresses the policies and procedures applicable to food service facilities for management of fats, oils and grease discharge to the city's wastewater conveyance and treatment facilities.

- (A) *Purpose.*

(1) Fats, oils and grease (FOG) are restricted wastes per § 51.42(C) of this code due to their potential to interfere with conveyance pipes and pumping facilities, and treatment processes, and are therefore limited in discharge. FOG pretreatment devices such as grease and oil interceptors, traps and separators are required to provide the necessary level of control per § 51.44 of this code. The purpose of this Policy is to provide standards for requiring the installation of FOG pretreatment devices, maintenance, data management, reporting and compliance.

(B) *Definitions.* For purposes of this section the following definitions shall apply unless the content clearly indicates or requires a different meaning.

BOD - BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in milligrams per liter, as described in the latest edition of "Standard Methods for the Examination of Water and Wastewater".

FOG - FATS, OILS, AND GREASE. All fats, oils and grease, petroleum products and byproducts. Fats, oils and grease as found in food service facilities including, but not limited to, any substance such as vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process or the cleaning thereof, and that turns or may turn viscous or solidified with a change in temperature or other conditions. Petroleum, oils, and grease as found in auto or marine service facilities including, but not limited to, any substance such as petroleum oil, non-biodegradable cutting oil or products of mineral oil origin that is used in, or is a by-product of an automotive/marine process. These substances are detectable and measurable using analytical test procedure established in 40 CFR 136, as amended.

FOG FACILITY. Any non-residential sewer user or combination of sewer users utilizing the same pretreatment device which uses or generates FOG.

FOG MANAGEMENT PROGRAM. The program that is supported by this Policy, as amended.

FOG PRETREATMENT DEVICE. Includes oil-water separators, grease traps and grease interceptors.

GREASE INTERCEPTOR. An outdoor, watertight receptacle utilized to intercept, collect, and restrict the passage of grease and food particles into the sanitary sewer system to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility. An interceptor shall have a capacity of at least 1,000 gallons to serve one or more fixtures and shall be located outside the building.

GREASE TRAP. An indoor, watertight receptacle utilized to intercept, collect and restrict the passage of grease and food particles into the sanitary sewer system to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility.

MODIFICATION REQUEST FORM. A form provided by the utility for the user to complete in order to be considered for a modified cleaning schedule or exemption releasing the user from the need to install a grease trap/interceptor. A copy of the Modification Request Form is attached to Resolution R072715A and incorporated by reference as if fully set forth herein.

NOTICE OF VIOLATION. A written document describing any violation to this Policy for the information of the user in non-compliance.

OIL-WATER SEPARATOR. A device which utilizes the difference in density between oil, petroleum products or chemical products, and water for removal.

SEWER USER. Any person or facility who introduces or discharges any substance into the sanitary sewer system of the utility, which may pertain to both the owner and the occupant of real estate from which the substance is introduced or discharged.

TSS - TOTAL SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquid, and that is removable by filtering as prescribed in the latest version of the "Standard Methods for the Examination of Water and Wastewater".

UTILITY. The wastewater conveyance and treatment utility owned and operated by the City of Fishers.

UTILITY BOARD. The City of Fishers Board of Public Works and Safety or its designee.

(C) Requirements for fats, oils and grease interceptors, traps and oil-water separators.

(1) All FOG facilities are required to have a FOG pretreatment device properly installed that is acceptable to the utility and in accordance with this Policy.

(2) All FOG pretreatment devices shall operate in compliance with the utility's discharge limits.

(3) All FOG pretreatment device installation and maintenance shall be at the sewer user's expense.

(4) The sizing and plumbing configuration required to prevent the introduction of FOG into the utility's system is the responsibility of the FOG facility design professional. The utility does not assume any responsibility in the sizing of the FOG pretreatment device.

(5) Facilities which will be expanded or renovated to include a FOG facility, where such FOG facility did not previously exist, shall be required to install and maintain a grease interceptor, grease trap or oil-water separator which is acceptable to the utility.

(6) Existing FOG facilities shall be permitted to operate and maintain an existing FOG pretreatment device provided these are in proper operating condition as set forth within this Policy.

(7) Newly-constructed facilities that will/or could include FOG facilities are required to install and maintain a grease interceptor or oil-water separator in accordance with this Policy.

(8) A new multi-use facility is required to have connections to a FOG pretreatment device acceptable to the utility.

(9) If the facility does not have plumbing collections to a FOG pretreatment device that functions to bring the sewer user in compliance with the requirements of the utility, the utility shall require the facility to modify their current plumbing to prevent the introduction of FOG into the sewer as prohibited by this Policy.

(10) All FOG pretreatment devices shall have adequate retention time at actual peak flow between the influent and effluent baffles to allow for any solids to settle or accumulate and floatable grease-derived materials to rise and accumulate and prevent discharge limit violations,

(11) All grease traps shall include flow regulators.

(12) All grease interceptors shall include a tee outlet with a maximum height of 18 inches above the interceptor's base.

(13) No accumulation of floatable FOG and/or settled solids shall exceed 25% of the total volume of the grease trap or grease interceptor.

(14) No settled oils in the oil-water separator should be left to accumulate in excess of 20% of the wetted height of the oil-water separator, and no floating oil and grease in the oil-water separator should be left to accumulate in excess of 5% of the wetted height of the oil-water separator.

(15) All FOG pretreatment devices must be located so that maintenance and inspections can be easily performed as established by the utility.

(16) The use of automatic removal systems is permissible only upon written approval from the utility.

(17) A grease interceptor and oil-water separator may be used by more than one facility if the capacity of the device is such that all the limits are met as established through this Policy.

(18) Grease traps may not be shared by multiple facilities.

(19) If a grease interceptor cannot be installed readily or economically in a FOG facility, the utility may approve a grease trap to be installed in the facility, at the owner's expense, on a trial basis. If the grease trap does not allow the discharge to meet FOG discharge limits, the facility will be required to install a grease interceptor in compliance with this Policy.

(D) Grease interceptor, grease trap and oil-water separator maintenance.

(1) The grease interceptor, grease trap or oil-water separator shall be maintained at the sewer user's expense.

(2) The sewer user shall maintain the grease interceptor, grease trap or oil-water separator in order to not allow wastewater discharge concentration from their pretreatment device to exceed any of the utility's discharge requirements.

(3) All grease interceptors and oil-water separators shall be serviced and emptied as frequently as needed in order to maintain an acceptable waste limit, but not less than every three months.

(4) All grease traps shall be serviced and emptied of accumulated waste content as frequently as needed in order to maintain an acceptable waste discharge limit, but no less than twice per week.

(5) Grease interceptors, grease traps and oil-water separators shall be completely evacuated anytime the discharge exceeds BOD, TSS, FOG, pH, or other pollutant levels establish by the utility.

(6) All waste (floating FOG and settled solids) shall be removed from the FOG pretreatment device, hauled away and disposed of per state standards.

(7) No waste/water shall be returned to a pretreatment device once pumped.

(8) The maintenance of a grease interceptor used by more than one facility shall be the responsibility of the owner of the grease interceptor.

(9) The utility may extend the 90-day grease interceptor pump-out frequency, and/or the twice per week grease trap cleaning frequency if the sewer user petitions the utility for such modifications and provides a complete Modification Request Form, a copy of which is attached to Resolution R072715A and incorporated by reference as if set forth in full herein.

(10) The utility may shorten the pump-out or cleaning frequency when, in the opinion of the utility, such frequency is insufficient to ensure the utility's discharge levels.

(11) Following the mandated cleaning schedule does not guarantee compliance with the discharge limits or device capacity limits. It is the responsibility of the FOG facility to maintain an acceptable FOG level mandated by this Policy.

(12) If the FOG facility's grease trap is cleaned by their staff, the staff shall dispose of the grease in a manner that does not reintroduce grease/waste back in the utility's sanitary sewer system.

(13) If the utility determines the garbage disposal is a factor in the restricted discharge of FOG, then the garbage disposal shall be connected to the grease trap, or grease interceptor, or removed from the facility.

(14) No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents and emulsifiers are materials which allow the grease to pass from the grease interceptor into the collection system, and include, but are not limited to enzymes, soap, diesel, kerosene, turpentine and other solvents.

(E) FOG facility reporting requirements.

(1) All businesses and industry shall provide, on demand, to the utility, sufficient information to determine if it is a FOG facility.

(2) The owner, or owner's representative, of the FOG facility shall notify the utility, in writing, of changes regarding the facility's occupant, building usage, and/or new construction within 30 days of the date the change takes place.

(3) All FOG facilities must maintain written FOG pretreatment device maintenance records for three years on a continuously rolling calendar basis. All such records shall be available for inspection by utility staff at any/all time. These records shall include: facility name and location, date and time of cleaning service, name of grease hauling company, name and signature of grease-hauling company agent performing said service, established service frequency and type of service (full pump, partial pump out, onsite treatment), number and size of each pretreatment device serviced, approximate amount of grease and solids removed from each pretreatment device, total volume of waste removed from each pretreatment device, destination of removed waste, signature and date of FOG facility personnel confirming service completion. A copy of

the Program Maintenance Log is attached to Resolution R072715A and incorporated by reference as if set forth in full herein.

(4) FOG facilities shall report, in writing, their FOG pretreatment device maintenance records to the utility quarterly. A copy of the Food Service Facility Quarterly Report is attached to Resolution R072715A and incorporated by reference as if set forth in full herein.

(5) A facility shall report to the utility, by phone, any accidental discharge immediately. A written report must be provided by the facility within 24 hours of the event.

(F) *FOG facility inspection.*

(1) All FOG pretreatment devices may be inspected by the utility as necessary to assure compliance with this Policy.

(2) Each FOG facility shall allow any utility official or agent of the utility bearing proper identification access to all parts of the premises for the purpose of inspection, observation, record examination, measurement, sampling and testing in this Policy.

(3) The refusal of any FOG facility to allow the utility's official entry to, or upon, the facility's premise for purposes of inspection, sampling effluents, inspecting and copying records, or performing other such duties shall constitute a violation of this Policy.

(4) The utility's office shall inspect FOG facilities during both scheduled and unscheduled visits.

(G) *FOG facility management.*

(1) It is the facility owner's responsibility to make sure that all employees and/or tenants are informed about the city's FOG program and best management practices are mandated to help with compliance.

(2) If management changes within the FOG facility, it is the facility owner's responsibility to train the new management on the reporting requirements to ensure compliance.

(3) Any FOG facility with a change in ownership will be recognized as a new FOG facility and shall comply with the utility's discharge limits and in accordance with this Policy.

(4) If the FOG facility changes names but keeps the same owner, the facility owner is responsible to inform the utility of the change within 30 days. Failure to notify the utility may result in penalty fees.

(5) If the FOG facility is sold or leased/rented, the facility owner (both new and old in the event of a sale) is responsible to inform the utility of the change prior to the effective date of the change. Failure to notify the utility may result in penalty fees.

(6) If the FOG facility's type of business changes, it is the facility owner's responsibility to notify the utility within 30 days of the type of change that is being made in the business.

(H) *FOG facility enforcement and non-compliance fees.*

(1) A notice of violation (NOV) shall be issued to the sewer user for one or more of the following reasons:

- (a) Failure to properly maintain the grease interceptor, grease trap or oil-water separator in accordance with the provisions of this Policy.
- (b) Failure to maintain the required records of cleaning/pumping activities.
- (C) Failure to provide logs, files, records or access for inspection of monitoring activities.
- (2) The NOV will include the description of the violation, number of days to correct the deficiencies and/or violations, and the applicable fee for the violation, Any fee assessed under this Policy will be in accordance with the applicable fee schedule adopted by the City Council.
- (3) All sampling and monitoring after a violation of this Policy shall be at the violating FOG facility's expense.
- (4) All non-compliance issues are to remain on record for an 18-month rolling calendar for the purpose of determining the level for the NOV. Therefore, all violation will be in effect for 18 months starting the day of the initial violation. On the day after the 18th month, the violation will be removed if all outstanding violation fees have been paid in full.
- (5) If a FOG facility wishes to dispute a violation and/or fee, it must be done in writing to the Utility Board via letter, email or fax with 30 days of the notice of violation or notice of fee, whichever is later. All disputes shall be review by the Utility Board,
- (6) If a sewer user has reason to believe that a specific limit or requirement of the Policy does not, or should not apply to their FOG facility, the sewer user must submit a Modification Request Form, a copy of which is attached to Resolution R072715A and incorporated herein by reference as if set forth in full herein, along with information supporting the modification request, to the utility to be reviewed/considered by the utility, and the FOG facility will be informed of their decision in writing within one week of their decision. Documentation on the request and its approval/disapproval will become a part of the facility's account file.

CONTRIBUTION REQUIREMENTS FOR DEVELOPERS AND NEW USERS OF SEWAGE FACILITIES

§ 51.55 DEFINITIONS.

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

APPLICATION FEE. A fee charged at the time application for sewage service is made, which is non- refundable and which represents the cost to the city of processing such application.

AVAILABILITY CHARGE. A payment which shall be required for the privilege of connecting a service line or lateral sewer from a residence, commercial user or tract of ground into the city's local sewers or interceptor as a capital contribution for the availability of service, present or future.

CONNECTION CHARGE. A payment required to cover the cost to inspect the connection of a service line to the local sewer. This payment shall be charged and paid at the time the

application for connection is made. This charge applies to the single family residence and all equivalent dwelling units, i.e., residential, commercial, industrial, et seq.

DEVELOPER. Any person, individual, corporation or entity engaged in developing a property, tract of ground or improving a lot or group of lots or structures thereon for the use of occupancy, owning or selling the property to be connected or served by the sewage facilities.

EQUIVALENT DWELLING UNIT (EDU). The single family residence situated upon a single lot, and also the sewage contribution from that residence, being 300 gallons per day.

EQUIVALENT DWELLING UNIT REVENUE. That monthly revenue charged the resident based upon the then current schedule of rates and charges.

INTERCEPTOR SEWER. The sanitary sewer, usually located within the streets, alley or easements, which normally receives the sewage from the local sewers. This sewer usually conveys the sewage to the treatment plant or point of ultimate disposal.

LATERAL SEWER. The sanitary sewer, usually located within the street, alley or easements, which normally receives the sewage from the local sewers. Service lines are not excluded from connecting directly to this sewer.

LOCAL SEWER. The sanitary sewer, eight inches minimum, usually located within the street, alley or easements, which receives the sewage from the individual service lines.

OVERSIZING COSTS. The costs of oversizing sewers or the sewage treatment plant or other facilities in anticipation of the need to serve future customers. The cost of extending an existing sewer at a consistent size, depth, and slope through a property being developed shall not be considered an oversizing cost.

RATIO OF EQUIVALENT DWELLING UNIT REVENUE. That monthly revenue charged a user or customer, of the sewage facility, divided by the Equivalent Dwelling Unit Revenue.

SERVICE AREA. That area to be served by the city sewage treatment plant and collection sewers. Such area will usually include the drainage area permitting the use of gravity sewers, and certain adjacent areas that may be readily pumped into such sewers.

SERVICE LATERAL. A branch, from the local or collecting sewer, between that sewer and the property line of the intended user. Usually installed by the developer or in certain cases the lot owner or user.

SERVICE LINE. The sewer line, six inches minimum, installed between the residence or structure for the purpose of conveying the sewage discharge to the service lateral on the local or collecting sewer. This line is installed by the individual owner or builder.

§ 51.56 EXPANSION AND CONNECTION POLICY.

(A) All local and lateral sewers to be connected directly or indirectly into the city's sewage facility or collection system shall, at the owner's or developer's expense, be designed, constructed and installed, by the owner or developer to the city's specifications. The new sewers shall, upon acceptance of the city, be dedicated to the city. These new sewers shall be located in such streets, alleys, rights-of-way, and easements as are approved by the city.

(B) All interceptor sewers shall be designed and built by the city. They shall be funded by a combination of the above defined charges, plus the use of state and federal funds, if available.

(C) The sewage treatment plant expansions shall be designed and built by the city. The expansions shall be funded by a combination of the above defined charges, plus the use of state and federal funds, if available.

(D) No sewer collection facilities shall be extended, nor shall any connections be made to the city's sewage treatment facility unless and until such area to which facilities will be extended is within the city limits, or has agreed to be annexed to the city or has agreed not to remonstrate against such annexation.

(E) Prior to the commencement of construction of any sewer, the Indiana Department of Environmental Management's approval shall be furnished to the city.

(F) Prior to the commencement of construction of any sewer or collection facility, the plans shall be approved in writing by the City Engineer.

§ 51.57 (RESERVED).

§ 51.58 (RESERVED).

§ 51.59 PRIOR AGREEMENTS OF CITY.

This subchapter shall in no way affect developers or owners or users of the city sewage facility who have heretofore entered into agreements with the city for the extension of city sewage facilities which are now in existence and have been dedicated to the city and constructed by the developer.

§ 51.60 PROTECTION OF BOND HOLDERS OF SEWAGE WORKS.

Nothing in this subchapter will be construed to place a lien on the revenues of Fishers Municipal Sewage Works receipts which lien would be superior to, equal to or take priority over the rights of holders or owners of sewage revenue bonds of the city now outstanding or to be issued in the future.

§ 51.61 AMENDMENTS.

This subchapter and the costs and charges set out herein may be amended from time to time by the City Council when conditions exist that indicate to the Council that charges herein are not equitable for the customers of the municipal sewage system or for the subdividers, developers or owners of property connections to such sewage system.

TERMINATING WATER SERVICE TO DELINQUENT SEWER USERS

§ 51.65 TERMINATION OF SERVICE PROCEDURES.

(A) The city, by and through its Controller or his or her designee, may order the termination of water service to a sewer service address for nonpayment of a delinquent account that is not less than 30 days delinquent. When so ordered the water utility shall terminate such service in accordance with the terms of their agreement with the city.

(B) The fee for terminating services shall be a minimum of \$45, which shall include charges assessed against the city by the water utility for effecting the termination. Fee for terminating commercial and industrial services shall be determined in an agreement between the city and the water company. This fee shall be assessed against the customer and added to the sewer delinquent bill.

(C) The city may not terminate under this section if the Hamilton County Health Department has found and certified to the city that the termination of water service will endanger the health of the user and others in the municipality.

(D) (1) Prior to the termination of water service because of sewer user fee delinquency the city must first give notice of such delinquency and impending termination at least 30 calendar days prior to the proposed termination, by first-class mail addressed to the user to whom the service is billed, which notice shall contain the following:

- (a) The delinquent amount due, together with any penalty and fees;
- (b) The date of the notice of termination;
- (c) The date on and after which termination shall be made, which shall be at least 30 calendar days from the date of the notice of termination;
- (d) Notice that water service may be disconnected if, prior to the earliest possible date of termination given in the notice, the user does not pay the delinquency together with any penalty and fees, or disputes the amount, or makes other provisions for payment pursuant to this section;
- (e) A procedure, as provided in division (D)(2) for resolving a disputed bill.

(2) The city shall appoint an account review officer (ARO) to review and resolve disputes. Before the earliest possible date of termination of water service as specified in the notice, a user may request a hearing before the ARO to dispute the correctness of all or part of the amount shown in accordance with the provisions of this section. A user shall not be entitled to dispute the correctness of all or part of the amount if all or part of the amount was the subject of a previous dispute under this section.

(E) The procedure for a hearing on a user dispute shall be as follows:

(1) Before the earliest possible date of termination as specified on the notice of termination, the user shall notify the ARO in writing, that he/she requests a hearing to dispute the correctness of all or part of the amounts shown on the notice of termination, stating as completely as possible the basis for the dispute.

(2) An informal hearing before the ARO shall be held within 15 days of the ARO's receipt of the user's written request for a hearing on a disputed bill.

(3) At the hearing, the user shall be entitled to present all evidence that is, in the ARO's view, relevant and material to the dispute.

(4) Based on the evidence presented at the hearing, the ARO within ten days of the completion of the hearing, shall issue a written decision formally resolving the dispute. The ARO's decision shall be final and binding.

(F) The ARO shall be authorized to resolve any disputed sewage bill and shall be authorized to order the termination of water service under appropriate circumstances. Upon approval by the ARO, the user may enter into an agreement to amortize the unpaid balance of his/her account over a reasonable period of time, not to exceed six months. No termination shall be effected for any user complying with any such amortization agreement, provided the user also keeps current his/her account for sewer service as charges accrue in each subsequent billing period. If a user fails to comply with an amortization agreement, the ARO may terminate water service provided notice is given to the user at least 48 hours prior to such termination and the notice includes conditions the user is required to meet to avoid termination.

(G) Utilization of this hearing procedure shall not relieve a user of the obligation to timely and completely pay all other undisputed water and sewage bills or charges. Failure to timely and completely pay all such undisputed amounts shall subject the user to the termination of service in accordance with the provisions of this division.

(H) Until the date of the ARO's decision, the city shall not terminate water service of the user. If the ARO determines that the customer must pay some or all of the disputed amount, the department, or ARO in his written decision, shall notify the user of the following:

(1) The amount to be paid;

(2) The date on or after which services will be terminated; and

(3) Notice that unless the city receives complete payment of the amount shown prior to the earliest possible date of termination given in the notice, water service shall be terminated.

(a) A **USER** for the purpose of this section is defined as:

(1) A person who requests, either orally or in writing, water and/or sewage service from the city or water utilities;

(2) A person in whose name water and/or sewage service is billed for the rendering of the service.

§ 51.66 TERMINATION OF SERVICES NOT EXCLUSIVE REMEDY.

The remedy provided herein for the collection of delinquent sewer user charges or benefits shall not be construed to abridge or in manner interfere with the right and power of the city to enforce a collection thereof by any other action or as otherwise provided by statute, but the remedy provided in such section shall be taken and held as an additional means to enforce payment of sewer service charges or benefits.

§ 51.67 PROCEDURE.

(A) As used in this section, the term **FINAL ACCOUNT** shall have the following meaning: A closed account for which sewer service is no longer being provided to the customer at that service location.

(B) The city shall prepare a semi-annual schedule of sewer user final accounts which it has determined to be uncollectible. The schedule shall consist of the following:

(1) (a) For bills becoming due prior to July 1, 1988, a certified list of all sewer user final accounts for which the outstanding fees and penalties together are \$25 or less and which are at least 120 days delinquent and which the department has determined to be uncollectible;

(b) For bills becoming due after July 1, 1988, a certified list of all sewer user final accounts for which the fees and penalties together are \$25 or less and which are at least 120 days delinquent and which are not subject to lienning under IC 36-9-23-31 through IC 36-9-25-11 and which the city has determined to be uncollectible;

(2) A statement setting forth the efforts that have been made to collect such accounts and a statement that all such efforts have been unsuccessful;

(3) A statement, including the reasons therefor, that the city believes it is economically not feasible to pursue collection measures on such accounts.

(C) The semi-annual schedule shall be submitted to the City Council, which by resolution may declare accounts listed in the schedule as uncollectible and may authorize the city to cease further collection procedures and expense the amounts outstanding on the accounts as bad debts.

(D) The semi-annual schedule prepared by the city and the resolution adopted by the Board shall be forwarded to the City Council for final approval. A sewer user account may be deemed uncollectible only if the Council shall approve the Board's resolution.

RATES AND CHARGES

§ 51.70 SCHEDULE OF USER CHARGES.

(A) *Statement of acquisition.* On or around July 22, 2021, the City of Fishers (the "city") entered into a certain Asset Purchase Agreement ("Agreement") with Hamilton-Southeastern Utilities, Inc. ("HSE"), whereby the city generally acquired all assets of HSE, including, without limitation, all current and future customers of HSE within its service area in and around Fishers (the "HSE Service Area"). Prior to the acquisition, HSE assessed customers within the HSE service area certain rates and charges pursuant to a tariff approved by the Indiana Utility Regulatory Commission on or around April 10, 2019, Cause No. 45135 ("HSE Tariff"), and the city assessed customers within its service area (the "Fishers service area") certain rates and charges pursuant to its rate ordinance approved by the Common Council for the City of Fishers on December 21, 2015, Ordinance 101915 ("Fishers Sewer Rate Ordinance"). The HSE service area and Fishers service area are further defined and depicted in Ordinance 101121A, adopted by the Common Council on November 15, 2021, which is incorporated herein by reference. The city committed to not raise sewer rates and charges in either the Fishers service area or HSE service area in order to complete the acquisition. Accordingly, the city has incorporated and will initially assess ratepayers in the HSE service area the same charges and rates as provided by the HSE Tariff, and will initially assess ratepayers in the Fishers service area the same rates and charges as provided in the Fishers Sewer Rate Ordinance. The rates and charges for each schedule apply the same to customers whether they reside inside or outside the corporate boundaries of Fishers, but the difference in rates between the Fishers service area and HSE service area is \$8.79 or approximately 26%.

(B) *User charges- District 1 (formerly Fishers) service area.* Users in the District 1 service area shall pay a monthly user charge based on an equivalent user charge factor of one equivalent

dwelling unit ("EDU"). The monthly equivalent user charge for a single-family residential user is hereby fixed and established at \$34.00. The units listed below will pay a monthly user charge based on the multiplication of the decimal times \$34.00 unless, at the City Controller's discretion, the bill has been prorated due to the sale of the property. The prorated amounts from the seller and buyer will not pay a sum that totals less than \$34.00. The equivalent user charge of \$34.00 may, from time to time, be updated and changed by the city as an amendment of this section. Users in the District 1 service area shall pay the following rates and charges for sewer service:

(1) Schedule I - general service rates.

(a) *Non-metered rates for one month consumption periods - residential.*

TYPE OF SERVICE	RATE PER MONTH
Single family residence	\$34.00
Two family residence (duplex)	\$61.20
Townhomes	\$34.00
Multi-Family and Apartments (per unit) (.7)	\$23.80

(b) *Metered rates for one month consumption periods - all non- residential users.*

All non-residential customers in District 1 of the city's sewage treatment utility who are also serviced by Citizens Water, shall pay a monthly sewer user charge equal to \$3.78 for each 1,000 gallons of water as metered by Citizens Water. This sewer user charge shall be in lieu of the standard residential rates which are applicable to residential customers in District 1. This non-residential, metered rate is equivalent to the current standard rate of \$34.00 per equivalent dwelling unit, which is also the minimum monthly rate per user.

(c) *Non-metered rates for one month consumption periods - all other non- residential users.*

This section applies to non-residential users who are not billed based on water meter readings. Beginning March 1, 2025, all new non-residential customers will be billed under this subsection, with a minimum of 2 EDUs for each non-residential customer. New non-residential customers include those non-residential customers that have a change in ownership, tenant, use, or remodel.

TYPE OF SERVICE	RATE PER MONTH
Commercial, industrial, retail, office	\$68.00 minimum
Non-residential, non-metered customers in District 1 will have a monthly rate equal to \$34.00 per equivalent dwelling unit multiplied by the number of equivalent dwelling units or fraction thereof as defined in § 51.70(B), Schedule III. The minimum monthly rate for non-residential, non-metered users will be no lower than two (2) equivalent dwelling units.	

(2) *Schedule II - tariff.*

(a) *Contributions and charges.* When the city's sewage facilities are capable of servicing an area of property within its jurisdiction, and such area or property has not been previously connected, contributions and charges on behalf of the unconnected property shall be required as follows:

1. *Application fee.* A charge of \$100 per EDU, based upon the use proposed for the property, shall be charged as an application fee and shall be due at the time the application is made for sanitary sewerage service to the applicant. The application fee shall be used to reimburse the costs incurred by the city for personnel, equipment and consultants necessary to effect an appropriate review of the application. The application shall be in a form approved by the city's Board of Public Works and Safety.

2. *Availability charge.* A charge of \$2,400 per EDU, based upon the use proposed for said property. The equivalent number of dwelling units in the case of users or units other than single family residences shall be determined as provided in § 51.70(B), Schedule III. The number of equivalent units for situations not covered by the table will be determined by the Board of Public Works and Safety.. Notwithstanding any other provisions contained herein to the contrary, the city may contract with the owner or developer for an additional availability charge for treatment plant capacity, to be collected in advance by the city for purposes of expanding the capacity of the sewage treatment plant to meet such owner's or developer's needs. The availability charges, where applicable, shall be paid in cash upon application for a building permit.

3. *Connection charge.* A charge of \$250 per EDU is hereby imposed. It is the intention of this chapter that the connection charges are to be paid by the individual builder, lot owner or customer and that these charges are in addition to the described contributions and charges. These charges are for the cost incurred as set out in the definitions. The connection charge shall be paid at the time the building permit is obtained. The number of equivalent dwelling units shall be determined as provided in § 51.70(B), Schedule III.

4. *Fats, oils and grease ("FOG") charge.*

Customers that qualify as a FOG facility, shall be subject to a monthly charge for FOG in the amount of \$30 per month. The FOG charge supports the additional costs of administering, monitoring and treating the excessive waste associated with FOG.

If violations of City's FOG rules occur, monthly inspections will commence at a cost of \$90.00 per inspection until the violations cease.

(3) *Schedule III - EDU equivalency chart.*

TYPE OF SERVICE		EQUIVALENT DWELLING USAGE
01	Single family residence	1.0
02	Two family residence	1.8

03	Townhomes	1.0
04	Multi-family and apartments - per unit	.7
05	Mobile homes- per unit	.8
06	Motels and hotels - per unit (Restaurant, see below)	.4
07	Service clubs and churches - per 200 members or fraction thereof:	
	Without kitchen	1.0
	With kitchen	2.0
08	Office use - per 1,000 square feet	.5
09	Health service office - per exam room	.6
10	Personal care - per chair	.4
11	Restaurant - per seat	.1
	Food drive-in - per car space	.2
	Fast food - per employee	.2
12	Food and drug retail service - per employee	.2
13	Laundry- per washer	1.3
	Car wash - per bay	2.0
14	Fueling station	1.5
15	Retail sales and service - each three employees or fraction thereof	1.0
16	Manufacturing - per eight employees - sanitary use only	1.0
	Manufacturing - process (case-by-case basis)	
	Warehouses - per 40,000 square feet	1.0
17	Bars and cocktail lounges - per seat - without restaurant	.05
18	Bowling alley - per alley	.4
19	Bowling alley with bar - per alley	2.0
20	Dentist office - per chair	1.4
21	Physician's office - per examining room	.6
22	Schools with gym and cafeteria - per student	.06
	Without gyms and cafeteria - per student	.04
23	Swimming Pool (Public or Membership-Based) – per 1,000 square feet water surface	1.9
24	Other uses as determined by Fishers Board of Public Works & Safety (case-by-case basis)	
Ratios indicated above are subject to change by City of Fishers Board of Public Works & Safety		

(C) *User charges- District 2 (Formerly HSE) service area.* Users in the District 2 service area shall pay the following rates and charges for sewer service.

(1) *Schedule I - general service rates.*

(a) *Non-metered rates for one month consumption periods - residential.*

TYPE OF SERVICE	RATE PER MONTH
Single family residence	\$42.79
Two family residence (duplex)	\$77.02
Townhomes	\$42.79
Multi-Family and Apartments (per unit) (.7)	\$29.95

(b) *Non-metered rates for one month consumption periods - all non- residential users.*

TYPE OF SERVICE	RATE PER MONTH
Commercial, industrial, retail, office	\$85.58 <i>minimum</i>
Non-residential, non-metered customers in District 2 will have a monthly rate equal to \$42.79 per equivalent dwelling unit multiplied by the number of equivalent dwelling units or fraction thereof as defined in § 51.70(C), Schedule III. The minimum monthly rate for non-residential users will be no lower than two (2) equivalent dwelling units.	

(c) *Wholesale Private Utility Customers.*

Wholesale private utility customers shall be charged at the rate stipulated in the latest wholesale service agreement. As of March 1, 2025, this rate is \$3.20 per 1,000 gallons of wastewater discharged into the City's wastewater facilities.

(d) *Sewer tracker.* The sewer tracker, occasioned solely by changes in the cost of sewage disposal service, is \$4.75 per EDU per month for District 2. The tracker is applicable to the rates and charges in § 51.70(C), Schedule I, and is **included** in the base rates and charges **as shown** in that division.

(2) *Schedule II - tariff.*

TYPE OF FEE	FEE AMOUNT
(a) Application fee.	
Fee per equivalent dwelling unit for the review of connection plans	\$100.00
(b) System development charge.	

Fee per equivalent dwelling unit for capital improvements to the utility's system	\$4,471.00
(c) Connection fee.	
Fee per equivalent dwelling unit connecting to the utility's system	\$305.00
(d) Re-connection fee.	
Fee per physical connection for re-connection following disconnection for failure to pay sewer bill	\$305.00
(e) Fats, oils and grease ("FOG") charge.	
Applicability: customers that qualify as a FOG facility, shall be subject to a monthly charge for FOG. The FOG charge will support the additional costs of administering, monitoring and treating the excessive waste associated with FOG.	\$30.00 per month
Additional charge: if violations of city's FOG rules occur, monthly inspections will commence at a cost of \$90.00 per inspection until the violations cease.	

(3) *Schedule III - EDU equivalency chart.* Ratio of sewer usage of single-family residence to other types of uses: a single-family residence is equivalent to 300 gallons per day.

TYPE OF SERVICE		EQUIVALENT DWELLING USAGE
01	Single family residence	1.0
02	Two family residence	1.8
03	Townhomes	1.0
04	Multi-family and apartments - per unit	.7
05	Mobile homes- per unit	.8
06	Motels and hotels - per unit (Restaurant, see below)	.4
07	Service clubs and churches - per 200 members or fraction thereof:	
	Without kitchen	1.0
	With kitchen	2.0
08	Office use - per 1,000 square feet	.5
09	Health service office - per exam room	.6
10	Personal care - per chair	.4
11	Restaurant - per seat	.1
	Food drive-in - per car space	.2

	Fast food - per employee	.2
12	Food and drug retail service - per employee	.2
13	Laundry- per washer	1.3
	Car wash - per bay	2.0
14	Fueling station	1.5
15	Retail sales and service - each three employees or fraction thereof	1.0
16	Manufacturing - per eight employees - sanitary use only	1.0
	Manufacturing - process (case-by-case basis)	
	Warehouses - per 40,000 square feet	1.0
17	Bars and cocktail lounges - per seat - without restaurant	.05
18	Bowling alley - per alley	.4
19	Bowling alley with bar - per alley	2.0
20	Dentist office - per chair	1.4
21	Physician's office - per examining room	.6
22	Schools with gym and cafeteria - per student	.06
	Without gyms and cafeteria - per student	.04
23	Swimming Pool (Public or Membership-Based) – per 1,000 square feet water surface	1.9
24	Other uses as determined by Fishers (case-by-case basis)	
Ratios indicated above are subject to change by City of Fishers		

(D) *Methods of payment; transaction and other fees.* Payments to the utility for any purpose may be made by the financial instruments authorized by the utility in accordance with I.C. 36-1-8-11. If there is a charge to the utility for the use of a financial instrument, the utility may collect a sum equal to the amount of the charge from the person who uses the financial instrument. If there is a vendor transaction charge or discount fee, whether billed to the utility or charged directly to utility's account, the utility may collect from the person using the card an official fee that may not exceed the transaction charge or discount fee charged to the utility by bank or credit card vendors in accordance with I.C. 36-1-8-11.

§ 51.71 (RESERVED).

§ 51.72 BILLING OF SERVICE CHARGES.

(A) *Billing period.* User charges for sewer service shall be prepared and billed each month by the city and shall be payable to the City Controller's office no later than the date reflected on the user's monthly bill.

(B) *Liability for payment.* The rates and charges for all owner-occupied single family homes, townhome, duplex and quadplex properties shall be billed to the owner of the property.

For properties that are not single family homes, townhomes, duplexes or quadplexes, the rates and charges may be billed to the tenant of rental properties served by the sewage works. Such billing of rental properties shall in no way relieve the owner of the property from liability in the event payment is not made as herein required, nor does such billing restrict the city from any collection procedures, including filing of liens in accordance with the Indiana Code. The owners of properties which are occupied by a tenant or tenants shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office of the Controller during the hours that such office is open for business.

(C) *First billings.* The first billing for sewer service shall be rendered 90 days after the date of the official notice to connect to the sewer system for one and two family residential permits which shall be at the time of issuance of a structural building permit. Multi-family and commercial billings shall begin at the time of notification of water connection. A Certificate of Occupancy shall not be issued until such time as the Controller has been notified to initiate the billing process. The fees, rates, charges and surcharges fixed in this chapter shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice.

(D) *City subject to charges.* For sewage service rendered to the city, the city shall be subject to the same user charges established in this chapter for other persons or to user charges established in harmony herewith.

(E) *Late fees.* All fees, rates and charges not paid when due are hereby declared to be delinquent, and a penalty of 10% of the amount of the fees, rates or charges shall thereupon attach thereto. The time at which the fees, rates or charges are due is now fixed at 30 days from the end of the previous billing cycle. Late fees may be waived by the Controller's office based on criteria approved by the Board of Public Works and Safety.

(F) *Deposits to ensure payment of sewer funds; refunds; forfeitures.*

(1) The Controller's office may require the owner, lessee, or user of property served by the sewage works to pay a deposit to ensure payment of sewer fees, based on criteria approved by the Board of Public Works and Safety.

(2) The deposit required shall equal the estimated average payment due from the property served by the utility for a period not to exceed three months, as determined by criteria approved by the Board of Public Works and Safety. Deposits shall be retained in a separate fund.

(3) The deposit, less any outstanding penalties and service fees, shall be refunded to the depositor after a notarized statement from the depositor that as of a certain date the property being served: (a) has been conveyed or transferred to another person; or (b) no longer uses or is connected with any part of the municipal sewage system. A statement under (a) must include the name and address of the person to whom the property is conveyed or transferred.

(4) If a depositor fails to satisfy costs and fees within 60 days after the termination of the depositor's use or ownership of the property served, the depositor forfeits the depositor's deposit and all accrued interest. The forfeited amount shall be applied to the depositor's outstanding fees.

(5) A deposit may be used to satisfy all or part of any judgment awarded the municipality under this chapter.

(6) A deposit made under this section that has remained unclaimed by the depositor for more than seven years after the termination of the services for which the deposit was made becomes the property of the City of Fishers.

§ 51.73 FEE FOR PREPARING AND FILING LIENS.

There is hereby established a new fee in the amount of \$60 for the preparation and filing of liens for unpaid sewage bills. Such fee is based upon the following:

(A) The time expended by the involved departments of the city in order that the lien to be filed is accurate and that any and all notices have been properly served on the delinquent sewer customer which equates to \$10 per incident;

(B) The cost of filing with the county which is \$50 in total for filing and releases. Such fee shall be added to any delinquency and become a part of the lien upon its filing.

EXEMPTIONS FROM SEWER BILLING

§ 51.80 WATER LINES USED STRICTLY FOR IRRIGATION PURPOSES EXEMPT FROM SEWER BILLING.

(A) Application for exemption. Any commercial customer of the City Sewage Treatment Facilities who has a metered water line used exclusively for irrigation purposes may apply to the City Controller on an application form approved by the Controller, for an exemption from any sewer billing associated with the use of such line. Upon the presentation of such application by such commercial customer, and following review by the Controller, the Controller may issue such exemption in writing to the applicant. Any exemption so issued shall be reviewed on an annual basis.

(B) Termination of exemption. In the event that a commercial customer granted an exemption discontinues the use of a metered water line for irrigation purposes only, it shall be the responsibility of such commercial customer to notify the Controller immediately, whereupon the exemption granted by the Controller shall be terminated in writing to the commercial customer.

(C) Commencement of exemption. No exemption from the existing policies and procedures of the city regarding the calculation of sewage bills shall commence until the exemption letter is issued by the Controller. It is the intent of this subchapter that any exemptions granted shall act prospectively and not retroactively.

ORDINANCE NO. 011325

**AN ORDINANCE OF THE CITY OF FISHERS COMMON COUNCIL AMENDING
CHAPTER 51 OF THE FISHERS CODE OF ORDINANCES (SEWER USE)**

WHEREAS, pursuant to Ind. Code §§ 36-9-23-1 et seq., the City of Fishers (“City”) owns, operates and maintains a sewage collection and treatment system (the “sewage works system”);

WHEREAS, the City has adopted Chapter 51 to its Code of Ordinances which sets forth certain regulations for customer use of the sewage works system;

WHEREAS, the City now desires to amend certain sections contained in Chapter 51 to be consistent with current laws and current practices; and

WHEREAS, on October 7, 2024, as Ordinance No. 090924D, the City of Fishers Common Council adopted amended rates and charges for the sewage works system customers and this ordinance does **not** change those adopted rates and charges.

NOW THEREFORE, BE IT ORDAINED, BY THE COMMON COUNCIL, CITY OF FISHERS, HAMILTON COUNTY INDIANA AS FOLLOWS:

- Section 1.** Chapter 51 of the Fishers Code of Ordinances shall be amended as set forth in Exhibit A, with additions in blue and deletions in ~~red-strikethrough~~ as is attached hereto and incorporated herein.
- Section 2.** All other ordinances or provisions thereof not specifically changed in Exhibit A shall remain in full force and effect.
- Section 3.** If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of the same can be given the same effect.
- Section 4.** This Ordinance is and shall be effective as of the date of passage and upon notice provided pursuant to Indiana law.

ALL OF WHICH IS SO ORDAINED BY THE COMMON COUNCIL OF FISHERS,
INDIANA THIS 24th DAY OF FEBRUARY 2025.

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

YAY

NAY

ABSTAIN

	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2025 at _____ p.m.

ATTEST: _____
Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL



Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, Corporation Counsel, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

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



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	Request to Approve an Amendment to the 2025 Salary Ordinance			
SUBMITTED BY	Name & Title: Lindsey Bennett Department: Law			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☒ 1 st Reading	☒ 2 nd Reading	☐ Public Hearing	☒ 3 rd Reading ☐ Final Reading
	Ordinance #: 011325A		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	X Seeking award or other scenario & will provide contract at a later date		☐ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☐ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☐ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☒ Legal Counsel – Name of Reviewer: Lindsey M. Bennett	
BACKGROUND (Includes description, background, and justification)	The City of Fishers Board of Public Works & Safety (BPW&S) meets two times each month to approve projects, purchases, contracts, real property transactions, grant agreements etc. The BPW&S currently has three members, two of which are appointed by the Mayor, per Indiana Code. Currently the two appointed members receive no compensation but are required to review and understand each agenda item and the corresponding documents as well as attend two meetings each month. This amendment would allow the two members to receive up to \$4,000 in compensation each year for the time they dedicate for review of the agenda items, discussion and attendance at the BPW&S meetings.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	
	Expenditure \$:	\$8,000
	Source of Funds:	
	Additional Appropriation #:	
	Narrative:	
OPTIONS (Include Deny Approval Option)	1.	Approve
	2.	Reject
	3.	
	4.	
PROJECT TIMELINE		
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends approving the Ordinance.	
SUPPLEMENTAL INFORMATION (List all attached documents)		

EXHIBIT A
Ordinance No. 011325

General Provisions

- 51.01 Definitions
- 51.02 Depositing objectionable waste prohibited
- 51.03 Discharge of wastewater or other polluted waters to natural outlets
- 51.04 Privies, septic tanks and other facilities
- 51.05 Owner's responsibility to install suitable toilet facilities
- 51.06 Destroying or tampering with wastewater structures or equipment
- 51.07 Right of entry for purpose of inspection; confidential information; indemnification
- 51.08 Establishing and regulating waste disposal system in certain areas located within four miles of corporate boundaries

Private Wastewater Disposal System

- 51.15 Connecting building sewer to private wastewater disposal system
- 51.16 Written permit to be obtained
- 51.17 Compliance with State Department of Environmental Management

Building Sewer and Connections

- 51.25 Connecting building sewer to public sewer
- 51.26 Use of old building sewers with new buildings
- 51.27 Size, slope and alignment; conformance to other applicable rules and regulations
- 51.28 Gravity flow to public sewer; lifted by approved means
- 51.29 Sources of surface runoff or groundwater to public sanitary sewer prohibited
- 51.30 Excavations
- 51.31 Inspection of connection to public sewer

Use of Public Sewers

- 51.40 Discharge of stormwater and other unpolluted drainage
- 51.41 Prohibited discharges to public sewers
- 51.42 Discharge of certain wastes restricted
- 51.43 Pretreatment, equalization of waste flows
- 51.44 Grease, oil and sand interceptors

- 51.45 Pretreatment or flow-equalizing facilities
- 51.46 Installation of suitable sampling and measurement appurtenances
- 51.47 Measurements, tests and analyses
- 51.48 User of sewer services to provide information
- 51.49 Industrial wastes; special agreement
- 51.50 Fats, oils and greases management program

Contribution Requirements for Developers and New Users of Sewage Facilities

- 51.55 Definitions
- 51.56 Expansion and connection policy
- 51.57 (Reserved)
- 51.58 (Reserved)
- 51.59 Prior agreements of city
- 51.60 Protection of bond holders of sewage works
- 51.61 Amendments

Terminating Water Service to Delinquent Sewer Users

- 51.65 Termination of service procedures
- 51.66 Termination of service not exclusive remedy
- 51.67 Procedure

Rates and Charges

- 51.70 Schedule of user charges
- 51.71 (Reserved)
- 51.72 Billing of service charges
- 51.73 Fee for preparing and filing liens

Exemptions From Sewer Billing

- 51.80 Water lines used strictly for irrigation purposes exempt from sewer billing

GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

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

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in milligrams per liter.

BUILDING DRAIN. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

COMBINED SEWER. A sewer intended to receive both wastewater and storm or surface water.

EASEMENT. An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL. Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

INDUSTRIAL WASTES. The wastewater from industrial processes, trade or business as distinct from domestic or sanitary wastes.

MAY. Is permissible. (See definition of **SHALL** below).

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of 10^{-7} .

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility.

SANITARY SEWER. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SEWAGE. The spent water of a community. The preferred term is **WASTEWATER**.

SEWER. A pipe or conduit that carries wastewater or drainage water.

SHALL. Is mandatory. (See definition of **MAY** above).

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN or **STORM SEWER.** A drain or sewer for conveying water, groundwater, sub-surface water or unpolluted water from any source.

SUPERINTENDENT. The superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of the city, or its authorized deputy, agent or representative.

SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with waste treatment plants or wastewater treatment plant or water pollution control plant.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.

§ 51.02 DEPOSITING OBJECTIONABLE WASTE PROHIBITED.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or objectionable waste.

§ 51.03 DISCHARGE OF WASTEWATER OR OTHER POLLUTED WATERS TO NATURAL OUTLETS.

It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of said city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

§ 51.04 PRIVIES, SEPTIC TANKS AND OTHER FACILITIES.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

§ 51.05 OWNER'S RESPONSIBILITY TO INSTALL SUITABLE TOILET FACILITIES.

The owners of all houses, buildings or property used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after the date of the official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

§ 51.06 DESTROYING OR TAMPERING WITH WASTEWATER STRUCTURES OR EQUIPMENT.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person violating this section shall be subject to immediate arrest under charge of disorderly conduct.

§ 51.07 RIGHT OF ENTRY FOR PURPOSE OF INSPECTION; CONFIDENTIAL INFORMATION; INDEMNIFICATION.

(A) The Superintendent and other duly authorized employees of the city, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

(B) The Superintendent or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

(C) While performing the necessary work on private properties referred to in division (A) above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against a loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.41.

(D) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement,

shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 51.08 ESTABLISHING AND REGULATING WASTE DISPOSAL SYSTEM IN CERTAIN AREAS LOCATED WITHIN FOUR MILES OF CORPORATE BOUNDARIES.

(A) No sewer utility shall commence collection, processing or disposition of waste substances and domestic or sanitary sewage (hereinafter referred to as "Sewer Service") within the corporate boundaries of the city or within an area which is within four miles of the corporate boundaries of the city in the area identified as the Fishers Sewer Planning Area, unless such sewer utility shall first obtain a permit, contract, license or franchise (hereinafter referred to as "permit") from the city, authorizing the sewer service, and a finding by the City Council that the public convenience and necessity require sewer service by the sewer utility, and defining specifically the area to be covered by the permit, such finding to be made after a public hearing has been held before said City Council pursuant to not less than ten days published notice in accordance with the provisions of IC 5-3-1.

(B) At the public hearing pursuant to division (A), an applicant for a permit to provide sewer service pursuant to the terms of this chapter shall demonstrate to the City Council by the presentation of competent evidence that it has met the following criteria:

- (1) That it has the financial ability to install, commence and maintain said proposed service;
- (2) That the plans and specifications for the sewer interceptor system to be constructed and installed shall have received the written approval of the city's Consulting Engineer and the Indiana Department of Environmental Management prior to the commencement of construction;
- (3) That a contract will have been executed by the applicant and submitted to the city for its consideration and acceptance that will obligate the applicant upon the issuance of the permit to pay to the city the city's rates and charges as by ordinance provided for the transmission of sanitary sewage to the city for treatment at the city's treatment facility;
- (4) That the applicant shall establish that it has the lawful power and authority to apply for said permit and to operate said proposed service. The permit shall state that before commencing operations and serving customers, the sewer utility shall file its rates and charges with the Indiana Utility Regulatory Commission for approval by the Commission. The city also recognizes that the applicant may derive its authority to apply for such permit from other express statutory authority, such as a municipal utility, a conservancy district or a regional waste district;
- (5) The permit shall state that before commencing construction or operations and serving customers, the sewer utility shall apply for and receive all of the necessary federal and/or state and/or county regulatory permits and licenses necessary to operate the sewer service in the area identified as the Fishers Sewer Planning Area. It is the intention of the city to recognize the jurisdiction of the Indiana Utility Regulatory Commission to fix the price to be charged for the service to be rendered by the applicant notwithstanding the provisions of IC 36-9-2-16 in the case of a regulated utility. In the event that a municipal utility, conservancy district, or regional waste district obtains the necessary federal and state licenses and permits, it is the intention of the city to recognize the jurisdiction of the permitting agency, and to consider such entity to have standing to apply for a permit from the city.

(C) After the city issues a sewer service permit pursuant to the provisions of this chapter, no other sewer utility shall commence sewer service in the permitted area without itself first obtaining a permit to do so from the city in accordance with the criteria set out above. In addition, the city may issue additional permits within the same permitted area only if the following additional criteria are satisfied:

(1) The sewer utility with an existing permit is not furnishing reasonably adequate sewer service and is not willing or capable of furnishing sewer service in the area for which an additional permit is sought;

(2) A period of at least 24 months has expired from the date of issuance of the existing permit;

(3) Issuance of the additional permit will not impair the ability of the existing sewer utility to continue to furnish existing sewer service within the permitted area;

(4) Public convenience and necessity as determined by the city require the issuance of an additional permit; and

(5) The sewer utility applying for an additional permit obtains approval from the Indiana Utility Regulatory Commission pursuant to the Public Service Commission Act, IC 8-1-2-1 and following, or otherwise meets the statutory requirements for lawful operation including a discharge permit from the Indiana Department of Environmental Management.

(D) The city reserves the right to revoke any sewer service permit which it may grant, in whole or in part, for any of the following grounds as determined by the City Council acting in its legislative capacity at any regular meeting of said City Council:

(1) Failure of the sewer utility holding such sewer service permit to furnish reasonably adequate sewer service within the area defined in the permit;

(2) Failure of the sewer utility holding the sewer service permit to comply with any term, condition or limitation of such permit;

(3) Any act undertaken by the Indiana Department of Environmental Management or the Indiana Utility Regulatory Commission which in any way limits or restricts the ability of the sewer utility to act upon the authority of said state bodies.

(E) In the absence of a clear and convincing health related reason, the City Council resolves that no cross county sewer service should be permitted that would allow for the sanitary sewage treatment of areas located within Fall Creek Township of Hamilton County by any provider of sanitary sewage treatment services other than the City of Fishers.

_(F) All ordinances or parts of ordinances currently in effect within the city, which are in conflict, directly or indirectly, with the provisions of this chapter are hereby repealed.

PRIVATE WASTEWATER DISPOSAL SYSTEM

§ 51.15 CONNECTING BUILDING SEWER TO PRIVATE WASTEWATER DISPOSAL SYSTEM.

Where a public sanitary or combined sewer is not available under the provisions of § 51.05, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this chapter.

§ 51.16 WRITTEN PERMIT TO BE OBTAINED.

Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit from the Hamilton County Health Department.

§ 51.17 COMPLIANCE WITH STATE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT.

The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Environmental Management of the state.

BUILDING SEWER AND CONNECTIONS

§ 51.25 CONNECTING BUILDING SEWER TO PUBLIC SEWER.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the ASTM and the WPCF "Manual of Practice No. 9." All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

§ 51.26 USE OF OLD BUILDING SEWERS WITH NEW BUILDINGS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent to meet all requirements of this chapter.

§ 51.27 SIZE, SLOPE AND ALIGNMENT; CONFORMANCE TO OTHER APPLICABLE RULES AND REGULATIONS.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

§ 51.28 GRAVITY FLOW TO PUBLIC SEWER; LIFTED BY APPROVED MEANS.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 51.29 SOURCES OF SURFACE RUNOFF OR GROUNDWATER TO PUBLIC SANITARY SEWER PROHIBITED.

No person(s) shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

§ 51.30 EXCAVATIONS.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Street, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

§ 51.31 INSPECTION OF CONNECTION TO PUBLIC SEWER.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

USE OF PUBLIC SEWERS

§ 51.40 DISCHARGE OF STORMWATER AND OTHER UNPOLLUTED DRAINAGE.

(A) No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sewer; except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the Superintendent.

_(B) Stormwater other than that exempted under division (A) above, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

§ 51.41 PROHIBITED DISCHARGES TO PUBLIC SEWERS.

No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(A) ~~Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas; Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; including waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using test methods in 40 CFR 261.21~~

(B) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant;

(C) ~~Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works; Any waters or wastes having a pH lower than 5.0, or having any other corrosive property~~

capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, et seq., either whole or ground by garbage grinders.

§ 51.42 DISCHARGE OF CERTAIN WASTES RESTRICTED.

The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials or construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- (A) Wastewater having a temperature higher than ~~150~~104° F. (~~65~~40° C.);
- (B) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin;
- (C) Wastewater from industrial plants containing floatable oils, fat or grease;
- (D) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers;
- (E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials;
- (F) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent;
- (G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations;
- (H) Quantities of flow, concentrations, or both which constitute a “slug” as defined herein.

(I) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;

(J) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

§ 51.43 PRETREATMENT, EQUALIZATION OF WASTE FLOWS.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 51.42, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may do the following:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 51.47.

(B) When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent.

§ 51.44 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in § 51.42(C), or any flammable wastes, sand or other harmful ingredients: except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner(s) personnel must be performed by currently licensed waste disposal firms.

§ 51.45 PRETREATMENT OR FLOW-EQUALIZING FACILITIES.

Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

§ 51.46 INSTALLATION OF SUITABLE SAMPLING AND MEASUREMENT APPURTENANCES.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 51.47 MEASUREMENTS, TESTS AND ANALYSES.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Superintendent.

§ 51.48 USER OF SEWER SERVICES TO PROVIDE INFORMATION.

The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

- (A) Wastewater discharge peak rate and volume over a specified time period;
- (B) Chemical analyses of wastewater;
- (C) Information on raw materials, processes and products affecting wastewater volume and quality;
- (D) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
- (E) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
- (F) Details of wastewater pretreatment facilities;
- (G) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

§ 51.49 INDUSTRIAL WASTES; SPECIAL AGREEMENT.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.

§ 51.50 FATS, OILS AND GREASES MANAGEMENT PROGRAM.

This Fats, Oils and Grease ("FOG") Policy (hereinafter referred to as "Policy") addresses the policies and procedures applicable to food service facilities for management of fats, oils and grease discharge to the city's wastewater conveyance and treatment facilities.

(A) *Purpose.*

(1) Fats, oils and grease (FOG) are restricted wastes per § 51.42(C) of this code due to their potential to interfere with conveyance pipes and pumping facilities, and treatment processes, and are therefore limited in discharge. FOG pretreatment devices such as grease and oil interceptors, traps and separators are ~~required~~ required to provide the necessary level of control per § 51.44 of this code. The purpose of this Policy is to provide standards for requiring the installation of FOG pretreatment devices, maintenance, data management, reporting and compliance.

(B) *Definitions.* For purposes of this section the following definitions shall apply unless the content clearly indicates or requires a different meaning.

BOD - BIOCHEMICAL OXYGEN DEMAND. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in milligrams per liter, as described in the latest edition of "Standard Methods for the Examination of Water and Wastewater".

FOG - FATS, OILS, AND GREASE. All fats, oils and grease, petroleum products and byproducts. Fats, oils and grease as found in food service facilities including, but not limited to, any substance such as vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process or the cleaning thereof, and that turns or may turn viscous or solidified with a change in temperature or other conditions. Petroleum, oils, and grease as found in auto or marine service facilities including, but not limited to, any substance such as petroleum oil, non-biodegradable cutting oil or products of mineral oil origin that is used in, or is a by-product of an automotive/marine process. These substances are detectable and measurable using analytical test procedure established in 40 CFR 136, as amended.

FOG FACILITY. Any non-residential sewer user or combination of sewer users utilizing the same pretreatment device which uses or generates FOG.

FOG MANAGEMENT PROGRAM. The program that is supported by this Policy, as amended.

FOG PRETREATMENT DEVICE. Includes oil-water separators, grease traps and grease interceptors.

GREASE INTERCEPTOR. An outdoor, watertight receptacle utilized to intercept, collect, and restrict the passage of grease and food particles into the sanitary sewer system to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility. An interceptor shall have a capacity of at least 1,000 gallons to serve one or more fixtures and shall be located outside the building.

GREASE TRAP. An indoor, watertight receptacle utilized to intercept, collect and restrict the passage of grease and food particles into the sanitary sewer system to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility.

MODIFICATION REQUEST FORM. A form provided by the utility for the user to complete in order to be considered for a modified cleaning schedule or exemption releasing the user ~~from~~ the need to install a grease trap/interceptor. A copy of the Modification Request

Form is attached to Resolution R072715A and incorporated by reference as if fully set forth herein.

NOTICE OF VIOLATION. A written document describing any violation to this Policy for the information of the user in non-compliance.

OIL-WATER SEPARATOR. A device which utilizes the difference in density between oil, petroleum products or chemical products, and water for removal.

SEWER USER. Any person or facility who introduces or discharges any substance into the sanitary sewer system of the utility, which may pertain to both the owner and the occupant of real estate from which the substance is introduced or discharged.

TSS - TOTAL SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquid, and that is removable by filtering as prescribed in the latest version of the "Standard Methods for the Examination of Water and Wastewater".

UTILITY. The wastewater conveyance and treatment utility owned and operated by the City of Fishers.

UTILITY BOARD. The City of Fishers Board of Public Works and Safety or its designee.

(C) Requirements for fats, oils and grease interceptors, traps and oil-water separators.

(1) All FOG facilities are required to have a FOG pretreatment device properly installed that is acceptable to the utility and in accordance with this Policy.

(2) All FOG pretreatment devices shall operate in compliance with the utility's discharge limits.

(3) All FOG pretreatment device installation and maintenance shall be at the sewer user's expense.

(4) The sizing and plumbing configuration required to prevent the introduction of FOG into the utility's system is the responsibility of the FOG facility design professional. The utility does not assume any responsibility in the sizing of the FOG pretreatment device.

(5) Facilities which will be expanded or renovated to include a FOG facility, where such FOG facility did not previously exist, shall be required to install and maintain a grease interceptor, grease trap or oil-water separator which is acceptable to the utility.

(6) Existing FOG facilities shall be permitted to operate and maintain an existing FOG pretreatment device provided these are in proper operating condition as set forth within this Policy.

(7) Newly-constructed facilities that will/or could include FOG facilities are required to install and maintain a grease interceptor or oil-water separator in accordance with this Policy.

(8) A new multi-use facility is required to have connections to a FOG pretreatment device acceptable to the utility.

(9) If the facility does not have plumbing collections to a FOG pretreatment device that functions to bring the sewer user in compliance with the requirements of the utility, the utility shall require the facility to modify their current plumbing to prevent the introduction of FOG into the sewer as prohibited by this Policy.

(10) All FOG pretreatment devices shall have adequate retention time at actual peak flow between the influent and effluent baffles to allow for any solids to settle or accumulate and floatable grease-derived materials to rise and accumulate and prevent discharge limit violations,

(11) All grease traps shall include flow regulators.

(12) All grease interceptors shall include a tee outlet with a maximum height of 18 inches above the interceptor's base.

(13) No accumulation of floatable FOG and/or settled solids shall exceed 25% of the total volume of the grease trap or grease interceptor.

(14) No settled oils in the oil-water separator should be left to accumulate in excess of 20% of the wetted height of the oil-water separator, and no floating oil and grease in the oil-water separator should be left to accumulate in excess of 5% of the wetted height of the oil-water separator.

(15) All FOG pretreatment devices must be located so that maintenance and inspections can be easily performed as established by the utility.

(16) The use of automatic removal systems is permissible only upon written approval from the utility.

(17) A grease interceptor and oil-water separator may be used by more than one facility if the capacity of the device is such that all the limits are met as established through this Policy.

(18) Grease traps may not be shared by multiple facilities.

(19) If a grease interceptor cannot be installed readily or economically in a FOG facility, the utility may approve a grease trap to be installed in the facility, at the owner's expense, on a trial basis. If the grease trap does not allow the discharge to meet FOG discharge limits, the facility will be required to install a grease interceptor in compliance with this Policy.

(D) *Grease interceptor, grease trap and oil-water separator maintenance.*

(1) The grease interceptor, grease trap or oil-water separator shall be maintained at the sewer user's expense.

(2) The sewer user shall maintain the grease interceptor, grease trap or oil-water separator in order to not allow wastewater discharge concentration from their pretreatment device to exceed any of the utility's discharge requirements.

(3) All grease interceptors and oil-water separators shall be serviced and emptied as frequently as needed in order to maintain an acceptable waste limit, but not less than every three months.

(4) All grease traps shall be serviced and emptied of accumulated waste content as frequently as needed in order to maintain an acceptable waste discharge limit, but no less than twice per week.

(5) Grease interceptors, grease traps and oil-water separators shall be completely evacuated anytime the discharge exceeds BOD, TSS, FOG, pH, or other pollutant levels establish by the utility.

(6) All waste (floating FOG and settled solids) shall be removed from the FOG pretreatment device, hauled away and disposed of per state standards.

(7) No waste/water shall be returned to a pretreatment device once pumped.

(8) The maintenance of a grease interceptor used by more than one facility shall be the responsibility of the owner of the grease interceptor.

(9) The utility may extend the 90-day grease interceptor pump-out frequency, and/or the twice per week grease trap cleaning frequency if the sewer user petitions the utility for such modifications and provides a complete Modification Request Form, a copy of which is attached to Resolution R072715A and incorporated by reference as if set forth in full herein.

(10) The utility may shorten the pump-out or cleaning frequency when, in the opinion of the utility, such frequency is insufficient to ensure the utility's discharge levels.

(11) Following the mandated cleaning schedule does not guarantee compliance with the discharge limits or device capacity limits. It is the responsibility of the FOG facility to maintain an acceptable FOG level mandated by this Policy.

(12) If the FOG facility's grease trap is cleaned by their staff, the staff shall dispose of the grease in a manner that does not reintroduce grease/waste back in the utility's sanitary sewer system.

(13) If the utility determines the garbage disposal is a factor in the restricted discharge of FOG, then the garbage disposal shall be connected to the grease trap, or grease interceptor, or removed from the facility.

(14) No person shall introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents and emulsifiers are materials which allow the grease to pass from the grease interceptor into the collection system, and include, but are not limited to enzymes, soap, diesel, kerosene, turpentine and other solvents.

(E) FOG facility reporting requirements.

(1) All businesses and industry shall provide, on demand, to the utility, sufficient information to determine if it is a FOG facility.

(2) The owner, or owner's representative, of the FOG facility shall notify the utility, in writing, of changes regarding the facility's occupant, building usage, and/or new construction within 30 days of the date the change takes place.

(3) All FOG facilities must maintain written FOG pretreatment device maintenance records for three years on a continuously rolling calendar basis. All such records shall be available for

inspection by utility staff at any/all time. These records shall include: facility name and location, date and time of cleaning service, name of grease hauling company, name and signature of grease-hauling company agent performing said service, established service frequency and type of service (full pump, partial pump out, onsite treatment), number and size of each pretreatment device serviced, approximate amount of grease and solids removed from each pretreatment device, total volume of waste removed from each pretreatment device, destination of removed waste, signature and date of FOG facility personnel confirming service completion. A copy of the Program Maintenance Log is attached to Resolution R072715A and incorporated by reference as if set forth in full herein.

(4) FOG facilities shall report, in writing, their FOG pretreatment device maintenance records to the utility quarterly. A copy of the Food Service Facility Quarterly Report is attached to Resolution R072715A and incorporated by reference as if set forth in full herein.

(5) A facility shall report to the utility, by phone, any accidental discharge immediately. A written report must be provided by the facility within 24 hours of the event.

(F) *FOG facility inspection.*

(1) All FOG pretreatment devices may be inspected by the utility as necessary to assure compliance with this Policy.

(2) Each FOG facility shall allow any utility official or agent of the utility bearing proper identification access to all parts of the premises for the purpose of inspection, observation, record examination, measurement, sampling and testing in this Policy.

(3) The refusal of any FOG facility to allow the utility's official entry to, or upon, the facility's premise for purposes of inspection, sampling effluents, inspecting and copying records, or performing other such duties shall constitute a violation of this Policy.

(4) The utility's office shall inspect FOG facilities during both scheduled and unscheduled visits.

(G) *FOG facility management.*

(1) It is the facility owner's responsibility to make sure that all employees and/or tenants are informed about the city's FOG program and best management practices are mandated to help with compliance.

(2) If management changes within the FOG facility, it is the facility owner's responsibility to train the new management on the reporting requirements to ensure compliance.

(3) Any FOG facility with a change in ownership will be recognized as a new FOG facility and shall comply with the utility's discharge limits and in accordance with this Policy.

(4) If the FOG facility changes names but keeps the same owner, the facility owner is responsible to inform the utility of the change within 30 days. Failure to notify the utility may result in penalty fees.

(5) If the FOG facility is sold or leased/rented, the facility owner (both new and old in the event of a sale) is responsible to inform the utility of the change prior to the effective date of the change. Failure to notify the utility may result in penalty fees.

(6) If the FOG facility's type of business changes, it is the facility owner's responsibility to notify the utility within 30 days of the type of change that is being made in the business.

(H) *FOG facility enforcement and non-compliance fees.*

(1) A notice of violation (NOV) shall be issued to the sewer user for one or more of the following reasons:

(a) Failure to properly maintain the grease interceptor, grease trap or oil-water separator in accordance with the provisions of this Policy.

(b) Failure to maintain the required records of cleaning/pumping activities.

(C) Failure to provide logs, files, records or access for inspection of monitoring activities.

(2) The NOV will include the description of the violation, number of days to correct the deficiencies and/or violations, and the applicable fee for the violation. Any fee assessed under this Policy will be in accordance with the applicable fee schedule adopted by the City Council.

(3) All sampling and monitoring after a violation of this Policy shall be at the violating FOG facility's expense.

(4) All non-compliance issues are to remain on record for an 18-month rolling calendar for the purpose of determining the level for the NOV. Therefore, all violation will be in effect for 18 months starting the day of the initial violation. On the day after the 18th month, the violation will be removed if all outstanding violation fees have been paid in full.

(5) If a FOG facility wishes to dispute a violation and/or fee, it must be done in writing to the Utility Board via letter, email or fax with 30 days of the notice of violation or notice of fee, whichever is later. All disputes shall be review by the Utility Board,

(6) If a sewer user has reason to believe that a specific limit or requirement of the Policy does not, or should not apply to their FOG facility, the sewer user must submit a Modification Request Form, a copy of which is attached to Resolution R072715A and incorporated herein by reference as if set forth in full herein, along with information supporting the modification request, to the utility to be reviewed/considered by the utility, and the FOG facility will be informed of their decision in writing within one week of their decision. Documentation on the request and its approval/disapproval will become a part of the facility's account file.

CONTRIBUTION REQUIREMENTS FOR DEVELOPERS AND NEW USERS OF SEWAGE FACILITIES

§ 51.55 DEFINITIONS.

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

APPLICATION FEE. A fee charged at the time application for sewage service is made, which is non- refundable and which represents the cost to the city of processing such application.

AVAILABILITY CHARGE. A payment which shall be required for the privilege of connecting a service line or lateral sewer from a residence, commercial user or tract of ground into the city's local sewers or interceptor as a capital contribution for the availability of service, present or future.

CONNECTION CHARGE. A payment required to cover the cost to inspect the connection of a service line to the local sewer. This payment shall be charged and paid at the time the application for connection is made. This charge applies to the single family residence and all equivalent dwelling units, i.e., residential, commercial, industrial, et seq.

DEVELOPER. Any person, individual, corporation or entity engaged in developing a property, tract of ground or improving a lot or group of lots or structures thereon for the use of occupancy, owning or selling the property to be connected or served by the sewage facilities.

EQUIVALENT DWELLING UNIT (EDU). The single family residence situated upon a single lot, and also the sewage contribution from that residence, being 300 gallons per day.

EQUIVALENT DWELLING UNIT REVENUE. That monthly revenue charged the resident based upon the then current schedule of rates and charges.

INTERCEPTOR SEWER. The sanitary sewer, usually located within the streets, alley or easements, which normally receives the sewage from the local sewers. This sewer usually conveys the sewage to the treatment plant or point of ultimate disposal.

LATERAL SEWER. The sanitary sewer, usually located within the street, alley or easements, which normally receives the sewage from the local sewers. Service lines are not excluded from connecting directly to this sewer.

LOCAL SEWER. The sanitary sewer, eight inches minimum, usually located within the street, alley or easements, which receives the sewage from the individual service lines.

OVERSIZING COSTS. The costs of oversizing sewers or the sewage treatment plant or other facilities in anticipation of the need to serve future customers. The cost of extending an existing sewer at a consistent size, depth, and slope through a property being developed shall not be considered an oversizing cost.

RATIO OF EQUIVALENT DWELLING UNIT REVENUE. That monthly revenue charged a user or customer, of the sewage facility, divided by the Equivalent Dwelling Unit Revenue.

SERVICE AREA. That area to be served by the city sewage treatment plant and collection sewers. Such area will usually include the drainage area permitting the use of gravity sewers, and certain adjacent areas that may be readily pumped into such sewers.

SERVICE LATERAL. A branch, from the local or collecting sewer, between that sewer and the property line of the intended user. Usually installed by the developer or in certain cases the lot owner or user.

SERVICE LINE. The sewer line, six inches minimum, installed between the residence or structure for the purpose of conveying the sewage discharge to the service lateral on the local or collecting sewer. This line is installed by the individual owner or builder.

§ 51.56 EXPANSION AND CONNECTION POLICY.

(A) All local and lateral sewers to be connected directly or indirectly into the city's sewage facility or collection system shall, at the owner's or developer's expense, be designed, constructed and installed, by the owner or developer to the city's specifications. The new sewers shall, upon acceptance of the city, be dedicated to the city. These new sewers shall be located in such streets, alleys, rights-of-way, and easements as are approved by the city.

(B) All interceptor sewers shall be designed and built by the city. They shall be funded by a combination of the above defined charges, plus the use of state and federal funds, if available.

(C) The sewage treatment plant expansions shall be designed and built by the city. The expansions shall be funded by a combination of the above defined charges, plus the use of state and federal funds, if available.

(D) No sewer collection facilities shall be extended, nor shall any connections be made to the city's sewage treatment facility unless and until such area to which facilities will be extended is within the city limits, or has agreed to be annexed to the city or has agreed not to remonstrate against such annexation.

(E) Prior to the commencement of construction of any sewer, the Indiana Department of Environmental Management's approval shall be furnished to the city.

(F) Prior to the commencement of construction of any sewer or collection facility, the plans shall be approved in writing by the City Engineer.

§ 51.57 (RESERVED).

§ 51.58 (RESERVED).

§ 51.59 PRIOR AGREEMENTS OF CITY.

This subchapter shall in no way affect developers or owners or users of the city sewage facility who have heretofore entered into agreements with the city for the extension of city sewage facilities which are now in existence and have been dedicated to the city and constructed by the developer.

§ 51.60 PROTECTION OF BOND HOLDERS OF SEWAGE WORKS.

Nothing in this subchapter will be construed to place a lien on the revenues of Fishers Municipal Sewage Works receipts which lien would be superior to, equal to or take priority over the rights of holders or owners of sewage revenue bonds of the city now outstanding or to be issued in the future.

§ 51.61 AMENDMENTS.

This subchapter and the costs and charges set out herein may be amended from time to time by the City Council when conditions exist that indicate to the Council that charges herein are not equitable for the customers of the municipal sewage system or for the subdividers, developers or owners of property connections to such sewage system.

TERMINATING WATER SERVICE TO DELINQUENT SEWER USERS

§ 51.65 TERMINATION OF SERVICE PROCEDURES.

(A) The city, by and through its Controller or his or her designee, may order the termination of water service to a sewer service address for nonpayment of a delinquent account that is not less than 30 days delinquent. When so ordered the water utility shall terminate such service in accordance with the terms of their agreement with the city.

(B) The fee for terminating services shall be a minimum of \$45, which shall include charges assessed against the city by the water utility for effecting the termination. Fee for terminating commercial and industrial services shall be determined in an agreement between the city and the water company. This fee shall be assessed against the customer and added to the sewer delinquent bill.

(C) The city may not terminate under this section if the Hamilton County Health Department has found and certified to the city that the termination of water service will endanger the health of the user and others in the municipality.

(D) (1) Prior to the termination of water service because of sewer user fee delinquency the city must first give notice of such delinquency and impending termination at least 30 calendar days prior to the proposed termination, by first-class mail addressed to the user to whom the service is billed, which notice shall contain the following:

- (a) The delinquent amount due, together with any penalty and fees;
- (b) The date of the notice of termination;
- (c) The date on and after which termination shall be made, which shall be at least 30 calendar days from the date of the notice of termination;
- (d) Notice that water service may be disconnected if, prior to the earliest possible date of termination given in the notice, the user does not pay the delinquency together with any penalty and fees, or disputes the amount, or makes other provisions for payment pursuant to this section;
- (e) A procedure, as provided in division (D)(2) for resolving a disputed bill.

(2) The city shall appoint an account review officer (ARO) to review and resolve disputes. Before the earliest possible date of termination of water service as specified in the notice, a user may request a hearing before the ARO to dispute the correctness of all or part of the amount shown in accordance with the provisions of this section. A user shall not be entitled to dispute the correctness of all or part of the amount if all or part of the amount was the subject of a previous dispute under this section.

(E) The procedure for a hearing on a user dispute shall be as follows:

(1) Before the earliest possible date of termination as specified on the notice of termination, the user shall notify the ARO in writing, that he/she requests a hearing to dispute the correctness of all or part of the amounts shown on the notice of termination, stating as completely as possible the basis for the dispute.

(2) An informal hearing before the ARO shall be held within 15 days of the ARO's receipt of the user's written request for a hearing on a disputed bill.

(3) At the hearing, the user shall be entitled to present all evidence that is, in the ARO's view, relevant and material to the dispute.

(4) Based on the evidence presented at the hearing, the ARO within ten days of the completion of the hearing, shall issue a written decision formally resolving the dispute. The ARO's decision shall be final and binding.

(F) The ARO shall be authorized to resolve any disputed sewage bill and shall be authorized to order the termination of water service under appropriate circumstances. Upon approval by the ARO, the user may enter into an agreement to amortize the unpaid balance of his/her account over a reasonable period of time, not to exceed six months. No termination shall be effected for any user complying with any such amortization agreement, provided the user also keeps current his/her account for sewer service as charges accrue in each subsequent billing period. If a user fails to comply with an amortization agreement, the ARO may terminate water service provided notice is given to the user at least 48 hours prior to such termination and the notice includes conditions the user is required to meet to avoid termination.

(G) Utilization of this hearing procedure shall not relieve a user of the obligation to timely and completely pay all other undisputed water and sewage bills or charges. Failure to timely and completely pay all such undisputed amounts shall subject the user to the termination of service in accordance with the provisions of this division.

(H) Until the date of the ARO's decision, the city shall not terminate water service of the user. If the ARO determines that the customer must pay some or all of the disputed amount, the department, or ARO in his written decision, shall notify the user of the following:

- (1) The amount to be paid;
- (2) The date on or after which services will be terminated; and

(3) Notice that unless the city receives complete payment of the amount shown prior to the earliest possible date of termination given in the notice, water service shall be terminated.

(a) A **USER** for the purpose of this section is defined as:

(1) A person who requests, either orally or in writing, water and/or sewage service from the city or water utilities;

(2) A person in whose name water and/or sewage service is billed for the rendering of the service.

§ 51.66 TERMINATION OF SERVICES NOT EXCLUSIVE REMEDY.

The remedy provided herein for the collection of delinquent sewer user charges or benefits shall not be construed to abridge or in manner interfere with the right and power of the city to enforce a collection thereof by any other action or as otherwise provided by statute, but the remedy provided in such section shall be taken and held as an additional means to enforce payment of sewer service charges or benefits.

§ 51.67 PROCEDURE.

(A) As used in this section, the term **FINAL ACCOUNT** shall have the following meaning: A closed account for which sewer service is no longer being provided to the customer at that service location.

(B) The city shall prepare a semi-annual schedule of sewer user final accounts which it has determined to be uncollectible. The schedule shall consist of the following:

(1) (a) For bills becoming due prior to July 1, 1988, a certified list of all sewer user final accounts for which the outstanding fees and penalties together are \$25 or less and which are at least 120 days delinquent and which the department has determined to be uncollectible;

(b) For bills becoming due after July 1, 1988, a certified list of all sewer user final accounts for which the fees and penalties together are \$25 or less and which are at least 120 days delinquent and which are not subject to lien under IC 36-9-23-31 through IC 36-9-25-11 and which the city has determined to be uncollectible;

(2) A statement setting forth the efforts that have been made to collect such accounts and a statement that all such efforts have been unsuccessful;

(3) A statement, including the reasons therefor, that the city believes it is economically not feasible to pursue collection measures on such accounts.

(C) The semi-annual schedule shall be submitted to the City Council, which by resolution may declare accounts listed in the schedule as uncollectible and may authorize the city to cease further collection procedures and expense the amounts outstanding on the accounts as bad debts.

(D) The semi-annual schedule prepared by the city and the resolution adopted by the Board shall be forwarded to the City Council for final approval. A sewer user account may be deemed uncollectible only if the Council shall approve the Board's resolution.

RATES AND CHARGES

§ 51.70 SCHEDULE OF USER CHARGES.

(A) *Statement of acquisition.* On or around July 22, 2021, the City of Fishers (the "city") entered into a certain Asset Purchase Agreement ("Agreement") with Hamilton-Southeastern Utilities, Inc. ("HSE"), whereby the city generally acquired all assets of HSE, including, without limitation, all current and future customers of HSE within its service area in and around Fishers (the "HSE Service Area"). Prior to the acquisition, HSE assessed customers within the HSE service area certain rates and charges pursuant to a tariff approved by the Indiana Utility Regulatory Commission on or around April 10, 2019, Cause No. 45135 ("HSE Tariff"), and the city assessed customers within its service area (the "Fishers service area") certain rates and charges pursuant to its rate ordinance approved by the Common Council for the City of Fishers on December 21, 2015, Ordinance 101915 ("Fishers Sewer Rate Ordinance"). The HSE service area and Fishers service area are further defined and depicted in Ordinance 101121A, adopted by the Common Council on November 15, 2021, which is incorporated herein by reference. The city committed to not raise sewer rates and charges in either the Fishers service area or HSE service area in order to complete the acquisition. Accordingly, the city has incorporated and will initially assess ratepayers in the HSE service area the same charges and rates as provided by the HSE Tariff, and will initially assess ratepayers in the Fishers service area the same rates and charges as provided in the Fishers Sewer Rate Ordinance. The rates and charges for each schedule apply the same to customers whether they reside inside or outside the corporate boundaries of Fishers, but the difference in rates between the Fishers service area and HSE service area is \$8.79 or approximately 26%.

(B) User charges- ~~District 1 (formerly Fishers)~~ service area. Users in the ~~Fishers-District 1~~ service area shall pay a monthly user charge based on an equivalent user charge factor of one equivalent dwelling unit ("EDU"). The monthly equivalent user charge for a single-family residential user is hereby fixed and established at \$34.00. The units listed below will pay a monthly user charge based on the multiplication of the decimal times \$34.00 unless, at the City Controller's discretion, the bill has been prorated due to the sale of the property. The prorated amounts from the seller and buyer will not pay a sum that totals less than \$34.00. The equivalent user charge of \$34.00 may, from time to time, be updated and changed by the city as an amendment of this section. Users in the District 1 service area shall pay the following rates and charges for sewer service:

(1) Schedule I - general service rates.

(a) Non-metered rates for one month consumption periods - residential.

<u>TYPE OF SERVICE</u>	<u>RATE PER MONTH</u>
<u>Single family residence</u>	<u>\$34.00</u>
<u>Two family residence (duplex)</u>	<u>\$61.20</u>
<u>Townhomes</u>	<u>\$34.00</u>
<u>Multi-Family and Apartments (per unit) (.7)</u>	<u>\$23.80</u>

(b) Metered rates for one month consumption periods - all non- residential users.

All non-residential customers in District 1 of the city's sewage treatment utility who are also serviced by Citizens Water, shall pay a monthly sewer user charge equal to \$3.78 for each 1,000 gallons of water as metered by Citizens Water. This sewer user charge shall be in lieu of the standard residential rates which are applicable to residential customers in District 1. This non-residential, metered rate is equivalent to the current standard rate of \$34.00 per equivalent dwelling unit, which is also the minimum monthly rate per user.

(c) Non-metered rates for one month consumption periods - all other non- residential users.

This section applies to non-residential users who are not billed based on water meter readings. Beginning March 1, 2025, all new non-residential customers will be billed under this subsection, with a minimum of 2 EDUs for each non-residential customer. New non-residential customers include those non-residential customers that have a change in ownership, tenant, use, or remodel.

<u>TYPE OF SERVICE</u>	<u>RATE PER MONTH</u>
<u>Commercial, industrial, retail, office</u>	<u>\$68.00 minimum</u>
<u>Non-residential, non-metered customers in District 1 will have a monthly rate equal to \$34.00 per equivalent dwelling unit multiplied by the number of equivalent dwelling units or fraction thereof as defined in § 51.70(B), Schedule III. The minimum monthly rate for non-residential, non-metered users will be no lower than two (2) equivalent dwelling units.</u>	

— (1) *Schedule I—general service rates:*

<i>USER CLASS</i>	<i>USER CHARGE</i>
(a) Residential	
— 1. Single family resident/unit	\$34.00
— 2. Apartment or trailer court/unit (.75)	\$25.50
(b) Commercial	
— 1. Retail establishment:	
— a. First three employees	\$34.00
— b. Each additional employee (.25)	\$8.50
— 2. Gasoline service station:	
— a. With car wash facility (2.5)	\$85.00
— b. Without car wash facility (1.5)	\$51.00
— 3. Restaurants, drive-ins and taverns with eating or drinking facilities:	
— a. First two employees	\$34.00
— b. Each additional employee (.33)	\$11.22
— 4. Laundromats	
— Per washer (.75)	\$25.50
— 5. Car wash— manual	
— Per bay (2.5)	\$85.00
— 6. Shop or office in home (2.0)	\$68.00
— 7. Professional office:	
— a. First two employees	\$34.00
— b. Each additional employee (.33)	\$11.22
— 8. Industrial (sanitary flow only):	
— a. First three employees	\$34.00
— b. Each additional employee (.25)	\$8.50
(c) Government/Institutional	
— 1. School/student:	
— a. First 25 students	\$34.00
— b. Each additional student (.04)	\$1.36
— 2. Churches, lodges and veterans organizations without eating and/or drinking facilities:	
— For each 200 members or fraction thereof	\$34.00
— 3. Government offices:	
— a. First three employees	\$34.00

—b. Each additional employee	\$8.50
(d) Wholesale Private Utility Customers	
—Per 1,000 gallons	\$3.20
(e) Citizens Customers All non-residential customers of the city's sewage treatment utility who are also serviced by Citizens Water Company, shall pay a monthly sewer user charge equal to \$3.40 for each 1,000 gallons of water as metered by Citizens Water Company. This sewer user charge shall be in lieu of the standard residential rates which are applicable to non-Citizens Water Company customers. The rate established above does, however, reflect the equivalent to the current standard rate of \$34.00 per equivalent dwelling unit.	

(2) *Schedule II - tariff.*

~~—(a) Connection charge. A charge of \$250 per EDU is hereby imposed. It is the intention of this chapter that the connection and tap charges are to be paid by the individual builder, lot owner or customer and that these charges are in addition to the above described contributions and charges. These charges are for the cost incurred as set out in the definitions. The connection charge shall be paid at the time the building permit is obtained. The number of equivalent dwelling units shall be determined as provided in § 51.70(B), Schedule III.~~

~~(b)~~ *Contributions and charges.* When the city's sewage facilities are capable of servicing an area of property within its jurisdiction, and such area or property has not been previously connected, contributions and charges on behalf of the unconnected property shall be required as follows:

1. *Application fee.* A charge of \$100 per EDU, based upon the use proposed for the property, shall be charged as an application fee and shall be due at the time the application is made for sanitary sewerage service to the applicant. The application fee shall be used to reimburse the costs incurred by the city for personnel, equipment and consultants necessary to effect an appropriate review of the application. The application shall be in a form approved by the city's Board of Public Works and Safety.

2. *Availability charge.* A charge of \$2,400 per EDU, based upon the use proposed for said property. The equivalent number of dwelling units in the case of users or units other than single family residences shall be determined as provided in § 51.70(B), Schedule III. The number of equivalent units for situations not covered by the table will be determined by the Board of Public Works and Safety~~City Council~~. Notwithstanding any other provisions contained herein to the contrary, the city may contract with the owner or developer for an additional availability charge for treatment plant capacity, to be collected in advance by the city for purposes of expanding the capacity of the sewage treatment plant to meet such owner's or developer's needs. The availability charges, where applicable, shall be paid in cash upon application for a building permit. _____

3. Connection charge. A charge of \$250 per EDU is hereby imposed. It is the intention of this chapter that the connection charges are to be paid by the individual builder, lot owner or customer and that these charges are in addition to the described contributions and charges. These

charges are for the cost incurred as set out in the definitions. The connection charge shall be paid at the time the building permit is obtained. The number of equivalent dwelling units shall be determined as provided in § 51.70(B), Schedule III.

4. *Fats, oils and grease ("FOG") charge.*

Customers that qualify as a FOG facility, shall be subject to a monthly charge for FOG in the amount of \$30 per month. The FOG charge supports the additional costs of administering, monitoring and treating the excessive waste associated with FOG.

If violations of City's FOG rules occur, monthly inspections will commence at a cost of \$90.00 per inspection until the violations cease.

~~— (e) *Bad check fee.* A check tendered in payment of sewer charges and returned for insufficient funds to the account of the fee payer shall be subject to a penalty fee of \$25.~~

(3) *Schedule III - EDU equivalency chart.*

TYPE OF SERVICE		EQUIVALENT DWELLING USAGE
01	Single family residence	1.0
02	Two family residence	1.8
03	<u>Townhomes</u>	<u>1.0</u>
034	Multi-family and apartments - per unit	.7
045	Mobile homes and parks - per unit	.8
056	Motels and hotels - per unit (Restaurant, see below)	.4
067	Service clubs and churches - per 200 members or fraction thereof:	
	Without kitchen	1.0
	With kitchen	2.0
087	Office use - per 1,000 square feet	.5
098	Health service office - per exam room	.6
1009	Personal care - per chair	.4
1140	Restaurant - per seat	.1
	Food drive-in - per car space	.2
	Fast food - per employee	.2
124	Food and drug retail service - per employee	.2
132	Laundry- per washer	1.3
	Car wash - per bay	2.0
143	Service station <u>Fueling station</u>	1.5

<u>154</u>	Retail sales and service - each three employees or fraction thereof	1.0
<u>165</u>	Manufacturing - per eight employees - sanitary use only	1.0
	Manufacturing - process other - (case-by-case basis) set by city	
	Warehouses - per 40,000 square feet	1.0
<u>176</u>	Bars and cocktail lounges - per seat - without restaurant	.05
<u>187</u>	Bowling alley - per alley	.4
<u>198</u>	Bowling alley with bar - per alley	2.0
<u>2049</u>	Dentist office - per chair	1.4
<u>210</u>	Physician's office - per examining room	.6
<u>224</u>	Schools with gym and cafeteria - per student	.06
	Without gyms and cafeteria - per student	.04
<u>22</u>	Speculative commercial/industrial - per acre	1.0
<u>23</u>	Swimming Pool (Public or Membership-Based) - per 1,000 square feet water surface	<u>1.9</u>
<u>243</u>	Other uses as determined by Fishers <u>Board of Public Works & Safety (case-by-case basis)</u>	
Ratios indicated above are subject to change by City of Fishers <u>Board of Public Works & Safety</u>		

(C) *User charges- District 2 (Formerly HSE) service area.* Users in the HSE District 2 service area shall pay the following rates and charges for sewer service ~~as approved by the HSE tariff.~~

(1) *Schedule I - general service rates.*

(a) *Non-metered rates for one month consumption periods - residential.*

<i>TYPE OF SERVICE</i>	<i>RATE PER MONTH</i>
Single family residence	\$ <u>42.79</u>
Two family residence (duplex)	\$ <u>77.02</u>
<u>Townhomes</u>	<u>\$42.79</u>
<u>Multi-Family and Apartments (per unit)</u> (.7)	<u>\$29.95</u>

(b) *Non-metered rates for one month consumption periods - all ~~other~~ non- residential users.*

<u>TYPE OF SERVICE</u>	<u>RATE PER MONTH</u>
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<u>Commercial, industrial, retail, office</u>	<u>\$85.58 minimum</u>
<u>Non-residential, non-metered customers in District 2+ will have a monthly rate equal to \$42.79 per equivalent dwelling unit multiplied by the number of equivalent dwelling units or fraction thereof as defined in § 51.70(C), Schedule III. The minimum monthly rate for non-residential users will be no lower than two (2) equivalent dwelling units.</u>	
<i><u>-TYPE OF SERVICE</u></i>	<i><u>RATE PER MONTH</u></i>
<u>Commercial, industrial, retail, office</u>	<u>\$85.58</u>

High consumption facilities which discharge more than 600 gallons per day of wastewater will be categorized as "special users" as indicated below:

~~(e) Non-metered rates for one month consumption periods—special users.~~

<i><u>-TYPE OF SERVICE</u></i>	<i><u>RATE PER MONTH</u></i>
<u>Special user—high consumption facilities which discharge more than 600 gallons per day of wastewater shall be charged at the rate per equivalent dwelling unit, as defined in § 51.70(C), Schedule III.</u>	

(c) Wholesale Private Utility Customers.

Wholesale private utility customers shall be charged at the rate stipulated in the latest wholesale service agreement. As of March 1, 2025, this rate is \$3.20 per 1,000 gallons of wastewater discharged into the City's wastewater facilities.

(d) *Sewer tracker.* The sewer tracker, occasioned solely by changes in the cost of sewage disposal service, is \$4.75 per EDU per month for District 2. The tracker is applicable to the rates and charges in § 51.70(C), Schedule I, and is included in the base rates and charges as shown in that division.

(2) *Schedule II - tariff.*

<i><u>TYPE OF FEE</u></i>	<i><u>FEE AMOUNT</u></i>
<u>(a) Connection fee.</u>	<u>-</u>
<u>—Fee per equivalent dwelling unit connecting to the utility's system</u>	<u>\$305.00</u>
<u>(b) Re-connection fee.</u>	<u>-</u>
<u>—Fee per physical connection for re-connection following disconnection for failure to pay sewer bill</u>	<u>\$305.00</u>
<u>(ae) Preliminary plan reviewApplication fee.</u>	
<u>Fee per equivalent dwelling unit for the review and preparation of connection plans</u>	<u>\$100.00</u>
<u>(db) System development charge.</u>	

Fee per equivalent dwelling unit for capital improvements to the utility's system	\$4,471.00
<u>(c) Connection fee.</u>	-
<u>Fee per equivalent dwelling unit connecting to the utility's system</u>	<u>\$305.00</u>
<u>(d) Re-connection fee.</u>	-
<u>Fee per physical connection for re-connection following disconnection for failure to pay sewer bill</u>	<u>\$305.00</u>
<u>(e) Collection and deferred payment charge.</u>	All bills for sewer service not paid within 17 days from the billing date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of 10% on the first \$3.00 and 3% on the excess over \$3.00.
<u>(f) Bad-check charge.</u>	-
<u>Applicable when a customer's check is returned by their bank for non-payment; charge per returned check</u>	<u>\$20.00</u>
<u>(g) Fats, oils and grease ("FOG") charge.</u>	
Applicability: customers that qualify as a FOG facility, shall be subject to a monthly charge for FOG. The FOG charge will support the additional costs of administering, monitoring and treating the excessive waste associated with FOG.	\$30.00 per month
Additional charge: if violations of city's FOG rules occur, monthly inspections will commence at a cost of \$90.00 per inspection until the violations cease.	

(3) *Schedule III - EDU equivalency chart.* Ratio of sewer usage of single-family residence to other types of uses: a single-family residence is equivalent to 300 gallons per day.

<u>TYPE OF SERVICE</u>		<u>EQUIVALENT DWELLING USAGE</u>
<u>01</u>	<u>Single family residence</u>	<u>1.0</u>
<u>02</u>	<u>Two family residence</u>	<u>1.8</u>
<u>03</u>	<u>Townhomes</u>	<u>1.0</u>
<u>04</u>	<u>Multi-family and apartments - per unit</u>	<u>.7</u>
<u>05</u>	<u>Mobile homes- per unit</u>	<u>.8</u>
<u>06</u>	<u>Motels and hotels - per unit (Restaurant, see below)</u>	<u>.4</u>
<u>07</u>	<u>Service clubs and churches - per 200 members or</u>	<u>-</u>

	<u>fraction thereof:</u>	
	<u>Without kitchen</u>	<u>1.0</u>
	<u>With kitchen</u>	<u>2.0</u>
08	<u>Office use - per 1,000 square feet</u>	<u>.5</u>
09	<u>Health service office - per exam room</u>	<u>.6</u>
10	<u>Personal care - per chair</u>	<u>.4</u>
11	<u>Restaurant - per seat</u>	<u>.1</u>
	<u>Food drive-in - per car space</u>	<u>.2</u>
	<u>Fast food - per employee</u>	<u>.2</u>
12	<u>Food and drug retail service - per employee</u>	<u>.2</u>
13	<u>Laundry- per washer</u>	<u>1.3</u>
	<u>Car wash - per bay</u>	<u>2.0</u>
14	<u>Fueling station</u>	<u>1.5</u>
15	<u>Retail sales and service - each three employees or fraction thereof</u>	<u>1.0</u>
16	<u>Manufacturing - per eight employees - sanitary use only</u>	<u>1.0</u>
	<u>Manufacturing - process (case-by-case basis)</u>	<u>-</u>
	<u>Warehouses - per 40,000 square feet</u>	<u>1.0</u>
17	<u>Bars and cocktail lounges - per seat - without restaurant</u>	<u>.05</u>
18	<u>Bowling alley - per alley</u>	<u>.4</u>
19	<u>Bowling alley with bar - per alley</u>	<u>2.0</u>
20	<u>Dentist office - per chair</u>	<u>1.4</u>
21	<u>Physician's office - per examining room</u>	<u>.6</u>
22	<u>Schools with gym and cafeteria - per student</u>	<u>.06</u>
	<u>Without gyms and cafeteria - per student</u>	<u>.04</u>
23	<u>Swimming Pool (Public or Membership-Based) – per 1,000 square feet water surface</u>	<u>1.9</u>
24	<u>Other uses as determined by Fishers (case-by-case basis)</u>	<u>-</u>
<u>Ratios indicated above are subject to change by City of Fishers</u>		

<i>TYPE OF SERVICE</i>		<i>EQUIVALENT DWELLING USAGE</i>
01	<u>Single family residence</u>	<u>1.0</u>

02	Two family residence	1.8
03	Multi-family and apartments—per unit	.7
04	Mobile home and parks—per unit	.8
05	Motels and hotels—per unit (restaurant see below)	.4
06	Service clubs and churches—per 200 members or fraction thereof:	-
	—Without kitchen	1.0
	—With kitchen	2.0
07	Office use—per 1,000 square feet	.5
08	Health service office—per exam room	.6
09	Personal care—per chair	.4
10	Restaurant—per seat	.1
	Food drive-in—per car space	.2
	Fast food—per employee	.2
11	Food and drug retail service—per employee	.2
12	Laundry—per washer	1.3
	Car wash—per bay	2.0
13	Service station	1.5
14	Retail sales and service—each three employees or fraction thereof	- 1.0
15	Manufacturing—per eight employees—sanitary use only	1.0
	Manufacturing other—set by City of Fishers	-
	Warehouses—per 40,000 square feet	1.0
-	Bars and cocktail lounges; per seat—without restaurant	- .05
16		
17	Bowling alley—per alley	.4
18	Bowling alley with bar—per alley	2.0
19	Dentist office—per chair	1.4
20	Physician's office—per examining room	.6
21	Schools with gym and cafeteria—per student	.06
	Without gyms and cafeteria—per student	.04
22	Speculative commercial/industrial—per acre	1.0
23	Other uses as determined by Fishers	-
Ratios indicated above are subject to change by Fishers		

(D) *Methods of payment; transaction and other fees.* Payments to the utility for any purpose may be made by the financial instruments authorized by the utility in accordance with I.C. 36-1-8-11. If there is a charge to the utility for the use of a financial instrument, the utility may collect a sum equal to the amount of the charge from the person who uses the financial instrument. If there is a vendor transaction charge or discount fee, whether billed to the utility or charged directly to utility's account, the utility may collect from the person using the card an official fee that may not exceed the transaction charge or discount fee charged to the utility by bank or credit card vendors in accordance with I.C. 36-1-8-11.

§ 51.71 (RESERVED).

§ 51.72 BILLING OF SERVICE CHARGES.

(A) *Billing period.* User charges for sewer service shall be prepared and billed each month by the city and shall be payable to the City Controller's office no later than the date reflected on the user's monthly bill.

(B) *Liability for payment.* The rates and charges for all owner-occupied single family homes, townhome, duplex and quadplex properties shall be billed to the owner of the property.

For properties that are not single family homes, townhomes, duplexes or quadplexes, The rates and charges may be billed to the tenant of rental properties served by the sewage works. Such billing of rental properties shall in no way relieve the owner of the property from liability in the event payment is not made as herein required, nor does such billing restrict the city from any collection procedures, including filing of liens in accordance with the Indiana Code. The owners of properties which are occupied by a tenant or tenants shall have the right to examine the collection records of the city for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office of the Controller during the hours that such office is open for business.

(C) *First billings.* The first billing for sewer service shall be rendered 90 days after the date of the official notice to connect to the sewer system for one and two family residential permits which shall be at the time of issuance of a structural building permit. Multi-family and commercial billings shall begin at the time of notification of water connection. A Certificate of Occupancy shall not be issued until such time as the Controller has been notified to initiate the billing process. The fees, rates, charges and surcharges fixed in this chapter shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice.

(D) *City subject to charges.* For sewage service rendered to the city, the city shall be subject to the same user charges established in this chapter for other persons or to user charges established in harmony herewith.

(E) *Late fees.* All fees, rates and charges not paid when due are hereby declared to be delinquent, and a penalty of 10% of the amount of the fees, rates or charges shall thereupon attach thereto. The time at which the fees, rates or charges are due is now fixed at 30 days from the end of the previous billing cycle. Late fees may be waived by the Controller's office based on criteria approved by the Board of Public Works and Safety.

(F) *Deposits to ensure payment of sewer funds; refunds; forfeitures.*

(1) The Controller's office may require the owner, lessee, or user of property served by the sewage works to pay a deposit to ensure payment of sewer fees, based on criteria approved by the Board of Public Works and Safety.

(2) The deposit required shall equal the estimated average payment due from the property served by the utility for a period not to exceed three months, as determined by criteria approved by the Board of Public Works and Safety. Deposits shall be retained in a separate fund.

(3) The deposit, less any outstanding penalties and service fees, shall be refunded to the depositor after a notarized statement from the depositor that as of a certain date the property being served: (a) has been conveyed or transferred to another person; or (b) no longer uses or is connected with any part of the municipal sewage system. A statement under (a) must include the name and address of the person to whom the property is conveyed or transferred.

(4) If a depositor fails to satisfy costs and fees within 60 days after the termination of the depositor's use or ownership of the property served, the depositor forfeits the depositor's deposit and all accrued interest. The forfeited amount shall be applied to the depositor's outstanding fees.

(5) A deposit may be used to satisfy all or part of any judgment awarded the municipality under this chapter.

(6) A deposit made under this section that has remained unclaimed by the depositor for more than seven years after the termination of the services for which the deposit was made becomes the property of the City of Fishers.

§ 51.73 FEE FOR PREPARING AND FILING LIENS.

There is hereby established a new fee in the amount of \$60 for the preparation and filing of liens for unpaid sewage bills. Such fee is based upon the following:

(A) The time expended by the involved departments of the city in order that the lien to be filed is accurate and that any and all notices have been properly served on the delinquent sewer customer which equates to ~~\$17-10~~ per incident;

(B) The cost of filing with the county which is ~~\$43-50~~ in total for filing and releases. Such fee shall be added to any delinquency and become a part of the lien upon its filing.

EXEMPTIONS FROM SEWER BILLING

§ 51.80 WATER LINES USED STRICTLY FOR IRRIGATION PURPOSES EXEMPT FROM SEWER BILLING.

(A) Application for exemption. Any commercial customer of the City Sewage Treatment Facilities who has a metered water line used exclusively for irrigation purposes may apply to the Town-City Controller on an application form approved by the Controller, for an exemption from any sewer billing associated with the use of such line. Upon the presentation of such application by such commercial customer, and following review by the Controller, the Controller may issue such exemption in writing to the applicant. Any exemption so issued shall be reviewed on an annual basis.

(B) Termination of exemption. In the event that a commercial customer granted an exemption discontinues the use of a metered water line for irrigation purposes only, it shall be the responsibility of such commercial customer to notify the Controller immediately, whereupon the exemption granted by the Controller shall be terminated in writing to the commercial customer.

(C) Commencement of exemption. No exemption from the existing policies and procedures of the city regarding the calculation of sewage bills shall commence until the exemption letter is issued by the Controller. It is the intent of this subchapter that any exemptions granted shall act prospectively and not retroactively.

ORDINANCE NO. 011325A

**AN ORDINANCE AMENDING THE 2025 SALARY ORDINANCE FOR THE CITY OF
FISHERS, HAMILTON COUNTY, INDIANA**

WHEREAS, pursuant to Ind. Code §36-4-7-3, subject to the approval of the city legislative body, the city executive shall fix the compensation of each appointive officer, deputy, and other employees of the City;

WHEREAS, in accordance with Indiana Code, the City of Fishers Common Council, upon due deliberation, adopted a salary ordinance for 2025 as Ordinance No. 090924B;

WHEREAS, the Council adopted an amendment to Ordinance No. 090924B on December 16, 2024, as Ordinance No. 121624A; and

WHEREAS, an additional amendment to the 2025 Salary Ordinance is now necessary.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fishers meeting in regular session as follows:

Section 1. The 2025 Salary Ordinance for elected and non-elected employees of the City of Fishers is hereby amended as set forth in Exhibit A with additions in blue attached hereto and incorporated herein. Any part of the 2025 Salary Ordinance not amended as set forth in Exhibit A shall remain in full force and effect.

Section 2. This Ordinance shall be in full force and effect from and upon its adoption in accordance with the.

ALL OF WHICH IS SO ORDAINED by the Common Council of the City of Fishers this 13th of January 2025.

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

YAY

NAY

ABSTAIN

	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the _____ day of _____ 2025 at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL



Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

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

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

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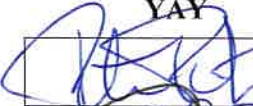
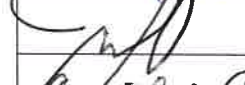
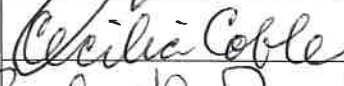
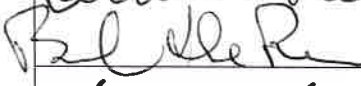
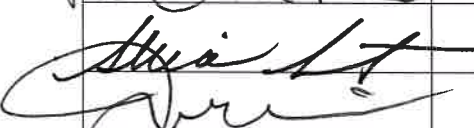
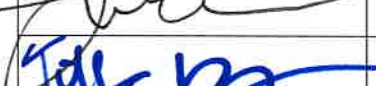
COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA

011325A

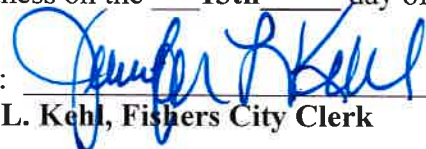
YAY

NAY

ABSTAIN

	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the 13th day of January 2025 at 8:30 p.m.

ATTEST: 
Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL


Scott A. Fadness, Mayor

JANUARY 13, 2025
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

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

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

2025 Salary Ordinance

	2025 Maximum 5 Bi-Weekly Salary	Annual Hours	Exempt or Non-Exempt
<u>ADMINISTRATION</u>			
Administrative Assistant	\$2,317.28	1820	NE
Assistant City Attorney	\$4,341.66	N/A	EX
Assistant Director	\$4,194.10	N/A	EX
Corporation Counsel	\$7,701.25	N/A	EX
Chief of Staff	\$5,237.62	N/A	EX
Clerk/Receptionist	\$2,109.45	1820	NE
Customer Support Manager	\$2,934.87	1820	NE
Customer Support Specialist	\$2,317.28	1820	NE
Deputy Clerk	\$2,799.00	1820	NE
Deputy Mayor	\$7,701.25	N/A	EX
Director of Economic and Community Development	\$7,701.25	N/A	EX
Director of Employee and Customer Success	\$4,194.10	N/A	EX
Director of Human Resources	\$4,729.11	N/A	EX
Director of Recreation and Wellness	\$7,701.25	N/A	EX
Economic Development Specialist	\$3,295.61	1820	NE
Human Resources Assistant	\$2,799.00	1820	NE
Human Resources Manager	\$3,457.68	1820	NE
Mayor's Executive Assistant	\$2,934.87	1820	NE
Office Manager	\$2,799.00	1820	NE
Paralegal	\$2,934.87	1820	NE
Training Manager	\$3,457.68	1820	NE
<u>BUSINESS SOLUTIONS GROUP</u>			
Application & Process Coordinator	\$3,457.68	1820	NE
Business Analyst	\$3,628.48	1820	NE
Chief Information Officer	\$5,237.62	N/A	EX
Director of Business Solutions Group	\$4,194.10	N/A	EX
Program Manager	\$4,015.72	N/A	EX
Project Manager	\$2,546.35	1820	NE
<u>COMMUNITY AND PUBLIC RELATIONS</u>			
Assistant Director	\$4,194.10	N/A	EX
Community Outreach Manager	\$2,799.00	1820	NE
Community Engagement Coordinator	\$2,669.59	1820	NE
Director of Community and Public Relations	\$4,961.51	N/A	EX
Marketing and Public Relations Manager	\$3,079.60	1820	NE
Volunteer Coordinator	\$2,669.59	1820	NE
Marketing and PR Coordinator	\$2,317.28	1820	NE
<u>INFORMATION TECHNOLOGY</u>			
Application & Process Coordinator	\$3,457.68	1820	NE
Assistant Director	\$4,194.10	N/A	EX
Chief Information Security Officer	\$4,194.10	N/A	EX
Director of Information Technology	\$5,497.38	N/A	EX
GIS Analyst	\$2,934.87	1820	NE
GIS Coordinator	\$3,628.48	1820	NE
Help Desk Technician I	\$2,669.59	1820	NE
Help Desk Technician II	\$2,934.87	1820	NE
Help Desk Technician Coordinator	\$3,079.60	1820	NE
Network Engineer	\$4,015.72	1820	NE
Senior System Administrator	\$3,907.29	1820	NE
System Administrator	\$3,295.61	1820	NE

2025 Salary Ordinance

	2025 Maximum Bi-Weekly Salary	Annual Hours	Exempt or Non-Exempt
<u>ENGINEERING</u>			
Asset Manager	\$3,457.68	1820	NE
Assistant Engineer	\$3,628.48	1820	NE
Chief Infrastructure Inspector	\$3,457.68	1820	NE
Director of Engineering	\$7,701.25	N/A	EX
Engineering Assistant Director	\$4,729.11	N/A	EX
GIS Analyst	\$2,934.87	1820	NE
Infrastructure Inspector	\$2,799.00	1820	NE
Office Manager	\$2,799.00	1820	NE
Senior Infrastructure Inspector	\$3,079.60	1820	NE
Clothing Allowance	\$370/year max.		
<u>CONTROLLER'S OFFICE</u>			
Budget Analyst I	\$2,429.05	1820	NE
Budget Analyst II	\$2,799.00	1820	NE
Budget Manager	\$3,295.61	1820	NE
Business Process Coordinator	\$2,799.00	1820	NE
City Controller	\$7,701.25	N/A	EX
Controller Staff I	\$2,317.28	1820	NE
Controller Staff II	\$2,546.35	1820	NE
Deputy Controller	\$4,194.10	N/A	EX
Revenue Analyst	\$3,295.61	1820	NE
Senior Controller Staff	\$4,015.72	1820	NE
Utility Manager	\$3,457.68	1820	NE
<u>FIRE AND EMERGENCY SERVICES</u>			
Administrative Services Manager	\$3,457.68	1820	NE
Battalion Chief	\$4,979.43	2904	NE
Captain	\$4,671.28	2904	NE
Chief of Fire	\$7,701.25	N/A	EX
Community Risk Reduction Specialist	\$3,079.60	1820	NE
Deputy Chief	\$5,022.67	N/A	EX
Division Chief	\$4,569.08	N/A	EX
External Affairs Officer	\$3,628.48	1820	NE
Fire Inspector	\$3,079.60	1820	NE
Firefighter	\$3,878.32	2904	NE
Firefighter/Medic	\$4,147.73	2904	NE
Lieutenant	\$4,371.77	2904	NE
Project Manager	\$2,546.35	1820	NE
Staff Captain	\$3,968.44	1820	NE
Clothing Allowance	\$1300/year max.		
<u>PERMITTING & INSPECTIONS</u>			
Building Commissioner & Environmental Health Services Coord	\$4,961.51	N/A	EX
Assistant Building Commissioner	\$3,295.61	1820	NE
Building Inspector I	\$2,669.59	1820	NE
Building Inspector II	\$3,079.60	1820	NE
Code Enforcer	\$2,429.05	1820	NE
Office Manager	\$2,799.00	1820	NE
Permits Manager	\$2,546.35	1820	NE
Residential Plans Examiner	\$2,669.59	1820	NE
Utility Locator	\$2,669.59	1820	NE
Clothing Allowance	\$370/year max.		

2025 Salary Ordinance

	2025 Maximum Bi-Weekly Salary	Annual Hours	Exempt or Non-Exempt
<u>HEALTH DEPARTMENT</u>			
Administrative Assistant	\$2,317.28	1820	NE
Community Health Advocate	\$2,317.28	1820	NE
Culture of Health Ambassador	\$2,669.59	1820	NE
Environmental Health Supervisor	\$3,295.61	1820	NE
Epidemiologist	\$3,628.48	N/A	EX
Deputy Director of Finance and Operations	\$4,194.10	N/A	EX
Health Educator	\$2,934.87	1820	EX
Medical Assistant	\$2,317.28	1820	NE
Nurse	\$3,295.61	1820	NE
Operations and Administration Manager	\$3,628.48	1820	EX
Project Manager	\$2,546.35	1820	NE
Public Health Director	\$7,701.25	N/A	EX
Social Worker	\$3,457.68	1820	EX
<u>COMMUNITY CENTER</u>			
Aquatics Manager	\$3,457.68	1820	NE
Director of Community Center	\$4,729.11	N/A	EX
Community Center Assistant Manager	\$2,934.87	1820	NE
Community Center Manager	\$3,457.68	1820	NE
Facilities Manager	\$3,628.48	1820	NE
Fitness Coach	\$2,317.28	1820	NE
<u>PARKS & RECREATION</u>			
AgriPark Manager	\$4,015.72	1820	NE
Aquatics Manager	\$3,457.68	1820	NE
Assistant Director	\$4,194.10	N/A	EX
Director of Parks & Recreation	\$4,729.11	N/A	EX
Naturalist	\$2,669.59	1820	NE
Office Manager	\$2,799.00	1820	NE
Parks & Recreation Coordinator	\$2,669.59	1820	NE
Parks & Recreation Manager	\$3,079.60	1820	NE
Clothing Allowance	\$250/year max.		
<u>FLEET</u>			
Director of Fleet and Inventory Control	\$4,507.92	N/A	EX
Fleet Technician I	\$2,109.45	1820	NE
Fleet Technician II	\$2,669.59	1820	NE
Fleet Technician III	\$3,295.61	1820	NE
Office Manager	\$2,799.00	1820	NE
Superintendent	\$3,628.48	1820	NE
Clothing Allowance	\$345/year max.		
<u>PLANNING AND ZONING</u>			
Administrative Assistant	\$2,317.28	1820	NE
Assistant Director	\$4,194.10	N/A	EX
Director of Planning & Zoning	\$5,237.62	N/A	EX
Office Manager	\$2,799.00	1820	NE
Planner	\$2,429.05	1820	NE
Senior Planner	\$3,295.61	1820	NE
Project Analyst	\$2,799.00	1820	NE

2025 Salary Ordinance

	2025 Maximum Bi-Weekly Salary	Annual Hours	Exempt or Non-Exempt
<u>POLICE</u>			
Accreditation Manager	\$3,628.48	1820	NE
Administrative Assistant	\$2,317.28	1820	NE
Assistant Records Manager	\$3,079.60	1820	NE
Assistant Chief	\$5,022.67	N/A	EX
Captain	\$4,569.08	N/A	EX
Chief of Police	\$7,701.25	N/A	EX
Criminal Forensics Investigator	\$3,295.61	2080	NE
Community Services Officer	\$2,429.05	1820	NE
Detective	\$3,356.76	2080	NE
Humane Officer	\$3,356.76	1820	NE
Intelligence Analyst I	\$2,934.87	1820	NE
Intelligence Analyst II	\$3,295.61	1820	NE
Lieutenant	\$4,076.87	2080	NE
Major	\$4,790.26	N/A	EX
Office Manager	\$2,799.00	1820	NE
Police Officer	\$3,356.76	2080	NE
Property Room Manager	\$2,799.00	1820	NE
Records Clerk	\$2,109.45	1820	NE
Records Quality Assurance Technician	\$2,799.00	1820	NE
Records Manager	\$3,628.48	1820	NE
Sergeant	\$3,689.64	2080	NE
Clothing Allowance	\$1300/year max.		
<u>PUBLIC WORKS</u>			
Asset Management Coordinator	\$2,669.59	1820	NE
Assistant Director	\$4,194.10	N/A	EX
Assistant Superintendent - Maintenance	\$3,457.68	1820	NE
Director of Public Works	\$5,497.38	N/A	EX
Director of Water Quality	\$4,507.92	N/A	EX
Engineer	\$4,015.72	1820	NE
Foreman	\$2,934.87	1820	NE
HVAC Technician	\$2,934.87	1820	NE
Inspector	\$2,429.05	1820	NE
Inspector - Water Quality	\$2,546.35	1820	NE
Inventory Control Assistant Manager	\$3,079.60	1820	NE
Inventory Control Manager	\$3,457.68	1820	NE
Inventory Control Specialist	\$2,546.35	1820	NE
Laboratory Manager	\$3,457.68	1820	NE
Laboratory Technician	\$2,546.35	1820	NE
Laborer	\$2,109.45	1820	NE
Maintenance Technician I	\$2,109.45	1820	NE
Maintenance Technician II	\$2,934.87	1820	NE
Safety Director	\$3,907.29	1820	NE
Senior Laborer	\$2,546.35	1820	NE
Senior Maintenance Technician	\$3,457.68	1820	NE
Stormwater Technician	\$2,669.59	1820	NE
Superintendent	\$3,628.48	1820	NE
Utility Analyst	\$3,457.68	1820	NE
Wastewater Plant Operator	\$2,669.59	1820	NE
Water Quality Engineer	\$3,628.48	1820	NE
Clothing Allowance	\$340/year max.		

2025 Salary Ordinance

	2025 Maximum Bi-Weekly Salary	Annual Hours	Exempt or Non-Exempt
<u>COURT</u>			
Deputy Clerk of the Court	\$2,799.00	1820	NE
Clothing Allowance	\$50/year max.		
<u>ELECTED</u>			
Council Member	\$990.15	N/A	N/A
City Clerk	\$3,009.50	N/A	N/A
Judge	\$3,512.31	N/A	N/A
Mayor	\$6,640.50	N/A	N/A
<u>Part-Time and Temporary Miscellaneous Positions</u>			
Part-Time Office Support	UP TO \$30.00/HOUR	N/A	NE
Part-Time Field Support	UP TO \$35.00/HOUR	N/A	NE
Part-Time Health Department Support	UP TO \$45.00/HOUR	N/A	NE
Part-Time Bailiff	UP TO \$35.00/HOUR	N/A	NE
Part-Time School Resource Officer	UP TO \$50.00/HOUR	N/A	NE
<u>Incentive/Specialty Pays</u>			
	<u>Annual Amount</u>		
Certified Network Engineer	\$500		
Bilingual (Police)	\$1,500		
Data Base Administrator	\$500		
Detective	\$1,500		
Dive Team (Police)	\$1,750		
Emergency Response Team (ERT) - PD Only	\$1,750		
Evidence Technician (ET)	\$1,000		
Field Training Officer (FTO)	\$80/shift		
Master ASE	\$1,000		
On-call (Police)	\$1,500		
On-call (Crime Reconstruction)	\$1,000		
Paramedic (Fire)	\$4,500		
Paramedic (Police)	\$2,250		
Systems Administrator	\$500		
<u>Sworn Police & Fire Longevity Pay</u>			
\$200/year	\$5000/year max		
<u>Board of Public Works & Safety - Board Member</u>			
<u>(excluding City of Fishers elected officials)</u>	\$4000/year max		



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	Request to Approve an Amendment to the 2025 Salary Ordinance			
SUBMITTED BY	Name & Title: Lindsey Bennett Department: Law			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☒ 1 st Reading	☒ 2 nd Reading	☐ Public Hearing	☒ 3 rd Reading ☐ Final Reading
	Ordinance #: 011325A		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	X Seeking award or other scenario & will provide contract at a later date		☐ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☐ Document does not need recorded with the County Recorder's Office	

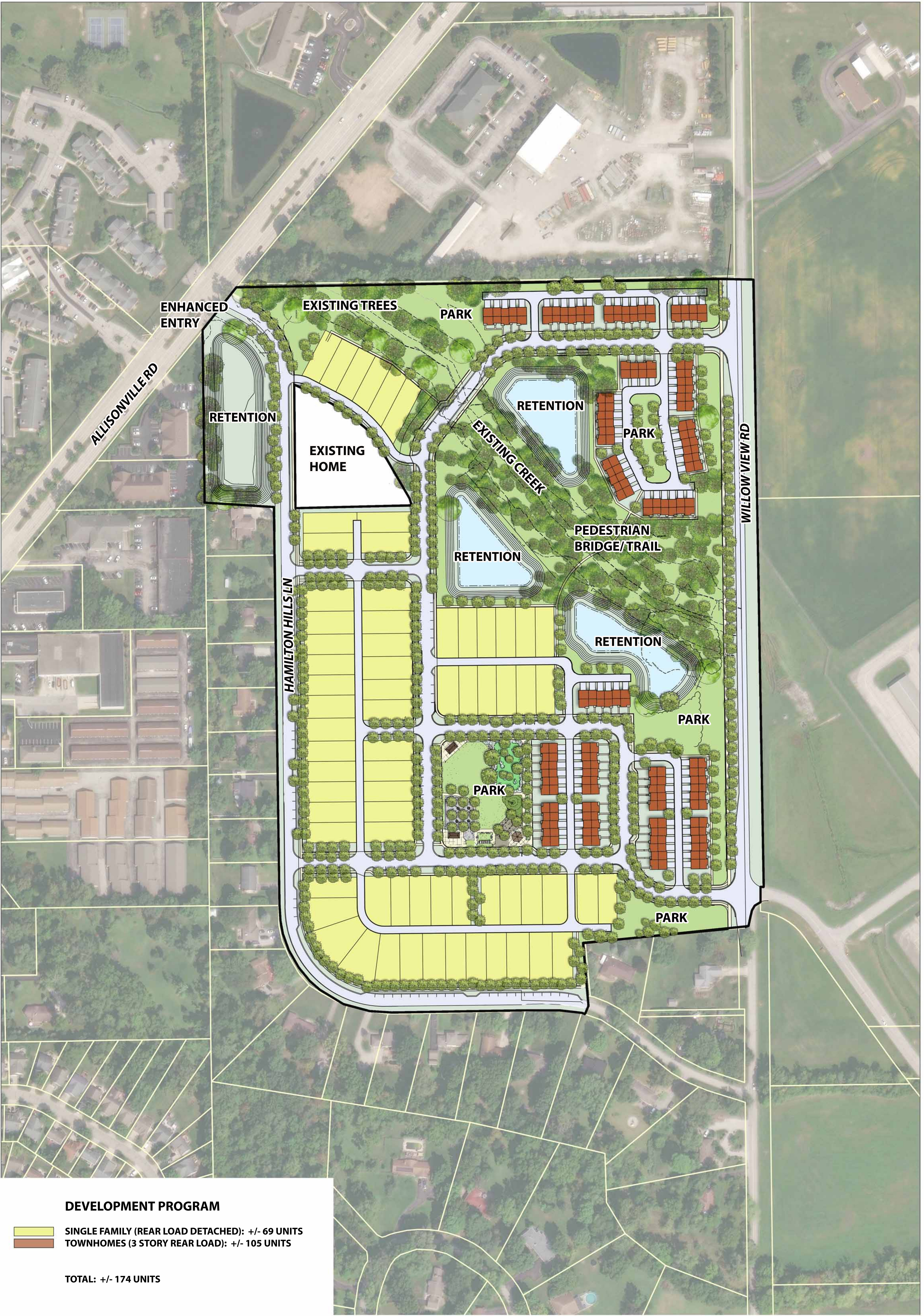
APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☐ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☒ Legal Counsel – Name of Reviewer: Lindsey M. Bennett	
BACKGROUND (Includes description, background, and justification)	The City of Fishers Board of Public Works & Safety (BPW&S) meets two times each month to approve projects, purchases, contracts, real property transactions, grant agreements etc. The BPW&S currently has three members, two of which are appointed by the Mayor, per Indiana Code. Currently the two appointed members receive no compensation but are required to review and understand each agenda item and the corresponding documents as well as attend two meetings each month. This amendment would allow the two members to receive up to \$4,000 in compensation each year for the time they dedicate for review of the agenda items, discussion and attendance at the BPW&S meetings.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	
	Expenditure \$:	\$8,000
	Source of Funds:	
	Additional Appropriation #:	
	Narrative:	
OPTIONS (Include Deny Approval Option)	1.	Approve
	2.	Reject
	3.	
	4.	
PROJECT TIMELINE		
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends approving the Ordinance.	
SUPPLEMENTAL INFORMATION (List all attached documents)		



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	Consideration of a rezone of 44.42 acres from R2 to PUDR, known as the Balmoral Village PUD. (RZ-24-3)			
SUBMITTED BY	Name & Title: Ross Hilleary, Director of Planning & Zoning			
	Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☐ 1 st Reading	☐ 2 nd Reading	☐ Public Hearing	☐ 3 rd Reading ☒ Final Reading
	Ordinance #: 111824		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☒ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☐ Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	Nelson & Frankenberger, LLC on behalf of Lennar Homes request consideration of a rezone of 44.42 acres from R2 to PUDR, known as the Balmoral Village PUD. (RZ-24-3). The Balmoral Village PUD will consist of a mixture of two housing types consisting of approximately 69 single-family detached homes and approximately 105 townhomes, both which will be rear loaded. The Eller Run creek will be highlighted as part of open space requirements along with internal pocket parks.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold Final Reading
	2.	Continue
	3.	Deny
	4.	
PROJECT TIMELINE	November 18, 2024 - 1st Reading - City Council December 11, 2024 - Neighborhood Meeting January 8, 2025 - Elevation Approval - PUD Committee January 8, 2025 - Public Hearing - Plan Commission January 13, 2025 - Proposed Final Reading - City Council	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that Council hold Final Reading.	
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Concept Plan 2. Ordinance	



DEVELOPMENT PROGRAM

- SINGLE FAMILY (REAR LOAD DETACHED): +/- 69 UNITS
- TOWNHOMES (3 STORY REAR LOAD): +/- 105 UNITS

TOTAL: +/- 174 UNITS

ORDINANCE NO. 111824

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA – 1980, AS AMENDED.

WHEREAS, this is an ordinance to amend the Zoning Ordinance of the City of Fishers (the “City”).

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. RZ-24-3 as required by law in regard to the rezone; and

WHEREAS, the Plan Commission, at its meeting on the 8th day of January 2025 sent a _____ recommendation to the Common Council by a vote of __ in favor and __ opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, THE SUCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSANT TO IND. CODE 36-4-1 ET. SEQ., THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

Section 1. Rezone. This Rezone amends the zoning district of the real estate outlined in the Planned Unit Development;

Section 2. Purpose Statement. The purpose of this ordinance is to rezone the following real estate as mixed use with the R5 – Residential and M2 – Multi-Family districts.

UNLESS SPECIFICALLY AMENDED BY REFERENCE HEREIN, ALL REMAINING TERMS AND CONDITIONS OF THE UDO SHALL CONTINUE IN FULL FORCE AND EFFECT AND ARE HEREBY RATIFIED AND AFFIRMED.

ORDINANCE NO. 111824

SO ORDAINED by the Common Council of The City of Fishers, Hamilton County, Indiana this 13st day of January 2025.

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

YAY

NAY

ABSTAIN

	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson, Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2025, at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Lindsey Bennett, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

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



Exhibit A
Planned Unit Development Exhibit

2025

Balmoral Village PUD

Planning & Zoning Department

City of Fishers

Ordinance No. 111824



1.1. Declaration, Purpose and Intent, Applicability, and Allowed Uses

A. Declaratio

1. Ordinance No. 111824 (this "Ordinance")
2. Adopted: _____

B. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 062121B, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described in Exhibit B.1 attached hereto and incorporated herein (the "Real Estate"), is hereby designated as a Planned Unit Development - Residential District (PUD-R), and that said PUD-R zoning district shall hereafter be known as the "Balmoral Village PUD."

Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

C. Applicability

The standards of the UDO applicable to the R5 Residential District shall apply to the development of the Real Estate referenced in yellow on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. The standards of the UDO applicable to the M2 Multi-Family Residential District shall apply to the development of the Real Estate referenced in orange on the Concept Plan, except as modified, revised or expressly made inapplicable by this Ordinance. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and Sec. 1.3.6. Transition Ordinance also shall apply to amendments.

D. Allowed Uses

All uses permitted in the R5 Residential District shall be permitted where single-family homes are shown on the Concept Plan. Only townhome shall be permitted in the M2 Multi-Family Residential District where townhomes are shown on the Concept Plan.

1.2. Concept Plan

The Concept Plan, attached hereto as Exhibit B.2, is hereby incorporated. The Real Estate's Development Plan shall be substantially consistent with the Concept Plan and shall be reviewed and approved based upon compliance with the development and design standards set forth herein. If the Director determines that a Development Plan is not substantially consistent with the Concept Plan (the "Director's Determination"), then the Director shall notify the applicant in writing within ten (10) business days of receipt of the submitted Development Plan of: (1) the Director's Determination; and (2) whether the Development Plan is (a) approved; or (b) not approved (the "Director's Decision"). The Director's Decision shall be based upon the Development Plan's compatibility and consistency with the intended quality and character of the Balmoral Village PUD. If the Director's Decision does not approve the Development Plan, then the applicant may submit the Development Plan to the City Council for review and approval. The City Council's decision shall be made at a public meeting, but no additional public hearing shall be required.

1.3. Development Standards

A. Introductory Provisions

The regulations of CHAPTER 1. INTRODUCTORY PROVISIONS shall apply.

B. Administration

The regulations of CHAPTER 2. ADMINISTRATION shall apply.

C. Zoning Districts

The regulations of CHAPTER 3. ZONING DISTRICTS shall apply, except as modified by this Ordinance. The total maximum number of lots within the Balmoral Village PUD shall not exceed 174 lots.

1. Article 3.1. Establishment of Zoning Districts: Shall apply.
2. Article 3.2. Residential Districts: Shall apply, except as modified below:

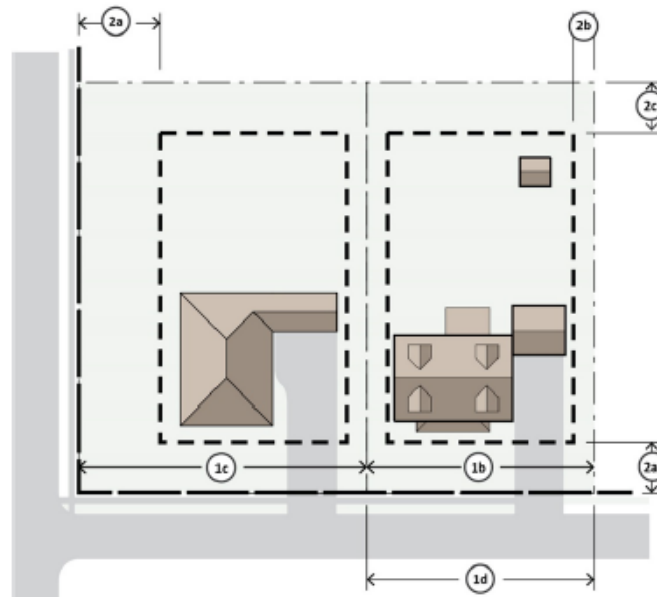
(a) Sec. 3.2.6. R5 Residential District: Shall not apply. Instead the following shall apply to the Single-Family Detached Homes:

Single-Family Detached Homes Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	5,400 sf
1b. Lot width at building line – standard	43 feet
1c. Lot width at building line – corner	43 feet
1d. Lot frontage	43 feet

2. Minimum Building Setbacks	
2a. Front - local street / other street type	15 feet
2b. Side	6 feet
2c. Rear	20 feet
2d. Minimum Building Separation	*12 feet
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,800 sf
4b. Living unit area, 2-story (min)	2,000 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	20 feet
5c. Alternative standards	<i>Sec. 8.4.7. Conservation Development</i>
5e. Total structures per lot	<i>Sec. 6.8.1.G. Structures Per Lot</i>

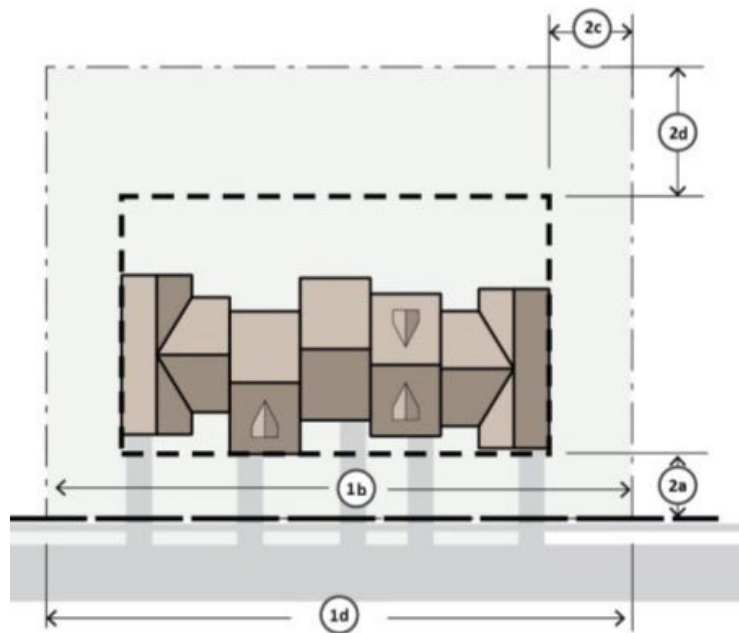
* There shall be a minimum twelve (12) foot building separation as measured at the structure foundation (minor encroachments including overhangs and masonry shall be permitted within the building separation). If the building separation is less than twenty (20) feet, then a subsurface drain shall be required in the side yard between the structures.



(b) Sec. 3.2.6. M2 Multi-Family Residential District: Shall not apply. Instead the following shall apply to the Townhomes:

Townhome Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	N/A
1b. Lot width at building line – standard (per individual lot)	20 feet interior/24 feet end units
1c. Lot width at building line – corner (per individual lot)	20 feet interior/24 feet end units
1d. Lot frontage – on public street with access from (per individual lot)	20 feet interior/24 feet end units
2. Minimum Building Setbacks	
2a. Front – local street/other street type (if applicable)	15 feet
2b. Front – internal	15 feet
2c. Side	0 feet (internal)/ 20 feet (end units)
2d. Rear	20 feet
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area (min)	1,700 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	85%



D. Overlay Zoning District

The regulations of Chapter 4. OVERLAY ZONING DISTRICT shall apply.

E. Use Regulations

The regulations of Chapter 5. USE REGULATIONS shall apply.

F. Article 6.1 General Regulations: Shall apply.

G. Article 6.2 Accessory Structure Standards: Shall apply, except as modified below:

- 1) Sec. 6.2.6.D.1 Mechanical & Utility Equipment; Screening, Ground-mounted; Shall apply, except that ground-mounted mechanicals may be placed in the private backyard of each single-family residential dwelling unit or may be placed on the side or reach or each townhome without the use of screening.

H. Article 6.3 Architectural Design Standards: Shall apply, except as modified below:

- 1) The "Illustrative Architectural Exhibit" included in Exhibit C is hereby incorporated into this Balmoral Village PUD to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit, however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit. Where there is a conflict between the Illustrative Architectural Exhibit and the Architectural Design Standards, compliance with the Illustrative Architectural Exhibit shall supersede and the dwelling design shall be permitted.
- 2) Vinyl siding shall be prohibited.
- 3) Section 6.3.4.B.4.e – Shall apply as illustrated in the examples of compliance in Exhibit D Garage Door Illustrations.
- 4) Section 6.3.4.B.4.c – Shall apply, however an additional storage area shall not be required.
- 5) Section 6.3.4.C.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (Exhibit C).
- 6) Section 6.3.4.D.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (Exhibit C).
- 7) Section 6.3.4.D.2.e – Shall not apply. Instead, Dwelling materials and percentages shall be as generally illustrated on Exhibit C, with the added requirement that all Single Family Detached Homes shall include brick or masonry wainscot on all elevations

ORDINANCE NO. 111824

I. Article 6.4 Entrances & Driveways: Shall apply.

J. Article 6.5 Exterior Lighting Standards: Shall apply.

K. Article 6.6 Height Standards: Shall apply.

L. Article 6.7 Landscaping Standards: Shall apply, except as modified below:

- 1) The required landscaping in all common areas/open space and pond edging shall be native species selected from the City of Fishers list of approved species, and emphasis shall be given to selecting drought tolerant varieties, at the discretion of the developer and/or property owner. All required plantings initially on individual lots shall be native species. Non-native species may be installed with prior approval by City Staff.
- 2) Required landscaping that cannot be placed in a required location due to utility or infrastructure separation requirements may be planted elsewhere on the Real Estate.
- 3) Varying species of plantings shall be used to protect against pest and disease. No more than thirty percent (30%) of total plan material may be of one species.
- 4) **Section 6.7.4 Bufferyards** - Shall not apply.
- 5) **Section 6.7.5 – Lot Plantings:** Lot Plantings may be installed within Common Areas on the Real Estate if easements prevent placement on the subject lot.
- 6) **Section 6.7.6.A - Local Streets – Single-family and Townhome Lots:** Street trees shall be spaced one per 25 feet, which trees shall be one and the same as the trees required under Section 6.7.5.

M. Article 6.8 Lot Standards: Shall apply.

N. Article 6.9 Outdoor Display & Storage Standards: Shall apply.

O. Article 6.10 Parking & Loading Standards: Shall apply.

P. Article 6.11 Pedestrian Accessibility Standards: Shall apply.

Q. Article 6.12 Permitted Nonresidential Structure Standards: Shall apply.

R. Article 6.13 Property Identification Standards: Shall apply.

S. Article 6.14 Public Art Standards: Shall apply.

T. Article 6.15 Setback Standards: Shall apply, except as modified by this Ordinance.

U. Article 6.16 Signage Standards: Shall apply.

V. Article 6.17 Wall & Fence Standards: Shall apply.

W. Article 6.18 Water & Sewer Standards: Shall apply.

X. Article 6.19 Vision Clearance Standards: Shall apply.

1.4. Planned Unit Development Design Standards

A. Cross Reference: The regulations of *Chapter 8: Subdivision and Planned Unit Development Design Standards* shall apply, except as modified below.

- 1) **Article 8.1 General Provisions:** Shall apply.
- 2) **Article 8.2.1 Block, Lot & Access Standards – Purpose & Intent:** Shall apply.
- 3) **Article 8.2.2. Block, Lot & Access Standards – Anti-Monotony:** Shall apply.
- 4) **Article 8.2.3 Block, Lot & Access Standards – Blocks:** Shall apply.
- 5) **Article 8.2.4 Block, Lot & Access Standards – Lots:** Shall apply.
- 6) **Article 8.2.5 Block, Lot & Access Standards – Subdivision Access:** Shall apply.
- 7) **Article 8.2.6 Block, Lot & Access Standards – Pedestrian Network:** Shall apply.
- 8) **Article 8.3 Street & Alley Standards:** Shall apply.

- 9) **Article 8.4 Open Space, Common Area & Amenity Standards:** Shall not apply; instead, the following shall apply:
 - a. The Concept Plan is hereby incorporated to illustrate conceptually the elements and anticipated design of the Open Space on the Real Estate. The final Open Space design may vary from the Concept Plan; however, the Open Space amenities will include trails and pond fountains or aeriated ponds.
 - b. In addition to the Open Space amenities provided above; at least two (2) of the following additional amenities will be provided:
 - i. Covered Structure
 - ii. Fire pit
 - iii. Dog Park
 - iv. Pond Overlook
 - v. Activated Linear Park

- 10) **Article 8.5 Other Design Standards:** Shall apply.

1.5. Floodplain Standards

The regulations of CHAPTER 9. FLOODPLAIN STANDARDS shall apply.

1.6. Procedures & Permits

The regulations of CHAPTER 10. PROCEDURES & PERMITS shall apply.

1.7. Enforcement & Penalties

The regulations of CHAPTER 11. ENFORCEMENT & PENALTIES shall apply.

1.8. Definitions

The regulations of CHAPTER 12. DEFINITIONS shall apply.

ORDINANCE NO. 111824

1.9. Impact Fees

Regardless of the Real Estate's annexation status at the time a building permit is issued, all applicable road, bridge and park impact fees shall be paid, subject to any applicable credits.

1.9. Real Estate

See "Exhibit B.1" attached hereto.

(Legal Description and Location Map of property.)

2.0. Adoption

ORDINANCE NO. 111824

Exhibit B.1 – Legal Description

PARCEL 1:

Lot 1 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

EXCEPTING THEREFROM:

That part of the above described property conveyed to the Town of Fishers by Warranty Deeds recorded December 31, 2003, as Instruments Numbered 200300128275 and 200300128276, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

A part of Lot 1 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Beginning at the Northwest corner of said Lot 1; thence North 09 degrees 01 minute 51 seconds East (assumed bearing) 60.80 feet along the Northwest line of said Lot to the Northeast line of said Lot; thence South 63 degrees 03 minutes 26 seconds East, 4.34 feet along the Northeast line of said Lot; thence South 38 degrees 54 minutes 30 seconds West, 66.00 feet to the West line of said Lot; thence North 00 degrees 42 minutes 05 seconds West, 6.87 feet to the point of beginning, containing 0.006 acres, more or less.

PARCEL 2:

Lot 2 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

PARCEL 3:

Lot 3 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

EXCEPTING THEREFROM:

That part of the above described property conveyed to Bradley Trent and Christie M. Trent, by Quitclaim Deed recorded August 27, 2009, as Instrument Number 2009052005, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Part of Lot 3 in Hamilton Hills, Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Beginning at the iron rod with a Wiehe cap at the Southeast corner of Lot 3 in Hamilton Hills, Third Section, as per plat of said Addition recorded in Plat Book 2, page 103 in the Office of Hamilton County, Indiana; thence on the South line of said Lot 3 South 89 degrees 54 minutes 19 seconds West, 175 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying" at the Southwest corner of said Lot 3; thence on the West line of said Lot 3 North 00 degrees 14 minutes 46 seconds East, 19 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying"; thence North 83 degrees 21 minutes 22 seconds East, 175.51 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying" on the East line of said Lot 3; thence South 00 degrees 14 minutes 46 seconds West, 4.50 feet to the Point of Beginning, containing 0.05 acres, more or less.

PARCEL 4:

Part of the Southeast Quarter of the Northeast Quarter of Section 10, Township 17 North Range 4 East, Hamilton County, Indiana, described as follows:

Beginning at a point 554.7 feet North of the South line and 547.5 feet West of the East Line of said Quarter Quarter; thence West parallel to the South line thereof 711.30 feet to the Easterly right of way line of State Road 37; thence Southwesterly along said right of way line 11.07 feet; thence Southeasterly on a forward deflection angle to the left of 102 degrees 05 minutes, a distance of 55.87 feet to the point of curvature of a curve to the right, said curve having a radius of 200 feet and a delta angle of 62 degrees 00 minutes; thence in a southeasterly direction along said curve 216.42 feet to the point of tangency of said curve; thence southeasterly deflecting to the left from a tangent of said curve at its point of tangency 61 degrees 55 minutes, a distance of 160.82 feet to a point, said point being 264.7 feet North of the South line of said Quarter Quarter Section; thence East parallel to said South line 300 feet; thence northeasterly deflecting to the left 66 degrees 43 minutes a distance of 315.50 feet to the point of beginning. Containing 3.50 acres more or less.

EXCEPTING THEREFROM:

That portion of the above described property conveyed to the Town of Fishers, by Trustees' Deeds, recorded December 31, 2003, as Instruments Numbered 200300128279 and 200300128280, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

A part of the Northeast Quarter of Section 10, Township 17 North, Range 4 West, Hamilton County, Indiana, and being a part of the land of or formerly owned by Alberta M. Eaton (Instrument Number 8728940, Office of the Recorder), described as follows:

Commencing at the southeast corner of said Quarter Section; thence North 01 degree 10 minutes 57 seconds West (assumed bearing) 552.75 feet along the east line of said Section to the north line of the grantor's land; thence South 88 degrees 23 minutes 42 seconds West, 1,255.41 feet along the north line of the grantor's land to the point of beginning of this description; thence South 38 degrees 54 minutes 30 seconds West, 13.71 feet to the south line of the grantor's land; thence North 63 degrees 03 minutes 09 seconds West, 4.23 feet along the south line of the grantor's land to the southeastern boundary of Allisonville Road; thence North 39 degrees 01 minute 51 seconds East, 11.07 feet along the southeastern boundary of Allisonville Road to the north line of the grantor's land; thence North 88 degrees 23 minutes 42 seconds East, 5.42 feet to the point of beginning and containing 0.001 acres, more or less.

ORDINANCE NO. 111824

PARCEL 5:

A portion of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Hamilton County, Indiana; thence North 00 degrees 01 minutes 30 seconds West (bearing assumed) on and along the East line of said Northeast Quarter 553.08 feet to the Northeast corner of a tract of 17 acres off the South side of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North line of said tract 468.21 feet to the true place of beginning of portion herein described; thence South 02 degrees 09 minutes 47 seconds West, 185.92 feet; thence South 31 degrees 26 minutes 32 seconds East, 429.56 feet to the South line of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the South line of said Northeast Quarter 568.32 feet to the Southeast corner of the parcel of land described in Deed Record 271, page 486, in the office of the Recorder of Hamilton County, the Southeast corner of said parcel being on a non-tangent curve whose radius point bears South 75 degrees 08 minutes 26 seconds West, 150.00 feet from said Southeast corner; thence Northwesterly on and along the Northeast line of said parcel on said curve an arc distance of 36.61 feet; thence North 28 degrees 50 minutes 38 seconds West on and along the Northeast line of said parcel 118.93 feet to the point of curvature of a tangent curve whose radius point bears South 61 degrees 09 minutes 22 seconds West 300.00 feet from the point of curvature; thence Northwesterly on and along the Northeast line of said parcel on said curve an arc distance of 172.79 feet; thence North 61 degrees 50 minutes 39 seconds West on and along the Northeast line 115.78 feet to the East Right-of-Way line of Hamilton Hills Lane in Hamilton Hills Third Section, the plat of which is recorded in Plat Book 2, page 103 in the office of the Recorder of Hamilton County; thence North 00 degrees 04 minutes 22 seconds East on and along said East Right-of-Way line 26.29 feet to the South line of the land described in Deed Record 153, page 289 in the Office of the Recorder of Hamilton County; thence South 61 degrees 50 minutes 38 seconds East on and along the South line of said land 158.19 feet; thence North 89 degrees 47 minutes 09 seconds East on and along the South line of said land 300.00 feet; thence North 23 degrees 34 minutes 18 seconds East on and the East line of said land 315.15 feet to the North line of said tract; thence North 89 degrees 47 minutes 09 seconds East on and along the North Line of said tract 80.00 feet to the true place of beginning; containing 4.49 acres, more or less.

PARCEL 6:

A portion of the Northeast Quarter and Southeast Quarter of Section 10, Township 17 North, Range 4 East in Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Hamilton County, Indiana; thence North 00 degrees 01 minutes 30 seconds West (bearing assumed) on and along the East line of said Northeast Quarter 553.08 feet to the Northeast corner of a tract of 17 acres off the South side of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North Line of said tract 468.21 feet; thence South 02 degrees 09 minutes 47 seconds West, 185.92 feet; thence South 31 degrees 26 minutes 32 seconds East, 429.56 feet to the South line of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North line of the Southeast Quarter of said Section 10, 862.99 feet to the East right-of-way line of Hamilton Hills Lane in Hamilton Hills Third Section, the plat of which is recorded in Plat Book 2, page 103, in the office of the Recorder of Hamilton County; thence South 00 degrees 04 minutes 22 seconds West on and along said East Right-of-Way line 250.00 feet; thence North 89 degrees 47 minutes 09 seconds East parallel with the North line of said Southeast quarter 1116.41 feet to the East line of said Southeast Quarter; thence North 00 degrees 03 minutes 56 seconds East on and along the East line of said Southeast Quarter 250.00 feet to the point of commencement containing 11.47 acres, more or less.

EXCEPTING THEREFROM:

That portion of the above described property conveyed to Rick Eaton and Diane Eaton, by Special/Limited Warranty Deed, recorded June 13, 2014, as Instrument Number 20140022553, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Part of the East Half of Section 10, Township 17 North, Range 4 East in Delaware Township, Hamilton County, Indiana, described as follows:

Beginning on the South line of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, 483.93 feet South 89 degrees 47 minutes 09 seconds West (assumed bearing) of the Southeast corner thereof; thence South 00 degrees 04 minutes 22 seconds West, 250.00 feet to the South line of Tract A of the Real Estate described in Deed Book 348, pages 685 and 686 as found in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 47 minutes 09 seconds West, 630.45 feet on the South line of Tract A of the Real Estate described in said Deed Book 348, pages 685 and 686 to the East right-of-way of Hamilton Hills Lane in Hamilton Hills - Third Section, the plat of which is recorded in Plat Book 2, page 103, in said Recorder's Office; thence North 00 degrees 04 minutes 22 seconds East, 250.00 feet on said East right-of-way line to the Southwest corner of the real estate described in said Deed Record 271, page 486 in said Recorder's Office; thence North 89 degrees 47 minutes 09 seconds East, 294.67 feet on the South line of the real estate described in said Deed Record 271, page 486 to the Southeast corner of the real estate described in said Deed Record 271, page 486 being the point of curvature of a non-tangent curve concave Southwesterly having a radius length of 150.00 feet which bears South 75 degrees 08 minutes 26 seconds West from said point of curvature; thence Northwesterly on said curve (this and the following three (3) courses are on the Northeasterly line of the real estate described in said Deed Record 271, page 486 a distance of 36.61 feet to the point of tangency thereof; thence North 28 degrees 50 minutes 38 seconds West, 118.93 feet to the point of curvature of a tangent curve concave Southwesterly having a radius length of 300.00 feet which bears South 61 degrees 09 minutes 22 seconds West from said point of curvature; thence Northwesterly on said curve 172.79 feet to the point of tangency thereof; thence North 61 degrees 50 minutes 39 seconds West, 115.78 feet to said East right-of-way line of Hamilton Hills Lane in Hamilton Hills - Third Section; thence North 00 degrees 04 minutes 22 seconds East on said East right-of-way line 26.29 feet to the South line of real estate described in Deed Record 153, page 289, in the Office of the Recorder of Hamilton County, Indiana; thence South 61 degrees 50 minutes 38 seconds East, 158.19 feet on the South line of the real estate described in said Deed Record 153, page 289; thence North 89 degrees 47 minutes 09 seconds East, 300.00 feet on the South line of the real estate described in said Deed Record 153, page 289; thence South 35 degrees 49 minutes 16 seconds East, 325.57 feet to the Beginning Point, containing 5.61 acres, more or less.

Exhibit B.2 – Concept Plan



LENNAR FISHERS BALMORAL

Note:
This plan is a Preliminary Concept only. It is not for
subject to regulatory review and engineering considerations and approvals.



K

Exhibit C – Illustrative Architectural Exhibit
Single-Family Detached Homes



Chartwell Elevation A



Chartwell Elevation B



Chartwell Elevation C



Halstead Elevation A



Halstead Elevation B



Halstead Elevation C



Milford Elevation A



Milford Elevation B



Milford Elevation C



Pennington Elevation A



Pennington Elevation B



Pennington Elevation C

Exhibit C – Illustrative Architectural Exhibit
Townhomes



Townhomes – 5 unit



Townhomes – 6 unit (front elevation example)



Townhomes – 5 unit (front elevation example)

Exhibit D – Garage Door Illustrations



ORDINANCE NO. 111824

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, AMENDING THE ZONING ORDINANCE OF FISHERS, INDIANA – 1980, AS AMENDED.

WHEREAS, this is an ordinance to amend the Zoning Ordinance of the City of Fishers (the “City”).

WHEREAS, the Advisory Plan Commission for the City of Fishers (“Plan Commission”) has conducted a public hearing on Docket No. RZ-24-3 as required by law in regard to the rezone; and

WHEREAS, the Plan Commission, at its meeting on the 8th day of January 2025 sent a favorable recommendation to the Common Council by a vote of 7 in favor and 0 opposed.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, HAMILTON COUNTY, INDIANA, THE SUCESSOR IN INTEREST TO THE TOWN OF FISHERS, PURSANT TO IND. CODE 36-4-1 ET. SEQ., THAT THE ZONING ORDINANCE, A PART OF THE COMPREHENSIVE PLAN AND ORDINANCES – 2018, ORDINANCE NO. 071618F, AS AMENDED, IS HEREBY AMENDED AS FOLLOWS:

Section 1. Rezone. This Rezone amends the zoning district of the real estate outlined in the Planned Unit Development;

Section 2. Purpose Statement. The purpose of this ordinance is to rezone the following real estate as mixed use with the R5 – Residential and M2 – Multi-Family districts.

UNLESS SPECIFICALLY AMENDED BY REFERENCE HEREIN, ALL REMAINING TERMS AND CONDITIONS OF THE UDO SHALL CONTINUE IN FULL FORCE AND EFFECT AND ARE HEREBY RATIFIED AND AFFIRMED.

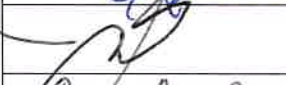
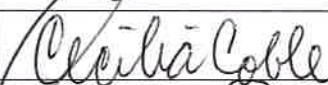
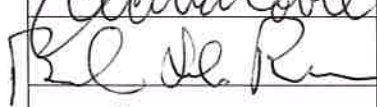
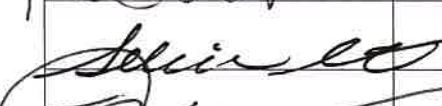
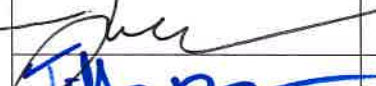
COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA

111824

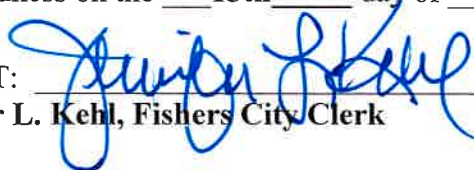
YAY

NAY

ABSTAIN

	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor
Scott Fadness on the 13th day of January 2025 at 8:30 p.m.

ATTEST: 
Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL


Scott A. Fadness, Mayor

JANUARY 13, 2025
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

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

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

Exhibit A
Planned Unit Development Exhibit

2025

Balmoral Village PUD

Planning & Zoning Department

City of Fishers

Ordinance No. 111824



1.1. Declaration, Purpose and Intent, Applicability, and Allowed Uses

A. Declaratio

1. Ordinance No. 111824 (this "Ordinance")
2. Adopted: _____

B. Purpose and Intent

The Unified Development Ordinance (the "UDO") of the City of Fishers, Indiana, Ordinance No. 062121B, as amended, and the Official Zoning Map of the City of Fishers, Indiana, as amended, which accompanies and is a part of the Zoning Code of the City of Fishers, Indiana, are hereby amended as follows:

The zoning classification of the real estate legally described in Exhibit B.1 attached hereto and incorporated herein (the "Real Estate"), is hereby designated as a Planned Unit Development - Residential District (PUD-R), and that said PUD-R zoning district shall hereafter be known as the "Balmoral Village PUD."

Development of the Real Estate shall be governed entirely by the provisions of this Ordinance and those provisions of the UDO specifically referenced in this Ordinance. All provisions of the UDO that conflict with the provisions of this Ordinance are hereby rescinded as applied to the Real Estate and shall be superseded by the terms of this Ordinance.

C. Applicability

The standards of the UDO applicable to the R5 Residential District shall apply to the development of the Real Estate referenced in yellow on the Concept Plan, except as modified, revised, or expressly made inapplicable by this Ordinance. The standards of the UDO applicable to the M2 Multi-Family Residential District shall apply to the development of the Real Estate referenced in orange on the Concept Plan, except as modified, revised or expressly made inapplicable by this Ordinance. Cross-references to "Chapter", "Article", and "Section" in this Ordinance shall refer to the corresponding Chapter, Article and Section as specified and referenced in the UDO. Capitalized terms that are not otherwise defined herein and are defined in the UDO shall have the meaning ascribed to them in the UDO. An amendment to the UDO shall apply to this Ordinance unless this Ordinance has specified an alternative development or design standard, and Sec. 1.3.6. Transition Ordinance also shall apply to amendments.

D. Allowed Uses

All uses permitted in the R5 Residential District shall be permitted where single-family homes are shown on the Concept Plan. Only townhome shall be permitted in the M2 Multi-Family Residential District where townhomes are shown on the Concept Plan.

1.2. Concept Plan

The Concept Plan, attached hereto as Exhibit B.2, is hereby incorporated. The Real Estate's Development Plan shall be substantially consistent with the Concept Plan and shall be reviewed and approved based upon compliance with the development and design standards set forth herein. If the Director determines that a Development Plan is not substantially consistent with the Concept Plan (the "Director's Determination"), then the Director shall notify the applicant in writing within ten (10) business days of receipt of the submitted Development Plan of: (1) the Director's Determination; and (2) whether the Development Plan is (a) approved; or (b) not approved (the "Director's Decision"). The Director's Decision shall be based upon the Development Plan's compatibility and consistency with the intended quality and character of the Balmoral Village PUD. If the Director's Decision does not approve the Development Plan, then the applicant may submit the Development Plan to the City Council for review and approval. The City Council's decision shall be made at a public meeting, but no additional public hearing shall be required.

1.3. Development Standards

A. Introductory Provisions

The regulations of CHAPTER 1. INTRODUCTORY PROVISIONS shall apply.

B. Administration

The regulations of CHAPTER 2. ADMINISTRATION shall apply.

C. Zoning Districts

The regulations of CHAPTER 3. ZONING DISTRICTS shall apply, except as modified by this Ordinance. The total maximum number of lots within the Balmoral Village PUD shall not exceed 174 lots.

1. Article 3.1. Establishment of Zoning Districts: Shall apply.
2. Article 3.2. Residential Districts: Shall apply, except as modified below:

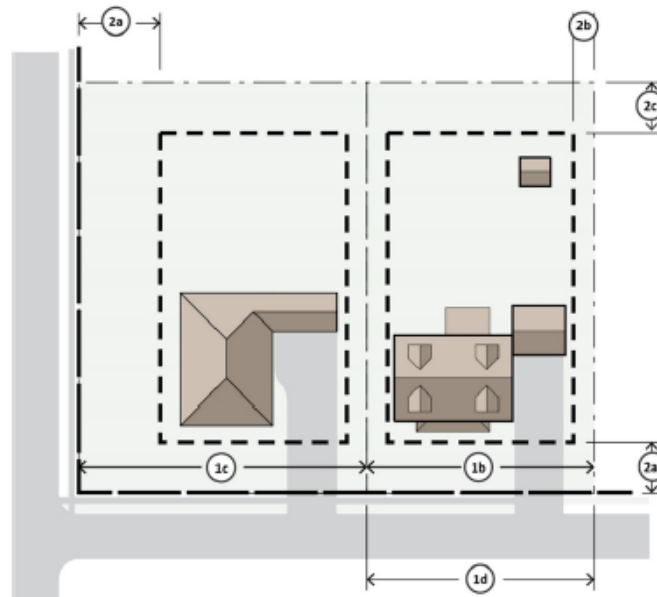
(a) Sec. 3.2.6. R5 Residential District: Shall not apply. Instead the following shall apply to the Single-Family Detached Homes:

Single-Family Detached Homes Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	5,400 sf
1b. Lot width at building line – standard	43 feet
1c. Lot width at building line – corner	43 feet
1d. Lot frontage	43 feet

2. Minimum Building Setbacks	
2a. Front - local street / other street type	15 feet
2b. Side	6 feet
2c. Rear	20 feet
2d. Minimum Building Separation	*12 feet
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area, 1-story (min)	1,800 sf
4b. Living unit area, 2-story (min)	2,000 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	20 feet
5c. Alternative standards	<i>Sec. 8.4.7. Conservation Development</i>
5e. Total structures per lot	<i>Sec. 6.8.1.G. Structures Per Lot</i>

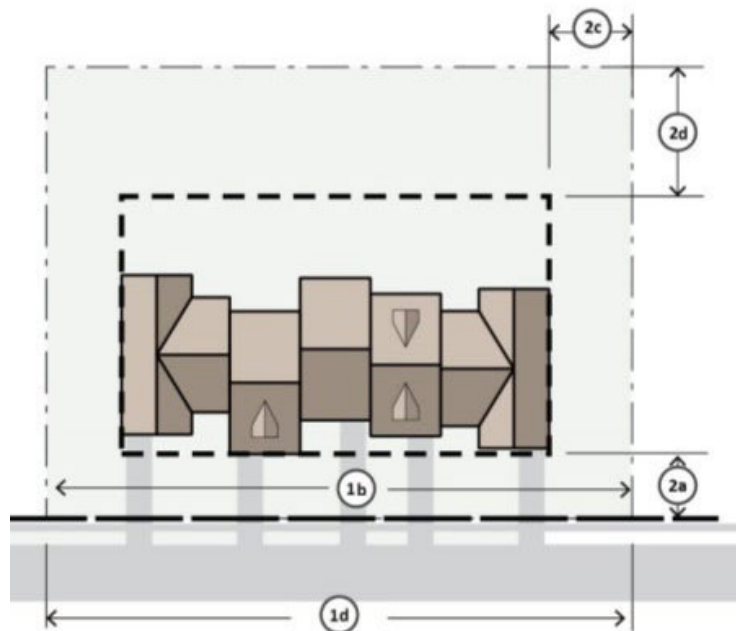
* There shall be a minimum twelve (12) foot building separation as measured at the structure foundation (minor encroachments including overhangs and masonry shall be permitted within the building separation). If the building separation is less than twenty (20) feet, then a subsurface drain shall be required in the side yard between the structures.



(b) Sec. 3.2.6. M2 Multi-Family Residential District: Shall not apply. Instead the following shall apply to the Townhomes:

Townhome Development Standards

1. Minimum Lot Dimensions	
1a. Lot area	N/A
1b. Lot width at building line – standard (per individual lot)	20 feet interior/24 feet end units
1c. Lot width at building line – corner (per individual lot)	20 feet interior/24 feet end units
1d. Lot frontage – on public street with access from (per individual lot)	20 feet interior/24 feet end units
2. Minimum Building Setbacks	
2a. Front – local street/other street type (if applicable)	15 feet
2b. Front – internal	15 feet
2c. Side	0 feet (internal)/ 20 feet (end units)
2d. Rear	20 feet
3. Maximum Building Height	
3a. Primary structure	35'
4. Building Floor Area	
4a. Living unit area (min)	1,700 sf
5. Other	
5a. Requires municipal water and sewer hookup	
5b. Impervious area of lot (max)	85%



D. Overlay Zoning District

The regulations of Chapter 4. **OVERLAY ZONING DISTRICT** shall apply.

E. Use Regulations

The regulations of Chapter 5. **USE REGULATIONS** shall apply.

F. Article 6.1 General Regulations: Shall apply.

G. Article 6.2 Accessory Structure Standards: Shall apply, except as modified below:

- 1) Sec. 6.2.6.D.1 Mechanical & Utility Equipment; Screening, Ground-mounted; Shall apply, except that ground-mounted mechanicals may be placed in the private backyard of each single-family residential dwelling unit or may be placed on the side or reach of each townhome without the use of screening.

H. Article 6.3 Architectural Design Standards: Shall apply, except as modified below:

- 1) The "Illustrative Architectural Exhibit" included in **Exhibit C** is hereby incorporated into this Balmoral Village PUD to illustrate conceptually the elements and anticipated character of and to establish a benchmark for the architecture and design of the residential dwellings on the Real Estate. The final dwelling designs may vary from the Illustrative Architectural Exhibit, however, the dwellings shall be substantially similar in quality and character to the dwellings shown in the Illustrative Architectural Exhibit. Where there is a conflict between the Illustrative Architectural Exhibit and the Architectural Design Standards, compliance with the Illustrative Architectural Exhibit shall supersede and the dwelling design shall be permitted.
- 2) Vinyl siding shall be prohibited.
- 3) Section 6.3.4.B.4.e – Shall apply as illustrated in the examples of compliance in **Exhibit D** Garage Door Illustrations.
- 4) Section 6.3.4.B.4.c – Shall apply, however an additional storage area shall not be required.
- 5) Section 6.3.4.C.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (**Exhibit C**).
- 6) Section 6.3.4.D.2.d – Shall apply, as compliance is demonstrated in the Illustrative Architectural Exhibit (**Exhibit C**).
- 7) Section 6.3.4.D.2.e – Shall not apply. Instead, Dwelling materials and percentages shall be as generally illustrated on **Exhibit C**, with the added requirement that all Single Family Detached Homes shall include brick or masonry wainscot on all elevations

ORDINANCE NO. 111824

I. Article 6.4 Entrances & Driveways: Shall apply.

J. Article 6.5 Exterior Lighting Standards: Shall apply.

K. Article 6.6 Height Standards: Shall apply.

L. Article 6.7 Landscaping Standards: Shall apply, except as modified below:

- 1) The required landscaping in all common areas/open space and pond edging shall be native species selected from the City of Fishers list of approved species, and emphasis shall be given to selecting drought tolerant varieties, at the discretion of the developer and/or property owner. All required plantings initially on individual lots shall be native species. Non-native species may be installed with prior approval by City Staff.
- 2) Required landscaping that cannot be placed in a required location due to utility or infrastructure separation requirements may be planted elsewhere on the Real Estate.
- 3) Varying species of plantings shall be used to protect against pest and disease. No more than thirty percent (30%) of total plan material may be of one species.
- 4) **Section 6.7.4 Bufferyards** - Shall not apply.
- 5) **Section 6.7.5 – Lot Plantings:** Lot Plantings may be installed within Common Areas on the Real Estate if easements prevent placement on the subject lot.
- 6) **Section 6.7.6.A - Local Streets – Single-family and Townhome Lots:** Street trees shall be spaced one per 25 feet, which trees shall be one and the same as the trees required under Section 6.7.5.

M. Article 6.8 Lot Standards: Shall apply.

N. Article 6.9 Outdoor Display & Storage Standards: Shall apply.

O. Article 6.10 Parking & Loading Standards: Shall apply.

P. Article 6.11 Pedestrian Accessibility Standards: Shall apply.

Q. Article 6.12 Permitted Nonresidential Structure Standards: Shall apply.

R. Article 6.13 Property Identification Standards: Shall apply.

S. Article 6.14 Public Art Standards: Shall apply.

T. Article 6.15 Setback Standards: Shall apply, except as modified by this Ordinance.

U. Article 6.16 Signage Standards: Shall apply.

V. Article 6.17 Wall & Fence Standards: Shall apply.

W. Article 6.18 Water & Sewer Standards: Shall apply.

X. Article 6.19 Vision Clearance Standards: Shall apply.

1.4. Planned Unit Development Design Standards

A. Cross Reference: The regulations of *Chapter 8: Subdivision and Planned Unit Development Design Standards* shall apply, except as modified below.

- 1) **Article 8.1 General Provisions:** Shall apply.
- 2) **Article 8.2.1 Block, Lot & Access Standards – Purpose & Intent:** Shall apply.
- 3) **Article 8.2.2. Block, Lot & Access Standards – Anti-Monotony:** Shall apply.
- 4) **Article 8.2.3 Block, Lot & Access Standards – Blocks:** Shall apply.
- 5) **Article 8.2.4 Block, Lot & Access Standards – Lots:** Shall apply.
- 6) **Article 8.2.5 Block, Lot & Access Standards – Subdivision Access:** Shall apply.
- 7) **Article 8.2.6 Block, Lot & Access Standards – Pedestrian Network:** Shall apply.
- 8) **Article 8.3 Street & Alley Standards:** Shall apply.

- 9) **Article 8.4 Open Space, Common Area & Amenity Standards:** Shall not apply; instead, the following shall apply:
 - a. The Concept Plan is hereby incorporated to illustrate conceptually the elements and anticipated design of the Open Space on the Real Estate. The final Open Space design may vary from the Concept Plan; however, the Open Space amenities will include trails and pond fountains or aeriated ponds.
 - b. In addition to the Open Space amenities provided above; at least two (2) of the following additional amenities will be provided:
 - i. Covered Structure
 - ii. Fire pit
 - iii. Dog Park
 - iv. Pond Overlook
 - v. Activated Linear Park

- 10) **Article 8.5 Other Design Standards:** Shall apply.

1.5. Floodplain Standards

The regulations of CHAPTER 9. FLOODPLAIN STANDARDS shall apply.

1.6. Procedures & Permits

The regulations of CHAPTER 10. PROCEDURES & PERMITS shall apply.

1.7. Enforcement & Penalties

The regulations of CHAPTER 11. ENFORCEMENT & PENALTIES shall apply.

1.8. Definitions

The regulations of CHAPTER 12. DEFINITIONS shall apply.

ORDINANCE NO. 111824

1.9. Impact Fees

Regardless of the Real Estate's annexation status at the time a building permit is issued, all applicable road, bridge and park impact fees shall be paid, subject to any applicable credits.

1.9. Real Estate

See "Exhibit B.1" attached hereto.

(Legal Description and Location Map of property.)

2.0. Adoption

Exhibit B.1 – Legal Description

PARCEL 1:

Lot 1 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

EXCEPTING THEREFROM:

That part of the above described property conveyed to the Town of Fishers by Warranty Deeds recorded December 31, 2003, as Instruments Numbered 200300128275 and 200300128276, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

A part of Lot 1 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Beginning at the Northwest corner of said Lot 1; thence North 09 degrees 01 minute 51 seconds East (assumed bearing) 60.80 feet along the Northwest line of said Lot to the Northeast line of said Lot; thence South 63 degrees 03 minutes 26 seconds East, 4.34 feet along the Northeast line of said Lot; thence South 38 degrees 54 minutes 30 seconds West, 66.00 feet to the West line of said Lot; thence North 00 degrees 42 minutes 05 seconds West, 6.87 feet to the point of beginning, containing 0.006 acres, more or less.

PARCEL 2:

Lot 2 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

PARCEL 3:

Lot 3 in Hamilton Hills Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana.

EXCEPTING THEREFROM:

That part of the above described property conveyed to Bradley Trent and Christie M. Trent, by Quitclaim Deed recorded August 27, 2009, as Instrument Number 2009052005, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Part of Lot 3 in Hamilton Hills, Third Section, recorded December 9, 1957, in Plat Book 2, page 103, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Beginning at the iron rod with a Wiehe cap at the Southeast corner of Lot 3 in Hamilton Hills, Third Section, as per plat of said Addition recorded in Plat Book 2, page 103 in the Office of Hamilton County, Indiana; thence on the South line of said Lot 3 South 89 degrees 54 minutes 19 seconds West, 175 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying" at the Southwest corner of said Lot 3; thence on the West line of said Lot 3 North 00 degrees 14 minutes 46 seconds East, 19 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying"; thence North 83 degrees 21 minutes 22 seconds East, 175.51 feet to a 5/8 inch steel rebar with a yellow cap stamped "Miller Surveying" on the East line of said Lot 3; thence South 00 degrees 14 minutes 46 seconds West, 4.50 feet to the Point of Beginning, containing 0.05 acres, more or less.

PARCEL 4:

Part of the Southeast Quarter of the Northeast Quarter of Section 10, Township 17 North Range 4 East, Hamilton County, Indiana, described as follows:

Beginning at a point 554.7 feet North of the South line and 547.5 feet West of the East Line of said Quarter Quarter; thence West parallel to the South line thereof 711.30 feet to the Easterly right of way line of State Road 37; thence Southwesterly along said right of way line 11.07 feet; thence Southeasterly on a forward deflection angle to the left of 102 degrees 05 minutes, a distance of 55.87 feet to the point of curvature of a curve to the right, said curve having a radius of 200 feet and a delta angle of 62 degrees 00 minutes; thence in a southeasterly direction along said curve 216.42 feet to the point of tangency of said curve; thence southeasterly deflecting to the left from a tangent of said curve at its point of tangency 61 degrees 55 minutes, a distance of 160.82 feet to a point, said point being 264.7 feet North of the South line of said Quarter Quarter Section; thence East parallel to said South line 300 feet; thence northeasterly deflecting to the left 66 degrees 43 minutes a distance of 315.50 feet to the point of beginning. Containing 3.50 acres more or less.

EXCEPTING THEREFROM:

That portion of the above described property conveyed to the Town of Fishers, by Trustees' Deeds, recorded December 31, 2003, as Instruments Numbered 200300128279 and 200300128280, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

A part of the Northeast Quarter of Section 10, Township 17 North, Range 4 West, Hamilton County, Indiana, and being a part of the land of or formerly owned by Alberta M. Eaton (Instrument Number 8728940, Office of the Recorder), described as follows:

Commencing at the southeast corner of said Quarter Section; thence North 01 degree 10 minutes 57 seconds West (assumed bearing) 552.75 feet along the east line of said Section to the north line of the grantor's land; thence South 88 degrees 23 minutes 42 seconds West, 1,255.41 feet along the north line of the grantor's land to the point of beginning of this description; thence South 38 degrees 54 minutes 30 seconds West, 13.71 feet to the south line of the grantor's land; thence North 63 degrees 03 minutes 09 seconds West, 4.23 feet along the south line of the grantor's land to the southeastern boundary of Allisonville Road; thence North 39 degrees 01 minute 51 seconds East, 11.07 feet along the southeastern boundary of Allisonville Road to the north line of the grantor's land; thence North 88 degrees 23 minutes 42 seconds East, 5.42 feet to the point of beginning and containing 0.001 acres, more or less.

ORDINANCE NO. 111824

PARCEL 5:

A portion of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Hamilton County, Indiana; thence North 00 degrees 01 minutes 30 seconds West (bearing assumed) on and along the East line of said Northeast Quarter 553.08 feet to the Northeast corner of a tract of 17 acres off the South side of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North line of said tract 468.21 feet to the true place of beginning of portion herein described; thence South 02 degrees 09 minutes 47 seconds West, 185.92 feet; thence South 31 degrees 26 minutes 32 seconds East, 429.56 feet to the South line of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the South line of said Northeast Quarter 568.32 feet to the Southeast corner of the parcel of land described in Deed Record 271, page 486, in the office of the Recorder of Hamilton County, the Southeast corner of said parcel being on a non-tangent curve whose radius point bears South 75 degrees 08 minutes 26 seconds West, 150.00 feet from said Southeast corner; thence Northwesterly on and along the Northeast line of said parcel on said curve an arc distance of 36.61 feet; thence North 28 degrees 50 minutes 38 seconds West on and along the Northeast line of said parcel 118.93 feet to the point of curvature of a tangent curve whose radius point bears South 61 degrees 09 minutes 22 seconds West 300.00 feet from the point of curvature; thence Northwesterly on and along the Northeast line of said parcel on said curve an arc distance of 172.79 feet; thence North 61 degrees 50 minutes 39 seconds West on and along the Northeast line 115.78 feet to the East Right-of-Way line of Hamilton Hills Lane in Hamilton Hills Third Section, the plat of which is recorded in Plat Book 2, page 103 in the office of the Recorder of Hamilton County; thence North 00 degrees 04 minutes 22 seconds East on and along said East Right-of-Way line 26.29 feet to the South line of the land described in Deed Record 153, page 289 in the Office of the Recorder of Hamilton County; thence South 61 degrees 50 minutes 38 seconds East on and along the South line of said land 158.19 feet; thence North 89 degrees 47 minutes 09 seconds East on and along the South line of said land 300.00 feet; thence North 23 degrees 34 minutes 18 seconds East on and the East line of said land 315.15 feet to the North line of said tract; thence North 89 degrees 47 minutes 09 seconds East on and along the North Line of said tract 80.00 feet to the true place of beginning; containing 4.49 acres, more or less.

PARCEL 6:

A portion of the Northeast Quarter and Southeast Quarter of Section 10, Township 17 North, Range 4 East in Hamilton County, Indiana, described as follows:

Commencing at the Southeast corner of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Hamilton County, Indiana; thence North 00 degrees 01 minutes 30 seconds West (bearing assumed) on and along the East line of said Northeast Quarter 553.08 feet to the Northeast corner of a tract of 17 acres off the South side of the Southeast Quarter of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North Line of said tract 468.21 feet; thence South 02 degrees 09 minutes 47 seconds West, 185.92 feet; thence South 31 degrees 26 minutes 32 seconds East, 429.56 feet to the South line of said Northeast Quarter; thence South 89 degrees 47 minutes 09 seconds West on and along the North line of the Southeast Quarter of said Section 10, 862.99 feet to the East right-of-way line of Hamilton Hills Lane in Hamilton Hills Third Section, the plat of which is recorded in Plat Book 2, page 103, in the office of the Recorder of Hamilton County; thence South 00 degrees 04 minutes 22 seconds West on and along said East Right-of-Way line 250.00 feet; thence North 89 degrees 47 minutes 09 seconds East parallel with the North line of said Southeast quarter 1116.41 feet to the East line of said Southeast Quarter; thence North 00 degrees 03 minutes 56 seconds East on and along the East line of said Southeast Quarter 250.00 feet to the point of commencement containing 11.47 acres, more or less.

EXCEPTING THEREFROM:

That portion of the above described property conveyed to Rick Eaton and Diane Eaton, by Special/Limited Warranty Deed, recorded June 13, 2014, as Instrument Number 20140022553, in the Office of the Recorder of Hamilton County, Indiana, described as follows:

Part of the East Half of Section 10, Township 17 North, Range 4 East in Delaware Township, Hamilton County, Indiana, described as follows:

Beginning on the South line of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, 483.93 feet South 89 degrees 47 minutes 09 seconds West (assumed bearing) of the Southeast corner thereof; thence South 00 degrees 04 minutes 22 seconds West, 250.00 feet to the South line of Tract A of the Real Estate described in Deed Book 348, pages 685 and 686 as found in the Office of the Recorder of Hamilton County, Indiana; thence South 89 degrees 47 minutes 09 seconds West, 630.45 feet on the South line of Tract A of the Real Estate described in said Deed Book 348, pages 685 and 686 to the East right-of-way of Hamilton Hills Lane in Hamilton Hills - Third Section, the plat of which is recorded in Plat Book 2, page 103, in said Recorder's Office; thence North 00 degrees 04 minutes 22 seconds East, 250.00 feet on said East right-of-way line to the Southwest corner of the real estate described in said Deed Record 271, page 486 in said Recorder's Office; thence North 89 degrees 47 minutes 09 seconds East, 294.67 feet on the South line of the real estate described in said Deed Record 271, page 486 to the Southeast corner of the real estate described in said Deed Record 271, page 486 being the point of curvature of a non-tangent curve concave Southwesterly having a radius length of 150.00 feet which bears South 75 degrees 08 minutes 26 seconds West from said point of curvature; thence Northwesterly on said curve (this and the following three (3) courses are on the Northeasterly line of the real estate described in said Deed Record 271, page 486 a distance of 36.61 feet to the point of tangency thereof; thence North 28 degrees 50 minutes 38 seconds West, 118.93 feet to the point of curvature of a tangent curve concave Southwesterly having a radius length of 300.00 feet which bears South 61 degrees 09 minutes 22 seconds West from said point of curvature; thence Northwesterly on said curve 172.79 feet to the point of tangency thereof; thence North 61 degrees 50 minutes 39 seconds West, 115.78 feet to said East right-of-way line of Hamilton Hills Lane in Hamilton Hills - Third Section; thence North 00 degrees 04 minutes 22 seconds East on said East right-of-way line 26.29 feet to the South line of real estate described in Deed Record 153, page 289, in the Office of the Recorder of Hamilton County, Indiana; thence South 61 degrees 50 minutes 38 seconds East, 158.19 feet on the South line of the real estate described in said Deed Record 153, page 289; thence North 89 degrees 47 minutes 09 seconds East, 300.00 feet on the South line of the real estate described in said Deed Record 153, page 289; thence South 35 degrees 49 minutes 16 seconds East, 325.57 feet to the Beginning Point, containing 5.61 acres, more or less.

Exhibit B.2 – Concept Plan



LENNAR FISHERS BALMORAL

Note:
This plan is a Preliminary Concept only. It is not to be used for regulatory review or engineering considerations and applications.



K

Exhibit C – Illustrative Architectural Exhibit
Single-Family Detached Homes



Chartwell Elevation A



Chartwell Elevation B



Chartwell Elevation C



Halstead Elevation A



Halstead Elevation B



Halstead Elevation C



Milford Elevation A



Milford Elevation B



Milford Elevation C



Pennington Elevation A



Pennington Elevation B



Pennington Elevation C

Exhibit C – Illustrative Architectural Exhibit
Townhomes



Townhomes – 5 unit



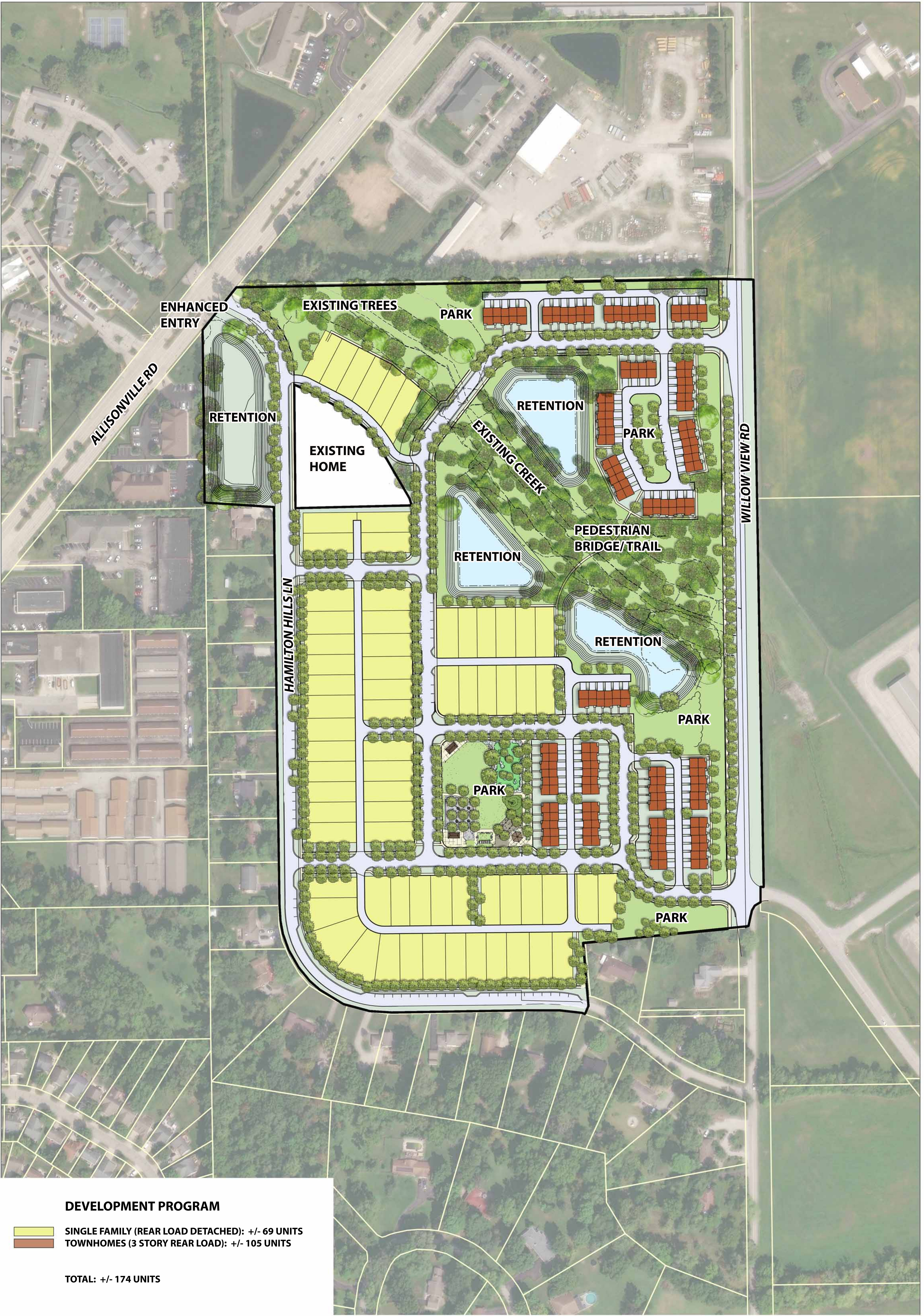
Townhomes – 6 unit (front elevation example)



Townhomes – 5 unit (front elevation example)

Exhibit D – Garage Door Illustrations





DEVELOPMENT PROGRAM

- SINGLE FAMILY (REAR LOAD DETACHED): +/- 69 UNITS
- TOWNHOMES (3 STORY REAR LOAD): +/- 105 UNITS

TOTAL: +/- 174 UNITS



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	Consideration of a rezone of 44.42 acres from R2 to PUDR, known as the Balmoral Village PUD. (RZ-24-3)			
SUBMITTED BY	Name & Title: Ross Hilleary, Director of Planning & Zoning			
	Department:			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☐ 1 st Reading	☐ 2 nd Reading	☐ Public Hearing	☐ 3 rd Reading ☒ Final Reading
	Ordinance #: 111824		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	☐ Seeking award or other scenario & will provide contract at a later date		☒ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☒ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☒ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☐ Mayor	☐ Other:
	☐ Legal Counsel – <i>Name of Reviewer:</i>	
BACKGROUND (Includes description, background, and justification)	Nelson & Frankenberger, LLC on behalf of Lennar Homes request consideration of a rezone of 44.42 acres from R2 to PUDR, known as the Balmoral Village PUD. (RZ-24-3). The Balmoral Village PUD will consist of a mixture of two housing types consisting of approximately 69 single-family detached homes and approximately 105 townhomes, both which will be rear loaded. The Eller Run creek will be highlighted as part of open space requirements along with internal pocket parks.	
BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	Budgeted \$:	N/A
	Expenditure \$:	N/A
	Source of Funds:	N/A
	Additional Appropriation #:	N/A
	Narrative:	N/A
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Hold Final Reading
	2.	Continue
	3.	Deny
	4.	
PROJECT TIMELINE	November 18, 2024 - 1st Reading - City Council December 11, 2024 - Neighborhood Meeting January 8, 2025 - Elevation Approval - PUD Committee January 8, 2025 - Public Hearing - Plan Commission January 13, 2025 - Proposed Final Reading - City Council	
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends that Council hold Final Reading.	
SUPPLEMENTAL INFORMATION (List all attached documents)	1. Concept Plan 2. Ordinance	



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	Request to Approve an Ordinance Annexing Territory to the City of Fishers, Placing the Same within the Corporate Boundaries Thereof and Making the Same a Part of the City of Fishers (Southeast Fishers Annexation			
SUBMITTED BY	Name & Title: Lindsey Bennett, Corporation Counsel Department: Law			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☐ 1 st Reading	☒ 2 nd Reading	☐ Public Hearing	☒ 3 rd Reading ☐ Final Reading
	Ordinance #: 090924C		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	X Seeking award or other scenario & will provide contract at a later date		☐ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☐ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☐ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☒ Mayor	☐ Other:
	Legal Review – Lindsey Bennett	
BACKGROUND (Includes description, background, and justification)	The City seeks to annex approximately 994.7 acres located in Fall Creek Township, east of the City's current municipal boundaries (the "Southeast Fishers Annexation Area"). The City has made significant investments in the Southeast Fishers Annexation Area and desires to further extend City services and foster future growth in this area. The City currently has planning and zoning jurisdiction in the annexation area and has worked with developers to allow development to occur with the understanding and agreement that the City would annex this area someday. The City has extended sewer service in this area and currently provides Fire and EMS services to this area through a contract with Fall Creek Township. The City held six (6) public hearings in July 2024, as required by Indiana law and City Council introduced the annexation ordinance on September 9, 2024, along with the adoption of the Fiscal Plan (R090924D). The City sent notice to all owners in the Southeast Annexation Area and notified them of a public hearing on November 18, 2024, regarding the annexation ordinance. City Council held the public hearing at its November 18, 2024, meeting and the City is now requesting the City adopt the annexation ordinance. Following adoption of the ordinance, a 90 day remonstrance period will begin on January 20, 2025 and close April 20, 2025.	
	BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	
	Budgeted \$:	
	Expenditure \$:	
Source of Funds:		
Additional Appropriation #:		
Narrative:		
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Approve
	2.	Reject
	3.	
	4.	
PROJECT TIMELINE		
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends approving the recommendations.	
SUPPLEMENTAL INFORMATION (List all attached documents)		

EXHIBIT A

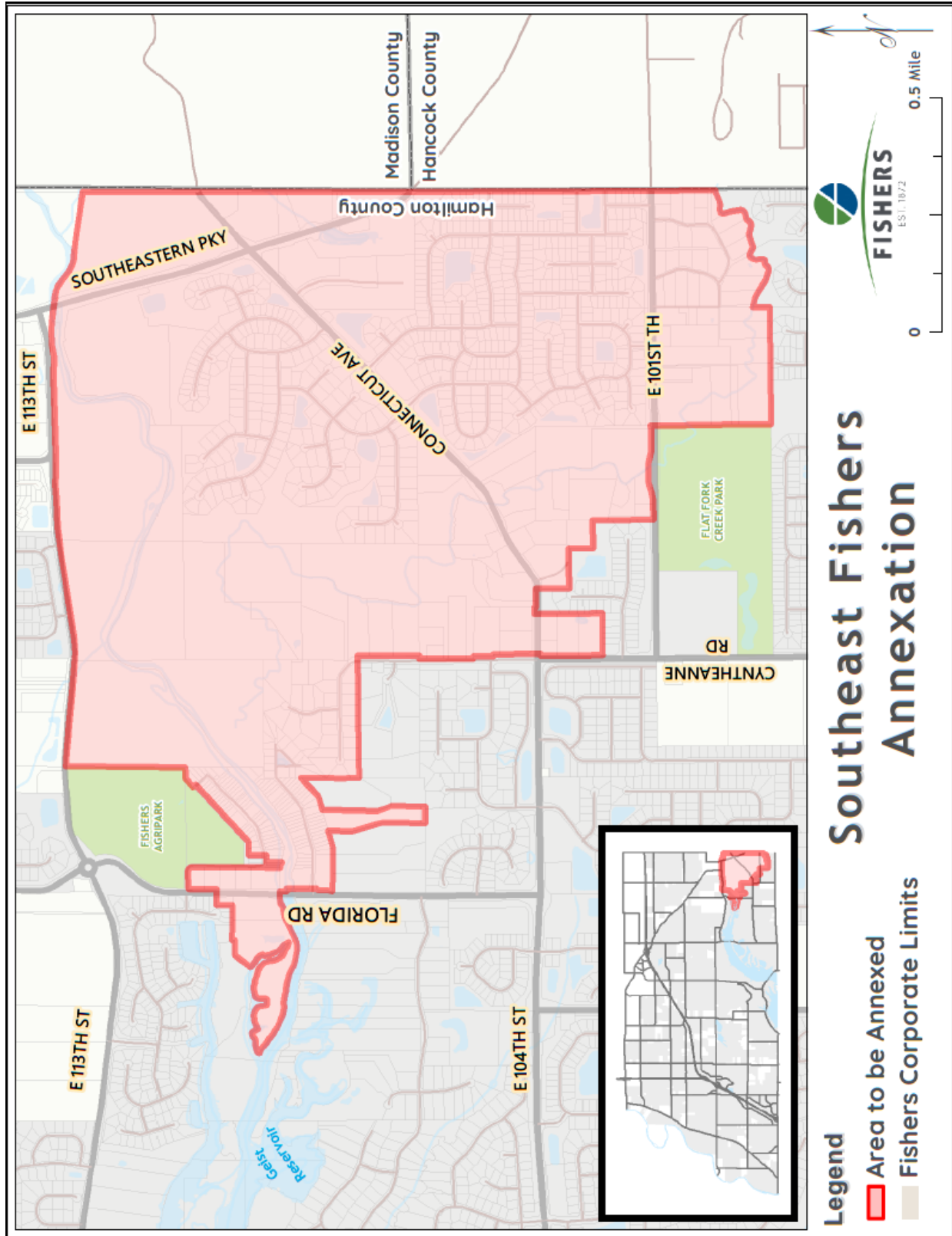


EXHIBIT B
Sheet 1 of 1

**ANNEXATION DESCRIPTION
CITY OF FISHERS**

The purpose of the following description is to define the perimeter of the proposed annexation per the information provided by the City of Fishers. This description was prepared without field work and is based on the drawing file provided by GIS data, and the published section corner information by the Hamilton County Surveyors Office.

Part of Section's 5, 6, 7 and 8, in Township 17 North, Range 6 East, of the Second Principal Meridian, in Hamilton County, Indiana, described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of Section 8, Township 17 North, Range 6 East; thence North 00 degrees 09 minutes 59 seconds West, (State Plane Bearing, Indiana East Zone) along the East line thereof, 1929.7 feet to the center of Flat Fork Creek, and the Southerly Line of Rosanna Village Subdivision and the POINT OF BEGINNING of this description; thence Westerly along the meandering of said creek 1,861 feet to the East Line of the Northwest Quarter of the Southeast Quarter of said section; thence South 00 degrees 24 minutes 54 seconds East, along said East line 194.46 feet to the Center of the Southeast Corner of the Southeast Quarter; thence South 89 degrees 16 minutes 18 seconds West, along the South Line of the Northwest Quarter of the Southeast Quarter 1,316.33 feet to the Southwest corner thereof; thence North 00 degrees 39 minutes 51 West 1,322.37 feet to the Northwest Corner of the Southeast Quarter of said Section 8; thence North 00 degrees 25 minutes 45 seconds West, 40.00 feet to the North Right-of-way Line of East 101st Street; thence Westerly on and along said Northerly Right-of-way 1071.24 feet to the East Line of Oakhurst Subdivision; (the following 3 courses along the perimeter of Oakhurst Subdivision); 1) thence North 00 degrees 37 minutes 15 seconds West along said line 519.75 feet; 2) thence South 89 degrees 33 minutes 52 seconds West, 313.50 feet; 3) thence North 00 degrees 26 minutes 56 seconds West, 270.53 feet; thence South 89 degrees 18 minutes 50 seconds West, 190.03 feet; thence South 89 degrees 21 minutes 03 seconds West, 260.71 feet to the East Line of Oakhurst Subdivision; thence North 00 degrees 36 minutes 24 seconds West along said east line and the prolongation thereof 374.39 feet, to the Northerly Right-of-way of Connecticut Avenue; (the following 3 courses on and along said right-of-way); 1) thence North 89 degrees 59 minutes 33 seconds West, 211.42 feet; 2) thence North 00 degrees 28 minutes 40 seconds West, 18.53 feet; 3) thence North 89 degrees 43 minutes 40 seconds West 73.15 feet to the prolongation of the West Line of Oakhurst Subdivision thereof; thence South 00 degrees 31 minutes 24 seconds East, along said line and prolongation, 762.96 feet to the North line of said Oakhurst Subdivision; thence South 89 degrees 28 minutes 03 seconds West, along said north line 471.90 feet to the East Right-of-way of Cyntheanne Road; thence Northerly on and along said East Right-of-way 2,114.7 feet to the South line of the Southwest Quarter of Section 5, Township 17 North, Range East; thence continue Northerly on and along said Right-of-way 721.2 feet to the prolongation of the North line of Luciana Estates Subdivision; thence Westerly on and along the prolongation and the North line of said subdivision 1,375.7 feet to the Southeast

corner of Lot 5, in Geist Lake Forest Subdivision; (the following 5 courses on and along said lot); 1) thence North 00 degrees 17 minutes 15 seconds East, 658.85 feet; 2) thence South 46 degrees 49 minutes 19 seconds West, 294.45; 3) thence South 74 degrees 32 minutes 38 seconds West, 155.72 feet; 4) thence South 00 degrees 51 minutes 29 seconds West, 619.41 feet; 5) thence South 20 degrees 18 minutes 22 seconds East, 164.03 feet to the Southwest corner thereof; thence South 00 degrees 52 minutes 23 seconds West, 381.75 feet to the Southwest corner of Lot 6 in said subdivision; thence South 89 degrees 30 minutes 34 seconds West, 187.3 feet to the Southeast corner of Lot 3 in said subdivision; (the following 3 courses on and along the East line of said lot); 1) thence North 00 degrees 01 minutes 22 East 487.47 feet; 2) thence North 16 degrees 50 minutes 30 seconds West, 345.98 feet; 3) thence North 00 degrees 52 minutes 53 seconds East 274.98 feet to the Northeast corner of said lot 3; thence South 74 degrees 02 minutes 57 seconds West, along the North line of said Geist Lake Forest Subdivision, 198.50 feet; thence continuing along said north line North 89 degrees 09 minutes 01 seconds West, 488.33 feet to the East Right-of-way of Florida Road; thence Northerly on and along said east right-of-way 639.38 feet to a point on the shoreline of Geist Reservoir as now located; thence on and along said shoreline westerly, easterly southeasterly and northeasterly 4,222 feet to the Southeasterly corner of Instrument No. 2015-063883, in the Office of the Recorder, Hamilton County, Indiana; thence along the Southerly line thereof North 37 degrees 16 minutes 48 seconds East, 220.00 feet; thence continuing along said southerly line and the prolongation thereof South 89 degrees 08 minutes 35 seconds East, 170.00 feet; thence North 00 degrees 51 minutes 25 seconds East, 30.00 feet to the prolongation of the South Line of the Southmost line of Intracoastal at Geist Subdivision, Section 2C, in Plat Cabinet 3, Slide 371; thence along said prolongation and southmost line South 89 degrees 08 minutes 35 seconds East, 393.00 feet to the Southeast corner of said subdivision; thence North 00 degrees 51 minutes 25 seconds East, along the East line thereof, 185.51 feet; thence South 89 degrees 08 minutes 35 seconds East, along the South line and the prolongation thereof 172.00 feet to the East Right-of-way of Florida Road per Geistview Estates Subdivision Plat Cabinet 2, Slide 478; (the following 4 courses along the right-of-way in said subdivision); 1) thence North 00 degrees 10 minutes 00 seconds East, 295.85 feet to a curve to the right having a radius of 25.00 feet, concave southeasterly; 2) thence along said curve 38.54 feet, and subtended by a chord bearing of North 44 degrees 20 minutes 00 seconds East, 34.84 feet; 3) thence North 88 degrees 30 minutes 00 seconds East, 169.22 feet to a curve to the right, and having a radius of 50.00 feet, concave southwesterly; 4) thence along said curve 79.99 feet, and subtended by a chord bearing of South 45 degrees 40 minutes 40 seconds East, 71.73 feet; 5) thence South 00 degrees 10 minutes 00 seconds West, 976.50 feet to the shoreline of Fall Creek, and the Southerly Line of Luxhaven Amended 1st Section Subdivision; thence Easterly along said shoreline and southerly line 68.82 feet to the Southeast corner of Lot 61, in said subdivision; thence North 00 degrees 11 minutes 42 seconds East, along the east line, 177.6 feet to the Northeast corner thereof; thence North 90 degrees East along the South Right-of-way of Meith Street 75.00 feet to the southerly prolongation of the East line of Lot 3, in said subdivision; thence North 00 degrees East, 200.00 feet along said prolongation and line to the Northeast corner of said lot 3, and the Southerly Right-of-way of Vaughn Street in said subdivision; thence along said right-of-way North 90 degrees East, 153.00 feet; thence continuing along said right-of-way and

the prolongation thereof North 47 degrees 19 minutes 47 seconds East, 878.30 feet to the Northeasterly Right-of-way of Jenny Drive in said subdivision; thence North 42 degrees 44 minutes 08 seconds West, 40.00 feet to the Westmost corner of Lot 28, in said subdivision; thence North 47 degrees 20 minutes 02 seconds East, along the Northwestern line of said lot, 128.84 feet to the North line of said subdivision; thence North 89 degrees 31 minutes 35 seconds East, 124.63 Feet to the Northeast corner of said subdivision; thence North 00 degrees 37 minutes 48 seconds East, along the East Line of the East Half of the Northeast Quarter of Section 6, Township 17 North, Range 6 East, 1370.0 feet to the North Right-of-way of East 113th Street; thence Easterly on and along said right-of-way, 3514.2 feet to the North Right-of-way of Southeastern Parkway; thence Easterly on and along said right-of-way and the prolongation thereof, 1,789.7 feet to the center line of Fall Creek; thence Easterly along said center line 525.37 feet to the Northeasterly line of Instrument No. 2021-075014, also in said office; thence along said line 724 feet to the East line of the Northeast Quarter of Section 5, Township 17 North, Range 6 East; thence South 00 degrees 24 minutes 02 seconds East, along said East line 1,065.43 feet to the Northeast corner of the Southeast Quarter of said Section 5; thence South 00 degrees 17 minutes 55 seconds West, along the East line of the Southeast Quarter, 2,662.58 feet to the Northeast corner of Section 8, Township 17 North, Range 6 East; thence South 00 degrees 30 minutes 09 seconds East, along the East line of said Northeast Quarter 2,659.4 feet to the Southeast corner thereof; thence South 00 degrees 09 minutes 59 seconds East, along the East line of the Southeast Quarter 722.82 feet to the point of beginning, containing 994.7 acres, more or less.

ORDINANCE NO. 090924C

**AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF FISHERS,
PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF,
AND MAKING THE SAME A PART OF THE CITY OF FISHERS
(SOUTHEAST FISHERS ANNEXATION)**

WHEREAS, the City of Fishers (“City”) has evaluated the City’s municipal boundaries, surrounding territory, provision of local government service, existing developments, agreements for annexation, and opportunities for growth and development of the City and its surrounding community;

WHEREAS, the City has identified an area southeast of the City’s current municipal boundaries for annexation to the City, generally known as the “Southeast Fishers Annexation Area”;

WHEREAS, a map and legal description of the Southeast Fishers Annexation Area is attached hereto as Exhibit A and Exhibit B, respectively (“Annexation Territory”);

WHEREAS, where the legal description attached as Exhibit B describes land that is contiguous to a public highway right-of-way that has not previously been annexed, the Annexation Territory shall include the contiguous public highway right-of-way even if it is not described in Exhibit B, except to the extent prohibited by I.C. § 36-4-3-1.5(c) or other applicable law;

WHEREAS, where the parcel of property within the Annexation Territory is adjacent to a parcel of property within the existing City limits, the Annexation Territory boundary shall conform to and match the boundary of the existing City limits so long as it does not result in adding or removing parcels of property from the Annexation Territory depicted in Exhibit A;

WHEREAS, the Annexation Territory consists of approximately 994.7 acres, and is contiguous to the existing City limits;

WHEREAS, prior to the introduction of this Ordinance, the City provided notice to landowners and conducted an outreach program in July 2024 to inform citizens regarding the annexation, as required by I.C. § 36-4-3-1.7;

WHEREAS, prior to adoption of this Ordinance, the City, by resolution, adopted a written fiscal plan and policy for the provision of services of both a non-capital and capital nature to the Annexation Territory, that meets the requirements of I.C. § 36-4-3;

WHEREAS, the terms and conditions of this annexation, including the written fiscal plan and policy, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the City;

WHEREAS, the City has further determined the Annexation Territory is needed and can be used by the City for its development in the reasonably near future;

WHEREAS, prior to the final adoption of this Ordinance, the City has conducted a public hearing pursuant to proper notice; and

WHEREAS, it is the determination of the Common Council that the annexation set forth herein is appropriate and the Annexation Territory should be annexed to the City of Fishers pursuant to the terms of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, INDIANA, THAT:

SECTION 1. The above recitals including Exhibit A and Exhibit B are incorporated herein by this reference as though fully set forth herein below.

SECTION 2. In accordance with I.C. § 36-4-3 *et seq.*, the Annexation Territory described and depicted in Exhibit A and Exhibit B is hereby annexed to the City and thereby included within the City's corporate boundaries pursuant to the terms of this Ordinance.

SECTION 3. The Annexation Territory is assigned to Council District 1.

SECTION 4. The Annexation Territory shall maintain its current zoning classification(s) and designation(s) until such time as the City updates its respective comprehensive plan, zoning ordinance, or zoning map.

SECTION 5. As provided in I.C. § 36-4-3-4.1, any real property in the Annexation Territory assessed as agricultural land (under the real property assessment rules and guidelines of the department of local government finance) is exempt from property tax liability under I.C. § 6-1.1 for "municipal purposes," and is not considered a part of the City for purposes of involuntarily annexing future additional territory, while the property's assessment classification remains agricultural land. As fire protection services are not uniquely a municipal service, the Annexation Territory will continue to pay the applicable fire tax rate (to the extent not otherwise exempt) until reclassified and assessed the full municipal tax rate.

SECTION 6. There is hereby created a special fund titled the "Southeast Annexation Impoundment Fund" ("Impoundment Fund"). For a period of three (3) years following the effective date of this annexation, all municipal property taxes imposed in the Annexation Territory after the annexation takes effect that are not used to meet the basic non-capital and capital services set forth in the fiscal plan shall be impounded in the Impoundment Fund. The impounded property taxes in the Fund shall be used to provide additional services that were not specified in the fiscal plan, and shall be expended not later than five (5) years after the annexation becomes effective.

SECTION 7. There is hereby created an advisory board titled the "Southeast Annexation Advisory Board" ("Advisory Board"). The Advisory Board is governed by I.C. § 36-4-3-8.1, and shall advise the City on the provision of services to the Annexation Territory that are paid for with the municipal property taxes impounded in the Impoundment Fund. The Advisory Board shall be appointed not later than ninety (90) days after the annexation becomes effective, and shall consist of the following seven (7) members:

- (1) The township trustee of the township with the largest number of residents living within the Annexation Territory;
- (2) One (1) member of the County Council representing the district with the largest number of residents living within the Annexation Territory;
- (3) One (1) member who is the City engineer;
- (4) Two (2) citizen members, appointed by the Mayor, who own real property and reside within the Annexation Territory;
- (5) Two (2) citizen members, appointed by the County Commissioners, who own real property and reside within the Annexation Territory.

SECTION 8. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, amendments, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.

SECTION 9. The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law.

[Signature Page Follows]

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

YAY		NAY	ABSTAIN
	John Weingardt, President		
	Cecilia Coble Vice President		
	C. Pete Peterson, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____, 2023 at _____ p.m.

ATTEST: _____

Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE



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. Stephen C. Unger

This Ordinance was prepared by Stephen C. Unger, Attorney At Law, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, Indiana 46204.

This instrument approved as to form by: Lindsey M. Bennett, Corporation Counsel, 1 Municipal Drive, Fishers IN 46038.

ORDINANCE NO. 090924C

**AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF FISHERS,
PLACING THE SAME WITHIN THE CORPORATE BOUNDARIES THEREOF,
AND MAKING THE SAME A PART OF THE CITY OF FISHERS
(SOUTHEAST FISHERS ANNEXATION)**

WHEREAS, the City of Fishers (“City”) has evaluated the City’s municipal boundaries, surrounding territory, provision of local government service, existing developments, agreements for annexation, and opportunities for growth and development of the City and its surrounding community;

WHEREAS, the City has identified an area southeast of the City’s current municipal boundaries for annexation to the City, generally known as the “Southeast Fishers Annexation Area”;

WHEREAS, a map and legal description of the Southeast Fishers Annexation Area is attached hereto as Exhibit A and Exhibit B, respectively (“Annexation Territory”);

WHEREAS, where the legal description attached as Exhibit B describes land that is contiguous to a public highway right-of-way that has not previously been annexed, the Annexation Territory shall include the contiguous public highway right-of-way even if it is not described in Exhibit B, except to the extent prohibited by I.C. § 36-4-3-1.5(c) or other applicable law;

WHEREAS, where the parcel of property within the Annexation Territory is adjacent to a parcel of property within the existing City limits, the Annexation Territory boundary shall conform to and match the boundary of the existing City limits so long as it does not result in adding or removing parcels of property from the Annexation Territory depicted in Exhibit A;

WHEREAS, the Annexation Territory consists of approximately 994.7 acres, and is contiguous to the existing City limits;

WHEREAS, prior to the introduction of this Ordinance, the City provided notice to landowners and conducted an outreach program in July 2024 to inform citizens regarding the annexation, as required by I.C. § 36-4-3-1.7;

WHEREAS, prior to adoption of this Ordinance, the City, by resolution, adopted a written fiscal plan and policy for the provision of services of both a non-capital and capital nature to the Annexation Territory, that meets the requirements of I.C. § 36-4-3;

WHEREAS, the terms and conditions of this annexation, including the written fiscal plan and policy, are fairly calculated to make the annexation fair and equitable to property owners and residents of the Annexation Territory and of the City;

WHEREAS, the City has further determined the Annexation Territory is needed and can be used by the City for its development in the reasonably near future;

WHEREAS, prior to the final adoption of this Ordinance, the City has conducted a public hearing pursuant to proper notice; and

WHEREAS, it is the determination of the Common Council that the annexation set forth herein is appropriate and the Annexation Territory should be annexed to the City of Fishers pursuant to the terms of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FISHERS, INDIANA, THAT:

SECTION 1. The above recitals including Exhibit A and Exhibit B are incorporated herein by this reference as though fully set forth herein below.

SECTION 2. In accordance with I.C. § 36-4-3 *et seq.*, the Annexation Territory described and depicted in Exhibit A and Exhibit B is hereby annexed to the City and thereby included within the City's corporate boundaries pursuant to the terms of this Ordinance.

SECTION 3. The Annexation Territory is assigned to Council District 1.

SECTION 4. The Annexation Territory shall maintain its current zoning classification(s) and designation(s) until such time as the City updates its respective comprehensive plan, zoning ordinance, or zoning map.

SECTION 5. As provided in I.C. § 36-4-3-4.1, any real property in the Annexation Territory assessed as agricultural land (under the real property assessment rules and guidelines of the department of local government finance) is exempt from property tax liability under I.C. § 6-1.1 for "municipal purposes," and is not considered a part of the City for purposes of involuntarily annexing future additional territory, while the property's assessment classification remains agricultural land. As fire protection services are not uniquely a municipal service, the Annexation Territory will continue to pay the applicable fire tax rate (to the extent not otherwise exempt) until reclassified and assessed the full municipal tax rate.

SECTION 6. There is hereby created a special fund titled the "Southeast Annexation Impoundment Fund" ("Impoundment Fund"). For a period of three (3) years following the effective date of this annexation, all municipal property taxes imposed in the Annexation Territory after the annexation takes effect that are not used to meet the basic non-capital and capital services set forth in the fiscal plan shall be impounded in the Impoundment Fund. The impounded property taxes in the Fund shall be used to provide additional services that were not specified in the fiscal plan, and shall be expended not later than five (5) years after the annexation becomes effective.

SECTION 7. There is hereby created an advisory board titled the "Southeast Annexation Advisory Board" ("Advisory Board"). The Advisory Board is governed by I.C. § 36-4-3-8.1, and shall advise the City on the provision of services to the Annexation Territory that are paid for with the municipal property taxes impounded in the Impoundment Fund. The Advisory Board shall be appointed not later than ninety (90) days after the annexation becomes effective, and shall consist of the following seven (7) members:

- (1) The township trustee of the township with the largest number of residents living within the Annexation Territory;
- (2) One (1) member of the County Council representing the district with the largest number of residents living within the Annexation Territory;
- (3) One (1) member who is the City engineer;
- (4) Two (2) citizen members, appointed by the Mayor, who own real property and reside within the Annexation Territory;
- (5) Two (2) citizen members, appointed by the County Commissioners, who own real property and reside within the Annexation Territory.

SECTION 8. All prior Ordinances or parts thereof that may be inconsistent with any provision of this Ordinance are hereby superseded. The paragraphs, sentences, words, amendments, and Annexation Territory of this Ordinance are separable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance or the Annexation Territory unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Annexation Territory or this Ordinance.

SECTION 9. The effective date of this annexation shall be as soon as allowed by law following its adoption, execution, and publication as required by law.

[Signature Page Follows]

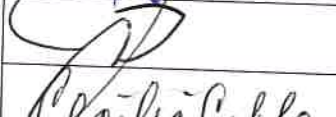
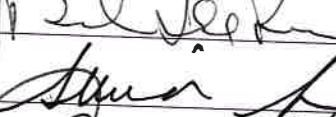
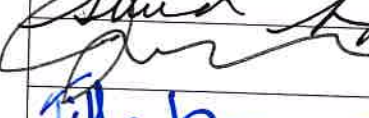
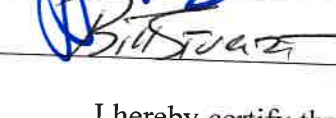
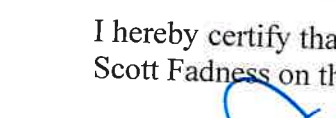
**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

090924C

YAY

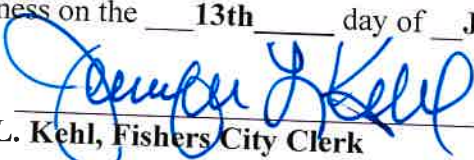
NAY

ABSTAIN

	Pete Peterson, President		
	John DeLucia, Vice President		
	John Weingardt, Member		
	Cecilia Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Todd Zimmerman, Member		
	Tiffanie Ditlevson Member		
	Bill Stuart, Member		

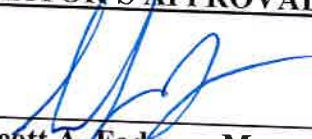
I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the 13th day of January 2025 at 8:30 p.m.

ATTEST:


Jennifer L. Kehl, Fishers City Clerk



MAYOR'S APPROVAL


Scott A. Fadness, Mayor

JANUARY 13, 2025
DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

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

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

EXHIBIT A

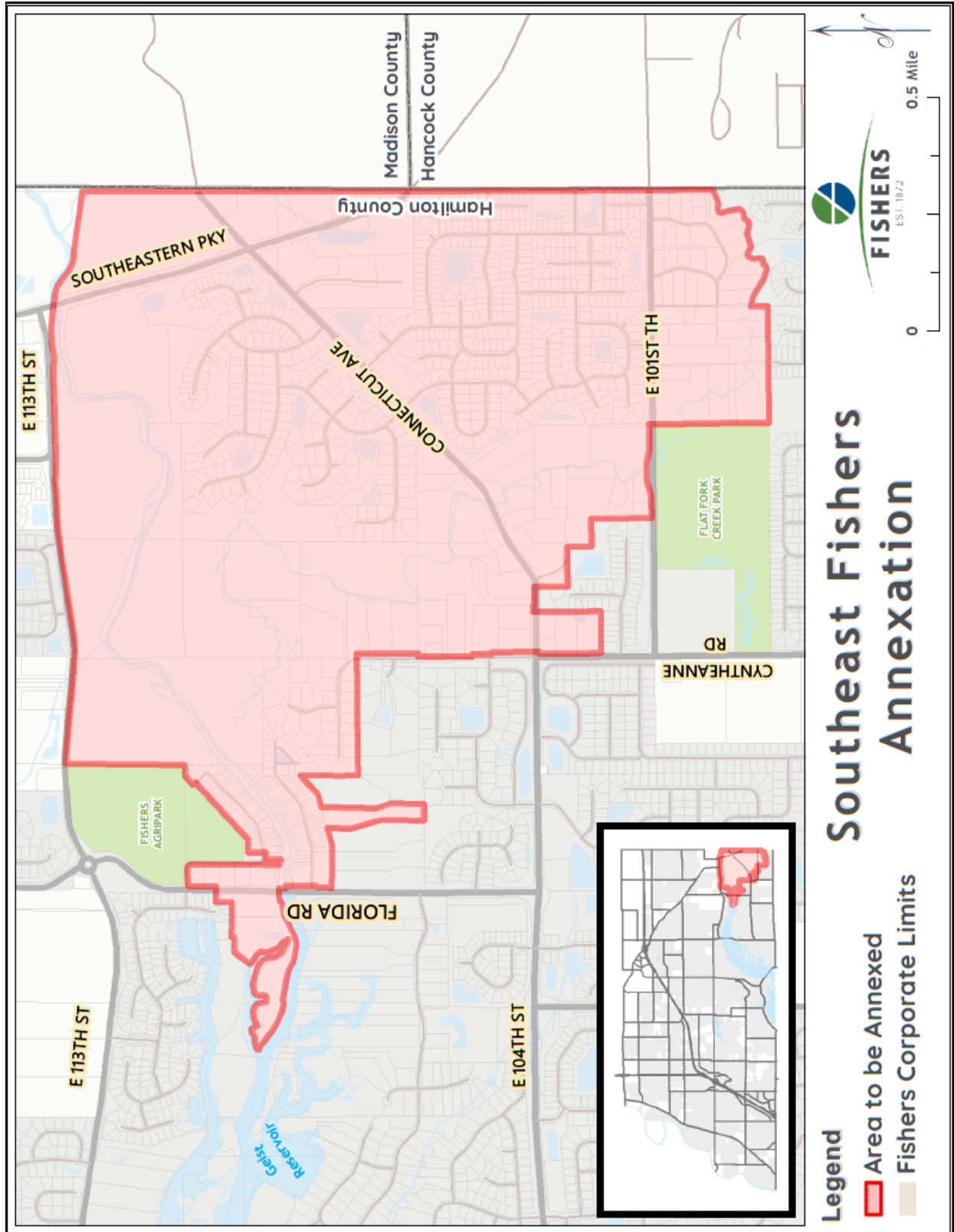


EXHIBIT B
Sheet 1 of 1

**ANNEXATION DESCRIPTION
CITY OF FISHERS**

The purpose of the following description is to define the perimeter of the proposed annexation per the information provided by the City of Fishers. This description was prepared without field work and is based on the drawing file provided by GIS data, and the published section corner information by the Hamilton County Surveyors Office.

Part of Section's 5, 6, 7 and 8, in Township 17 North, Range 6 East, of the Second Principal Meridian, in Hamilton County, Indiana, described as follows:

Commencing at the Southeast Corner of the Southeast Quarter of Section 8, Township 17 North, Range 6 East; thence North 00 degrees 09 minutes 59 seconds West, (State Plane Bearing, Indiana East Zone) along the East line thereof, 1929.7 feet to the center of Flat Fork Creek, and the Southerly Line of Rosanna Village Subdivision and the POINT OF BEGINNING of this description; thence Westerly along the meandering of said creek 1,861 feet to the East Line of the Northwest Quarter of the Southeast Quarter of said section; thence South 00 degrees 24 minutes 54 seconds East, along said East line 194.46 feet to the Center of the Southeast Corner of the Southeast Quarter; thence South 89 degrees 16 minutes 18 seconds West, along the South Line of the Northwest Quarter of the Southeast Quarter 1,316.33 feet to the Southwest corner thereof; thence North 00 degrees 39 minutes 51 West 1,322.37 feet to the Northwest Corner of the Southeast Quarter of said Section 8; thence North 00 degrees 25 minutes 45 seconds West, 40.00 feet to the North Right-of-way Line of East 101st Street; thence Westerly on and along said Northerly Right-of-way 1071.24 feet to the East Line of Oakhurst Subdivision; (the following 3 courses along the perimeter of Oakhurst Subdivision); 1) thence North 00 degrees 37 minutes 15 seconds West along said line 519.75 feet; 2) thence South 89 degrees 33 minutes 52 seconds West, 313.50 feet; 3) thence North 00 degrees 26 minutes 56 seconds West, 270.53 feet; thence South 89 degrees 18 minutes 50 seconds West, 190.03 feet; thence South 89 degrees 21 minutes 03 seconds West, 260.71 feet to the East Line of Oakhurst Subdivision; thence North 00 degrees 36 minutes 24 seconds West along said east line and the prolongation thereof 374.39 feet, to the Northerly Right-of-way of Connecticut Avenue; (the following 3 courses on and along said right-of-way); 1) thence North 89 degrees 59 minutes 33 seconds West, 211.42 feet; 2) thence North 00 degrees 28 minutes 40 seconds West, 18.53 feet; 3) thence North 89 degrees 43 minutes 40 seconds West 73.15 feet to the prolongation of the West Line of Oakhurst Subdivision thereof; thence South 00 degrees 31 minutes 24 seconds East, along said line and prolongation, 762.96 feet to the North line of said Oakhurst Subdivision; thence South 89 degrees 28 minutes 03 seconds West, along said north line 471.90 feet to the East Right-of-way of Cyntheanne Road; thence Northerly on and along said East Right-of-way 2,114.7 feet to the South line of the Southwest Quarter of Section 5, Township 17 North, Range East; thence continue Northerly on and along said Right-of-way 721.2 feet to the prolongation of the North line of Luciana Estates Subdivision; thence Westerly on and along the prolongation and the North line of said subdivision 1,375.7 feet to the Southeast

corner of Lot 5, in Geist Lake Forest Subdivision; (the following 5 courses on and along said lot); 1) thence North 00 degrees 17 minutes 15 seconds East, 658.85 feet; 2) thence South 46 degrees 49 minutes 19 seconds West, 294.45; 3) thence South 74 degrees 32 minutes 38 seconds West, 155.72 feet; 4) thence South 00 degrees 51 minutes 29 seconds West, 619.41 feet; 5) thence South 20 degrees 18 minutes 22 seconds East, 164.03 feet to the Southwest corner thereof; thence South 00 degrees 52 minutes 23 seconds West, 381.75 feet to the Southwest corner of Lot 6 in said subdivision; thence South 89 degrees 30 minutes 34 seconds West, 187.3 feet to the Southeast corner of Lot 3 in said subdivision; (the following 3 courses on and along the East line of said lot); 1) thence North 00 degrees 01 minutes 22 East 487.47 feet; 2) thence North 16 degrees 50 minutes 30 seconds West, 345.98 feet; 3) thence North 00 degrees 52 minutes 53 seconds East 274.98 feet to the Northeast corner of said lot 3; thence South 74 degrees 02 minutes 57 seconds West, along the North line of said Geist Lake Forest Subdivision, 198.50 feet; thence continuing along said north line North 89 degrees 09 minutes 01 seconds West, 488.33 feet to the East Right-of-way of Florida Road; thence Northerly on and along said east right-of-way 639.38 feet to a point on the shoreline of Geist Reservoir as now located; thence on and along said shoreline westerly, easterly southeasterly and northeasterly 4,222 feet to the Southeasterly corner of Instrument No. 2015-063883, in the Office of the Recorder, Hamilton County, Indiana; thence along the Southerly line thereof North 37 degrees 16 minutes 48 seconds East, 220.00 feet; thence continuing along said southerly line and the prolongation thereof South 89 degrees 08 minutes 35 seconds East, 170.00 feet; thence North 00 degrees 51 minutes 25 seconds East, 30.00 feet to the prolongation of the South Line of the Southmost line of Intracoastal at Geist Subdivision, Section 2C, in Plat Cabinet 3, Slide 371; thence along said prolongation and southmost line South 89 degrees 08 minutes 35 seconds East, 393.00 feet to the Southeast corner of said subdivision; thence North 00 degrees 51 minutes 25 seconds East, along the East line thereof, 185.51 feet; thence South 89 degrees 08 minutes 35 seconds East, along the South line and the prolongation thereof 172.00 feet to the East Right-of-way of Florida Road per Geistview Estates Subdivision Plat Cabinet 2, Slide 478; (the following 4 courses along the right-of-way in said subdivision); 1) thence North 00 degrees 10 minutes 00 seconds East, 295.85 feet to a curve to the right having a radius of 25.00 feet, concave southeasterly; 2) thence along said curve 38.54 feet, and subtended by a chord bearing of North 44 degrees 20 minutes 00 seconds East, 34.84 feet; 3) thence North 88 degrees 30 minutes 00 seconds East, 169.22 feet to a curve to the right, and having a radius of 50.00 feet, concave southwesterly; 4) thence along said curve 79.99 feet, and subtended by a chord bearing of South 45 degrees 40 minutes 40 seconds East, 71.73 feet; 5) thence South 00 degrees 10 minutes 00 seconds West, 976.50 feet to the shoreline of Fall Creek, and the Southerly Line of Luxhaven Amended 1st Section Subdivision; thence Easterly along said shoreline and southerly line 68.82 feet to the Southeast corner of Lot 61, in said subdivision; thence North 00 degrees 11 minutes 42 seconds East, along the east line, 177.6 feet to the Northeast corner thereof; thence North 90 degrees East along the South Right-of-way of Meith Street 75.00 feet to the southerly prolongation of the East line of Lot 3, in said subdivision; thence North 00 degrees East, 200.00 feet along said prolongation and line to the Northeast corner of said lot 3, and the Southerly Right-of-way of Vaughn Street in said subdivision; thence along said right-of-way North 90 degrees East, 153.00 feet; thence continuing along said right-of-way and

the prolongation thereof North 47 degrees 19 minutes 47 seconds East, 878.30 feet to the Northeasterly Right-of-way of Jenny Drive in said subdivision; thence North 42 degrees 44 minutes 08 seconds West, 40.00 feet to the Westmost corner of Lot 28, in said subdivision; thence North 47 degrees 20 minutes 02 seconds East, along the Northwestern line of said lot, 128.84 feet to the North line of said subdivision; thence North 89 degrees 31 minutes 35 seconds East, 124.63 Feet to the Northeast corner of said subdivision; thence North 00 degrees 37 minutes 48 seconds East, along the East Line of the East Half of the Northeast Quarter of Section 6, Township 17 North, Range 6 East, 1370.0 feet to the North Right-of-way of East 113th Street; thence Easterly on and along said right-of-way, 3514.2 feet to the North Right-of-way of Southeastern Parkway; thence Easterly on and along said right-of-way and the prolongation thereof, 1,789.7 feet to the center line of Fall Creek; thence Easterly along said center line 525.37 feet to the Northeasterly line of Instrument No. 2021-075014, also in said office; thence along said line 724 feet to the East line of the Northeast Quarter of Section 5, Township 17 North, Range 6 East; thence South 00 degrees 24 minutes 02 seconds East, along said East line 1,065.43 feet to the Northeast corner of the Southeast Quarter of said Section 5; thence South 00 degrees 17 minutes 55 seconds West, along the East line of the Southeast Quarter, 2,662.58 feet to the Northeast corner of Section 8, Township 17 North, Range 6 East; thence South 00 degrees 30 minutes 09 seconds East, along the East line of said Northeast Quarter 2,659.4 feet to the Southeast corner thereof; thence South 00 degrees 09 minutes 59 seconds East, along the East line of the Southeast Quarter 722.82 feet to the point of beginning, containing 994.7 acres, more or less.



Council Action Form

MEETING DATE	January 13, 2025			
TITLE	Request to Approve an Ordinance Annexing Territory to the City of Fishers, Placing the Same within the Corporate Boundaries Thereof and Making the Same a Part of the City of Fishers (Southeast Fishers Annexation			
SUBMITTED BY	Name & Title: Lindsey Bennett, Corporation Counsel Department: Law			
MEETING TYPE	☐ Work Session ☐ Executive	☒ Regular	☐ Special	☐ Retreat
AGENDA CLASSIFICATION	☐ Consent	☒ Ordinance	☐ Resolution	☐ Regular
ORDINANCE/RESOLUTION (New ordinances or resolutions are assigned a new number)	☐ 1 st Reading	☒ 2 nd Reading	☐ Public Hearing	☒ 3 rd Reading ☐ Final Reading
	Ordinance #: 090924C		Resolution #:	
CONTRACTS (Contracts include other similar documents such as agreements and memorandum of understandings. <u>Check all applicable boxes pertaining to contracts</u>)	☐ Contract required for this item		☐ Signed copy of contract attached	
	X Seeking award or other scenario & will provide contract at a later date		☐ No contract for this item	
	☐ Contract over \$50,000 Please mark the box in the other column that pertains to this contract.		☐ Services ☐ Capital Outlay ☐ Debt Services	
HAMILTON COUNTY (Some documents need recorded by the City Clerk)	☐ Document must be recorded with the County Recorder's Office ☐ Wait 31 days prior to filing with the County Recorders' Office		☐ Document does not need recorded with the County Recorder's Office	

APPROVALS/REVIEWS	☐ Assistant/Deputy Department Head	☐ Controller's Office
	☐ Department Head	☐ Finance Committee
	☐ Deputy Mayor	☐ Technical Advisory Committee
	☒ Mayor	☐ Other:
	Legal Review – Lindsey Bennett	
BACKGROUND (Includes description, background, and justification)	The City seeks to annex approximately 994.7 acres located in Fall Creek Township, east of the City's current municipal boundaries (the "Southeast Fishers Annexation Area"). The City has made significant investments in the Southeast Fishers Annexation Area and desires to further extend City services and foster future growth in this area. The City currently has planning and zoning jurisdiction in the annexation area and has worked with developers to allow development to occur with the understanding and agreement that the City would annex this area someday. The City has extended sewer service in this area and currently provides Fire and EMS services to this area through a contract with Fall Creek Township. The City held six (6) public hearings in July 2024, as required by Indiana law and City Council introduced the annexation ordinance on September 9, 2024, along with the adoption of the Fiscal Plan (R090924D). The City sent notice to all owners in the Southeast Annexation Area and notified them of a public hearing on November 18, 2024, regarding the annexation ordinance. City Council held the public hearing at its November 18, 2024, meeting and the City is now requesting the City adopt the annexation ordinance. Following adoption of the ordinance, a 90 day remonstrance period will begin on January 20, 2025 and close April 20, 2025.	
	BUDGETING AND FINANCIAL IMPACT (Includes project costs and funding sources)	
	Budgeted \$:	
	Expenditure \$:	
Source of Funds:		
Additional Appropriation #:		
Narrative:		
OPTIONS (Include <i>Deny Approval</i> Option)	1.	Approve
	2.	Reject
	3.	
	4.	
PROJECT TIMELINE		
STAFF RECOMMENDATION (Board reserves the right to accept or deny recommendations)	Staff recommends approving the recommendations.	
SUPPLEMENTAL INFORMATION (List all attached documents)		

Form Name:	Public Meeting Comment Form
Submission Time:	January 2, 2025 2:28 pm
Browser:	Chrome 131.0.0.0 / Windows
IP Address:	154.47.25.114
Unique ID:	1301622075
Location:	41.8874, -87.6318

Name	Angela Hoess
Address	12584 Largo Dr. Fishers, IN 46037
Email	akhoess@gmail.com
Subdivision or business name	Gray Eagle
Please select the meeting to which you would like to submit a public comment	City Council
Meeting Date	Jan 13, 2025
Project Name/Resolution Number	noise ordinance amendment
Comment	I saw the recent "Current in Fishers" article about the proposed noise ordinance amendment, and I would like to give my support to it. As an audiologist with experience in hearing conservation and the gradual, painless, but permanent effects of noise exposure on hearing/quality of life/sleep, I agree with the decibel levels noted. As a resident, I am happy that a huge public health issue is being addressed by my city. And I was pleased to read how residents can report noise issues, and wish that would be widely shared. Enforcement will be much easier for our law enforcement staff when people have an easy way to report problems.
Would you like to receive email communications and updates from the City of Fishers?	Yes

Form Name:	Public Meeting Comment Form
Submission Time:	January 9, 2025 3:41 pm
Browser:	Chrome 131.0.0.0 / Windows
IP Address:	76.139.33.77
Unique ID:	1303803897
Location:	39.9594, -86.0199

Name	Amy Perry
Address	106 Chippenham Lane 106 Chippenham Lane Fishers, IN 46038
Email	amyperryindy@yahoo.com
Subdivision or business name	Ritchey Woods
Please select the meeting to which you would like to submit a public comment	City Council
Meeting Date	Jan 13, 2025
Project Name/Resolution Number	RZ-24-3
Comment	Given that the new development is very close to Ritchey Woods Nature Preserve, with only the airport in between, I request that the developer be required to use downward-facing lights during construction and in the final development. Lights that face upward confuse nocturnal creatures such as owls and migrating birds and cause deaths of birds. In early 20-23, the Andretti Global headquarters removed the original lights on the existing barn on their property and replaced them with downward-facing lights. The businesses along Hague Road, on the opposite side of Ritchey Woods from the airport, use downward-facing lights. Thank you for listening.
Would you like to receive email communications and updates from the City of Fishers?	Yes

Form Name:	Public Meeting Comment Form
Submission Time:	January 13, 2025 2:20 pm
Browser:	Chrome 131.0.0.0 / OS X
IP Address:	209.160.198.202
Unique ID:	1304862044
Location:	39.9086, -86.121

Name	McKenzie Lynch
-------------	----------------

Address	10263 cloverbank dr Fishers , IN 46040
----------------	---

Email	mckenzielynch9@gmail.com
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Subdivision or business name	N/A
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Please select the meeting to which you would like to submit a public comment	City Council
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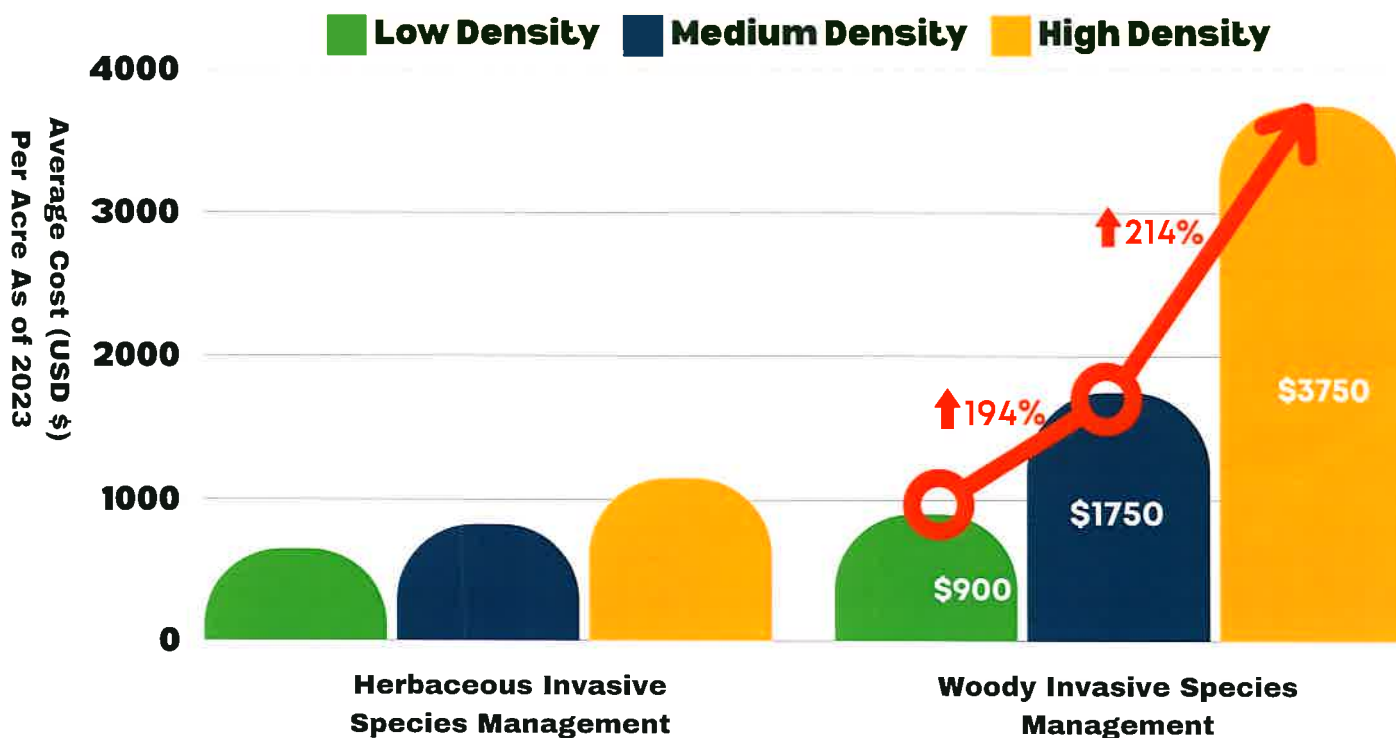
Meeting Date	Jan 13, 2025
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Project Name/Resolution Number	Change for Florida Road and Southeastern Parkway
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Comment

I reside at 10263 Cloverbank drive, Fishers, IN. I understand that a roundabout has been put in at 126th and Southeastern Parkway. For me, the student drivers, and the residents of Fishers Indiana, I want to petition to put in a stop light and/or a roundabout at the crossroads of Southeastern Parkway and Florida Road. While I thought a four-way traffic light would have been more beneficial, I really just want a solution, or some control over the intersection. This has been an issue for me recently, as I have been a resident of Fishers for some time, and plan on living here in the future. Watching this area populate itself, going from quiet countryside to bustling city roads, this has now further escalated traffic. Due to this recent change, it has added an extra 15 minutes to my commute to school in the morning. Along with the speed bump also recently put in on 126th street, that has added another 15. With the ridiculous traffic build up from Florida Road to 126th street to the athletic entrance of HSE high school, it's become time consuming to live my regular day-to-day life. With the overpopulation now in the area, and getting to school on time, it is my senior year and the most important; I just cannot afford to be late. I also believe the area is not equipped for the newly constructed homes and the anticipated influx of people. With all the new neighborhoods, the area is becoming crowded, and there must be some way to accommodate for that. The roads have not been updated either, except for the roundabout. Congested traffic may put lives at risk as well. Florida road is a two-lane road and there has been no way to accommodate for that. With the children and bikers, this traffic may be threatening a life. I ask this with kindness and great hope that the city of fishers will consider its patrons and recognize this issue with care. I hope that even if it's not a stoplight, that ultimately a solution is found, because like you, I care for the functional state of Fishers Indiana, and that we can support the city with its fast-growing population.

The Cost of Waiting



Fast growth is a key characteristic of most invasive species. This fast growth does more than destroy ecosystems, it gives us less time to react before the cost to remove becomes unaffordable. Native forests take decades to grow and mature, but an invasive species infestation can take over in just a few years.

This data was collected by averaging estimates for similar work from ecological restoration firms in the Indianapolis area. These estimates are only for the removal of invasive species and do not factor in restoration costs.

There's No Time Like the Present

If you plan on managing invasive species on your property, it is hard to deny the benefits of getting started early.

Lower costs, greater benefit to local ecosystems, quicker recovery times, easier work, the list goes on and on. The biggest thing getting in our way is taking that first step, so next time you take a look at your budget to decide if now is the right time to start removing invasive species ask yourself this; Can you afford not to?



Need Help?

Hamilton County, IN land owners can contact Hamilton County SWCD for free technical assistance.



soil.water@hamiltoncounty.in.gov



(317) 773-2181



**Fishers City Council
Minutes
January 13, 2025**

THE PUBLIC MAY STREAM THE MEETING BY GOING TO: <http://tinyurl.com/CityOfFishers>

BOARD/COMMISSION: City Council Meeting

DATE: 1/13/2025

DIRECTIONS: City Hall 1 Municipal Drive, Fishers, IN 46037

WORK SESSION, 6:15 p.m. – 7:00 p.m., City Hall, Nickel Plate Conference Room, 3rd Floor

- Rental Registration Program
- President Pete Peterson called the meeting to order at 6:15 p.m. Present were John DeLucia, John Weingardt, Todd Zimmerman, Cecilia Coble, Bill Stuart, Brad DeReamer, Tiffanie Ditlevson, and Selina Stoller. Others present were Mayor Scott Fadness, City Clerk Jennifer Kehl, Deputy Mayor Elliott Hultgren, Chris Greisl, Jordin Alexander, Ross Hilleary, Ashley Elrod, Josh Huser, Larry Lannan and Geoff Tease.
- Jordin Alexander gave her presentation to the city council members. The presentation is attached.

REGULAR CITY COUNCIL MEETING, 7:00 p.m., City Hall, Theater

1. Meeting Called to Order with the Pledge of Allegiance

- President Pete Peterson called the meeting to order at 7:00 p.m. Present were John DeLucia, John Weingardt, Todd Zimmerman, Cecilia Coble, Bill Stuart, Brad DeReamer, Tiffanie Ditlevson, and Selina Stoller. Others present were Mayor Scott Fadness, City Clerk Jennifer Kehl, Deputy Mayor Elliott Hultgren, Chris Greisl, Jordin Alexander, Lindsey Bennett, Ross Hilleary, Ashley Elrod, Megan Baumgartner, Lisa Bradford, Jeremy Schmitt, Hatem Mekky, Josh Huser, Larry Lannan, Amy Perry, Anand Bemra, Sue Anthony Follmar, Jack Follmar, Georgia Perry Scott Boosters, Bob Golobish, Amy Klus, Conner Klis, Denise Thomason, Ross Reinhardt, and Geoff Tease.

2. Announcements: NONE

3. Proclamations: NONE

4. Presentations:

a. Employee Service Award

i. 30 Years:

David Seward

ii. 25 Years:

Randy Kelly

Ronnie Sawyer

iii. 20 Years:

Lori Mench

Anthony Zentz

Josh Mehling

Patrick Keith

William Ross

Todd Thornton

Daniel Ebbert

Matthew Harvey

David Flynn

iv. 15 Years:

Steven Orusa

- **Newly appointed Fire Chief Ky Ragsdale presented the firefighters present with their Employment Service Awards.**
Assistant Fire Chief's Mike Taylor and Lucas Gannon presented his police officers present with their Employment Service Awards. Council Committee Reports

5. Council Committee Reports

- a. Finance Committee Report
 - The report is attached.
 - John Weingardt gave an overview of the Finance Committee meeting.
- b. Rules Committee Report
 - The report is attached.
 - Selina Stoller gave an overview of the Rules Committee meeting.

6. Department Reports

- a. Health Department Report
 - The report is attached.

7. Council Business

- a. 2025 - Selection of Council Leadership & Appointments to Non-Standing Committees:
 - John Weingardt made a motion to approve Council Leadership and Appointments. John Delucia seconded the motion. There was no monstrance, and all members voted yay. The motion passed.

8. Consent Agenda:

- a. Request to approve the previous meeting minutes from the **December 16, 2024**, Fishers City Council meeting.
- b. **R011325** - A Resolution of the Common Council Authorizing the City Controller to Transfer Certain Funds.
 - John Weingardt made a motion to approve the Consent Agenda. Tiffanie Ditlevson seconded the motion. There was no monstrance, and all members voted yay. The motion passed.

REGULAR AGENDA

Business/ Financial

- NONE

Economic Development

- NONE

Government/Miscellaneous

- 9. **121624** - Request to approve an amendment to Chapter 98 of the City of Fishers Code of Ordinances (Noise) - **2nd and 3rd Reading**

- Assistant Chief Mike Taylor came forward to answer any questions concerning the noise ordinance.
- John Weingardt made a motion to approve ordinance **121624**. Todd Zimmerman seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

10. 011325 - Request to Approve an Amendment to Chapter 51 of the City of Fishers Code of Ordinances (Sewer Use) - **1st Reading**

- Jeremy Schmitt gave his presentation on Sewer Use to the council members.
- John Weingardt made a motion to have the 1st Reading on ordinance **011325**.

11. 011325A - Request to Approve an Amendment to the 2025 Salary Ordinance - **1st, 2nd, and 3rd Reading:**

- Lindsey Bennett gave her presentation to the council members.
- John Weingardt made a motion to approve ordinance **011325A**. Todd Zimmerman seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

Planning & Zoning

12. 111824 - Consideration of a rezone of 44.42 acres from R2 to PUDR, known as the Balmoral Village PUD. (RZ-24-3) - **Final Reading**

- Ross Hilleary gave his presentation to the council members. The price range of the townhomes will be in the upwards of \$400K-\$500K and the homes will be in the upwards of \$500K-\$700K.
- John Weingardt made a motion to approve ordinance **111824**. Selina Stoller seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

Annexations

13. 090924C - Request to Approve an Ordinance Annexing Territory to the City of Fishers, Placing the Same within the Corporate Boundaries of the City of Fishers and Making the Same a Part of the City of Fishers (Southeast Fishers Annexation) - **2nd and 3rd Reading**

- Lindsey Bennett gave her presentation to the council members.
- Bill Stuart made a motion to approve ordinance **090924C**. Tiffanie Ditlevson seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

REGULAR ITEMS

14. Any other Unfinished / New Business

- Mayor Scott Fadness asked Hatem Mekky to speak on the 96th Street and Allisonville Roundabout.
- Hatem Mekky came forward and stated the city is aware of the challenges. The increased traffic is due to the construction around us. (Keystone Ave. and 465). The detour though 96th street and Allisonville has caused about a 20% increase in traffic. The city is currently working with their traffic liaison on the issues. They are getting ready to get an update on traffic counts. They accidents that have happened are due to failure to yield and illegal lane changes.

15. Community Comment

- Ross Reinhardt came forward to thank Public Works on the snow removal. He would like the city to put together a snow plan for the trails for bike traffic. He also wanted the council to take note of Senate Bill 323.
- Amy Perry of 106 Chippenham Lane came forward to speak on the invasive plants in Richie Woods. She distributed a handout to the council members.
- And Bemra of 103 Heady Court, came forward to speak on a Hindu SS event coming up soon.

16. Meeting Adjournment

- Selina Stoler made a motion to adjourn the meeting. Todd Zimmerman seconded the meeting. There was no remonstrance, and all members voted yay. The motion passed.
- The meeting as adjourned at 8:35 p.m.

Respectfully Submitted,



Jennifer L. Kehl
Fishers City Clerk



Rental Registration Program

Work Session

1/13/2025

Background

Single Family Rentals are a Growing Segment of the Rental Market

Nationally, single-family rentals are among the rental market's fastest growing sectors

Locally:

- **Current Single-Family Rentals in Fishers: 2522***
- From 2020-2040, a considerable percentage of older single-family homes that are currently owner occupied, will enter rental status **(2022 Housing Study)**
- The City currently does not maintain any inventory on single family rentals in Fishers

***SF Rentals represent 8% of all single-family homes in Fishers, 30% of all rental units in Fishers**

Background

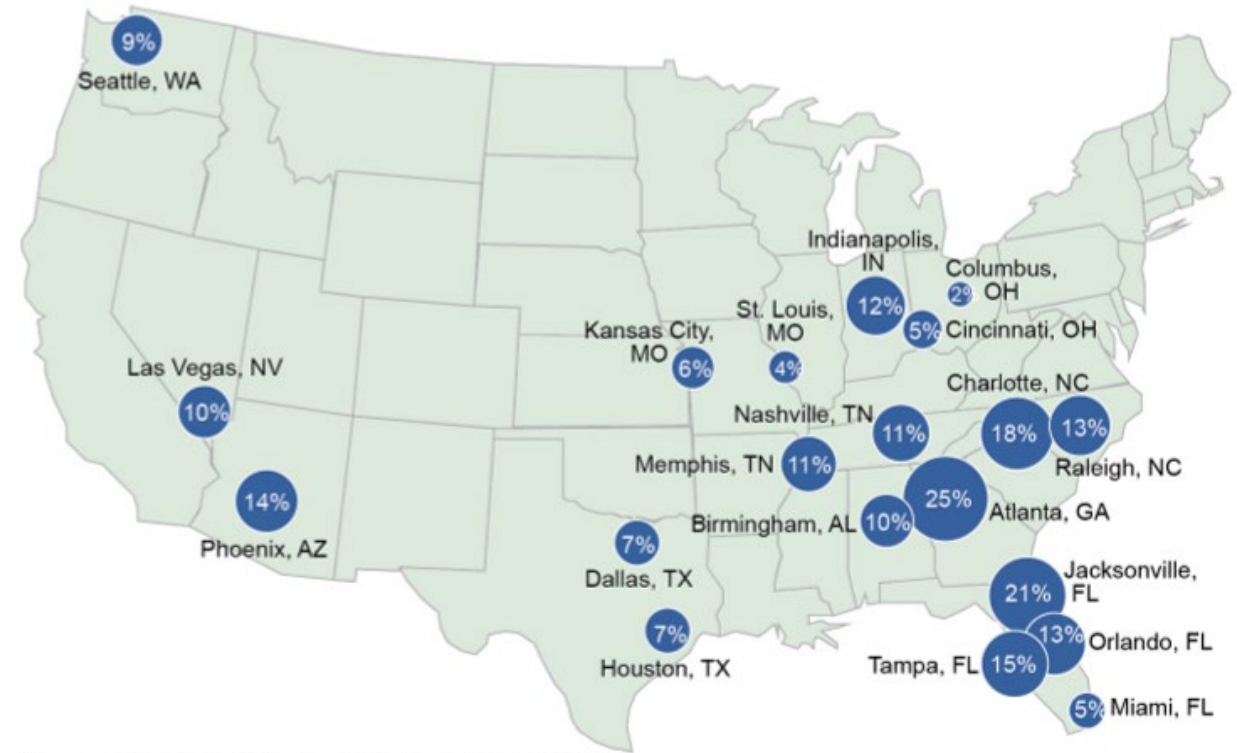
Ownership of Single-Family Rentals:

Increasing number of national single family rental companies and out of town investors are managing rental operations in Fishers (2022 Study)

As of 1/6/2025:

- **1186** Out of State Landlords (47%)
- **583** Institutional/ Corporate Investors (25%)
- **Nationally:** 3.8% of SF Rentals owned by Institutional Investors*

Estimated Share of the Single-Family Rental Market Held by Investors with over 1,000 Homes in Selected Areas, as of 2022



Source: GAO analysis of Urban Institute data. | GAO-24-106643

Note: For more details, see fig.6 in GAO-24-106643.

Implications for the City

Quality Single Family Rental Stock

→ **2022 Study:** Imperative the City maintain a high-quality rental stock.

Single Family Home Ownership Opportunities

→ Ownership in the community and its longevity & vibrancy

2022 Study Recommendation:

Initiate a rental registration program, to maintain a real time inventory of rental homes with key property information to ensure code compliance and welfare of tenants.

Proposal:

Rental Registration + Rental Permit Cap

Proposed Ordinance & Program

Objective:

To maintain the vibrancy and stability of neighborhoods in Fishers by ensuring code compliance and welfare of tenants of **single-family rental units**, while supporting home ownership opportunities in Fishers.

1 Registration & Permitting Requirement

- All single- family rentals in Fishers will require registration and a permit
- Registration = Application for Permit
- Permits will not expire (unless revoked for violations), until ownership of the property changes

2 Rental Permit Cap

- Permits will only be issued to units, if there exists less than 10% of home rental unit permits in a subdivision
- Legacy Rentals (prior to effective date of ordinance) will not be subject to the 10% cap

Key Elements of Program

Data & Technology Infrastructure

- Identify Rentals & Ensure Registration

Proposed Compliance & Enforcement

- Failure to Register Single Family Rental Unit → Subject to Fine
- Prospective Rentals Over 10% Subdivision Permit Cap → Permit Application Denied (Administrative Exceptions will Exist)
 - Legacy Rentals: Any Rentals Existing Prior to Effective Date, Not Subject to Permit Cap
 - Expiration: Permits will only expire with ownership changeover.
- Inspections: Valid Complaint Driven

Property Status Verification

- Prospective Landlords/ Rental Properties → Real Time Verification of Rental Permit Availability

Education & Outreach

Proposed Timeline

- **1-3 Month:** Work Session/ Ordinance Approval
- **Registration Go Live Following Ordinance Approval**
- **Introduction Period:**
 - 10-12-month introduction period to allow for landlords to register properties and receive permit.
 - Education Period
 - HOA Outreach
 - Send Notices to Landlords of Upcoming Change
- **Permit Cap:** “Go live” 90 days after ordinance approval to allow for any transactions in progress to be complete.
- **Following 10-12 Month Transition:** Go Live Date, Enforcement of Registration Begins

Next Steps

- Ordinance to City Council (February or March)
- HOA Meetings
- Engaging Stakeholders

DATE:

JANUARY 13, 2025

PLEASE PRINT NAME	STAFF/ BUSINESS NAME / RESIDENT ADDRESS / OTHER
1 GEOFF TEASE	PARKSHORE POA
2 Josh Hise	12863 Shakespeare Way
3 Amy Perry	106 Chippenham Ln. Fishers
4 ANAND BEMRA	103 HEADY CT, FISHERS
5 Sue Anthony Follmar	Regency Windsor
6 Jack Follmar	Regency Windsor
7 Georgia Perry	Carmel, IN
8 Scott BOOSTER	Noblesville, IN
9 Bob Golobish	7271 Woffe Dr, Fishers, IN 46038
10 Amy KLUS	10531 Serra Vista Pt 46040
11 Comer Klus	10531 Serra Vista Pt 46040
12 Denise Thomason	10777 Burning Ridge LN 46037
13 Ross Reinhardt	Resident
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City of Fishers Finance Committee
Minutes
January 08, 2025

BOARD/COMMISSION: City of Fishers Finance Committee

DATE: 01/08/2025

DIRECTIONS: Fishers Municipal Center: Nickel Plate Conference Room, 1 Municipal Drive,
Fishers, IN 46038

FINANCE COMMITTEE MEETING, 5:00 P.M., 3RD FLOOR, NICKEL PLATE CONFERENCE ROOM

1. Meeting Called to Order

- o Chairman John Weingardt called the meeting to order at 5:00 p.m. Present were Cecilia Coble, Selina Stoller, John DeLucia, and Bill Stuart.
- o Others present were City Clerk Jennifer Kehl, Deputy Mayor Elliott Hultgren, Todd Zimmerman, Beth Hampshire, Jake Reardon McSoley, and Mike Lindbloom.

2. Announcements: None

3. Consent Agenda:

- a. Request to review the previous meeting memoranda: **Minutes for December 11, 2024**
 - Bill Stuart made a motion to approve the December 11, 2024, minutes. Cecilia Coble seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.
- b. **R011325** - A Resolution authorizing the Common Council Authorizing the City Controller to Transfer Certain Funds:
 - John DeLucia made a motion to approve resolution **R011325**. Cecilia Coble seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

RESOLUTIONS:

4. None

ORDINANCES:

5. None

Regular Items

6. Any other Unfinished / New Business

a. Community Center Discussion

- Jake Reardon McSoley and Mike Lindbloom gave a brief overview of the progress of the Community Center. They presented projections of income and expenses for the next 5 years and Membership Fee suggestions. Pre-sale for memberships should begin in February.

8. Meeting Adjournment

- Bill Stuart made a motion to adjourn the meeting. Jon DeLucia seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.
- The meeting was adjourned at 5:30 p.m.

Respectfully submitted,



Jennifer L. Kehl
Fishers City Clerk

**BUDGET & FINANCE COMMITTEE REPORT
COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

* This is a Report of the Budget & Finance Committee. Minutes of the committee meeting can be found online at <https://fishersin.gov/agenda-center/>

John Weingardt, Chairperson
Cecilia Coble, Committee Member
Selina Stoller, Committee Member
John P. DeLucia, Committee Member
Bill Stuart, Committee Member

Meeting Date: 1/8/2025

RESOLUTIONS

1. R011325 - A Resolution authorizing the Common Council Authorizing the City Controller to Transfer Certain Funds:

- ☒ Passage
☐ Non-Passage
☐ Amendment
☐ No Recommendation

ORDINANCES

2. None

ATTEST:



Jennifer L. Kehl, Fishers City Clerk

This instrument was prepared by: Lindsey M. Bennett, Corporate Attorney, City of Fishers, Hamilton County, Indiana, 1 Municipal Drive, Fishers, Indiana, 46038.

**Rules Committee
Minutes
January 13, 2025**

Selina Stoller called the meeting to order at 6:00 p.m. Present were Bill Stuart, Tiffanie Ditlevson, Celica Coble and John Weingardt. Others present were City Clerk Jennifer Kehl and Larry Lannan.

Selina Stoller called for a motion to approve the Selection of Council Leadership & Appointments to Non-Standing Committees.

- John Weingardt made a motion to approve the Selection of Council Leadership & Appointments to Non-Standing Committees. Cecilia Coble seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

Adjournment:

Bill Stuart made a motion to adjourn the meeting. John Weingardt seconded the motion. There was no remonstrance, and all members voted yay. The motion passed.

The meeting was adjourned at 6:02 p.m.

Respectfully submitted,



Jennifer L. Kehl
Fishers City Clerk



To: Cecilia Coble, President
From: Selina Stoller, Rules Committee Chair
Date: January 13, 2025
Re: 2025 City Council Boards & Commissions Appointments

Finance Committee

John Weingardt
Cecilia Coble
Todd Zimmerman
John P. DeLucia
Bill Stuart

Rules Committee

John Weingardt
Tiffanie Ditlevson
Selina Stoller
Bill Stuart



To: Cecilia Coble, President
From: Selina Stoller, Rules Committee Chair
Date: January 13, 2025
Re: 2025 City Council Boards & Commissions Appointments

Board of Zoning Appeals (BZA) Fishers

Appointment type	Appointing	Term
Resident	Tom Grinslade	3-year term

Fishers YMCA Branch Board

Appointment type	Appointing	Term
Resident	Naureen Ahmed	1-year term
Resident	Brendan Murphy	1-year term
Resident	Josh Palmer	1-year term

Nickel Plate Review Committee

Appointment type	Appointing	Term
City Councilor	Selina Stoller	2-year term
Resident	Rich Block	2-year term

Planned Unit Development (PUD) Committee

Appointment type	Appointing	Term
City Councilor	Pete Peterson	1-year term

Redevelopment Commission

Appointment type	Appointing	Term
Resident	Dan Canan	1 year term
Resident	Brad Johnson	1-year term



Riverplace PUD Committee

Appointment type	Appointing	Term
City Councilor	John Weingardt	1-year term
Resident - Architect	Shawn Curran	1-year term
Resident	Drew Bender	1-year term



Fishers Health Department Update – 01/13/2025

Health First Indiana

- HFI Funding for 2025, \$1,935,997.50, received. Requirements to report on Core Services with KPIS and metrics. Information available here <https://www.in.gov/healthfirstindiana/your-community-info/>.
- Approval for ongoing funding for 2026-2027 will be dependent on state legislative approval during 2025 budget session.

Community Health Assessment

- Data analysis draft complete. Will be disseminating community survey January – February 2025 and forming steering committee as next steps to gather community input.

Culture of Health

- Preparing to launch Sunday open gym time for school age kids in Fishers, in coordination with Fishers Parks and HSE Schools. Will be held at Fishers Junior High. Follow on social media for more information.
- “Wellness Wander,” a passive installation with mental health tips is rotating through various Parks is at Billerica Park in January.
- Assisting community partner to hold first triathlon in Fishers in 2025. Registration is now open for 2025 Geist Half Marathon.

Core Health Services

- Immunizations & Testing: 219 patients seen for immunizations and testing services in December. Demand for tuberculosis testing increased (21). Zero COVID-19 and blood lead tests administered. 2024 totals: 3,152 patients seen for immunization and testing services; 6,648 immunizations, 591 TB tests, 8 lead tests and 11 COVID-19 tests administered.
- Reportable conditions managed at a steady pace and monitored for outbreak potential. Active cases managed increased from 71 to 86. 2024 totals: 338 total investigations and 272 confirmed, probable or suspected cases.

Health Education

- 12 health education sessions offered in December to 1,730 individuals (174 sessions with 19,090 individuals year to date).
- Health Educator currently sees all students in grades K-1 and 3-8 at least once in the year. Additionally, all high school health classes and other classes on demand.
- New health educator hired- will allow for expansion of education offerings to wider community.

Mental Health

- StigmaFree Fishers platform & Community Resource List continue to see increase in usage and awareness. Since launch 17,698 unique users and 20,549 total sessions. 2024 year 10,297 unique users with 11,768 sessions, of which 10,244 users are new from 2023. Most users from Fishers and surrounding area, female, and younger than 25 years of age. 48% of users under age 18, 69% under age 24. Most common topic centers, resources, and assessments used in 2024 on depression, anxiety, and alcohol use.

Environmental Health & Inspections

- Check out the [Food Grade and Inspection Dashboard](#) for most recent grades and inspection reports. 2025 inspections and grading just started.
- Environmental health inspector now certified to teach Certified Pool Operator courses. Will begin offering in Spring, 2025.





Community Outreach and Social Media

- Follow us on Facebook, X and Instagram to help us get the word out on the great work we are doing!

Public Health Social Work

- Social worker and community health advocates connecting residents to services and care for substance use disorder, disability resources, mental health counseling, caregiver support, home health care, assisted living, and more. December 2024 had 72 unique individuals with 97 encounters and 105 referrals to community resources. 2024 totals: 1,505 encounters, 944 unique individuals and 1,005 referrals to community resources.
- All FPD emergency detentions are automatically referred into program to assist with mental health crises. Social worker handles all referrals. 166 individuals referred in 2024.
- Fall prevention program: Continuing recruitment for in-home risk assessments, minor modifications and referrals to reduce risk. Community Health Advocate trained in evidence-based program SteppingOn to offer residents structured courses to reduce fall risk. First course for residents scheduled to begin April 2025.
- Social needs assessment to identify barriers to physical, mental, and social well-being offered daily in clinic. Program offers on-site social work support to any clinic patient with referrals to organizations for support with employment, connection to medical care providers, assistance with food/housing/financial insecurity, social isolation, and literacy. 534 individuals completed a needs assessment in 2024.

Grants and Funding:

- FHD receives grant funding via the Indiana Department of Health and the Food and Drug Administration. These grants support: immunizations, emergency preparedness, school health and wellness initiatives, and food inspections.
- FHD has applied for grant funding from the USDA in partnership with HSE schools and Fishers AgriPark to support an additional greenhouse to provide fresh, locally grown produce to HSE schools' school lunch program. Produce would be in-part grown with HSE student assistance.
- School-based student-led club grant portal now open and receiving grant proposals. Initial funding provided by Indy Fuel owner, Jim Hallett. First grants have been awarded. All school-based clubs eligible to apply for awards up to \$500 per school year for health or service-focused projects. More information and application portal here: <https://health.fishersin.gov/resources/school-health-club-grant-program-2/>
- Health department distributes contracts to community agencies focused on access to care and prevention efforts. Current contracts with: Shepherd's Center of Hamilton County, Trinity Free Clinic, and Breathe Easy Hamilton County. Funding source for these efforts is Health First Indiana Funds.
- FHD has distributed \$150,000 to the HSE Foundation to support an expansion of Project Hope. This expansion will allow increased access to mental health services provided through school-based therapists for students in need. FHD has also distributed \$2800 to support truancy prevention classes at HSE schools.
- All health department contracts are posted here: <https://app.smartsheet.com/b/publish?EQBCT=0e1d1aa1427b4be39bd2c23e34d6086f> for 30 days before signature per Indiana Code.

Open Positions and Compliance

- Selected as host site for Indiana Public Health Association intern program (3rd straight year). Internship paid via external stipend. Will post opportunity February 2025.
- All available positions are posted for a minimum of 30 days here: <https://cityoffishers.hrmdirect.com/employment/job-openings.php?search=true&>
- All contracts are posted here: <https://app.smartsheet.com/b/publish?EQBCT=0e1d1aa1427b4be39bd2c23e34d6086f> per Indiana Code.

Form Name:	Public Meeting Comment Form
Submission Time:	January 2, 2025 2:28 pm
Browser:	Chrome 131.0.0.0 / Windows
IP Address:	154.47.25.114
Unique ID:	1301622075
Location:	41.8874, -87.6318

Name	Angela Hoess
Address	12584 Largo Dr. Fishers, IN 46037
Email	akhoess@gmail.com
Subdivision or business name	Gray Eagle
Please select the meeting to which you would like to submit a public comment	City Council
Meeting Date	Jan 13, 2025
Project Name/Resolution Number	noise ordinance amendment
Comment	I saw the recent "Current in Fishers" article about the proposed noise ordinance amendment, and I would like to give my support to it. As an audiologist with experience in hearing conservation and the gradual, painless, but permanent effects of noise exposure on hearing/quality of life/sleep, I agree with the decibel levels noted. As a resident, I am happy that a huge public health issue is being addressed by my city. And I was pleased to read how residents can report noise issues, and wish that would be widely shared. Enforcement will be much easier for our law enforcement staff when people have an easy way to report problems.
Would you like to receive email communications and updates from the City of Fishers?	Yes

Form Name:	Public Meeting Comment Form
Submission Time:	January 9, 2025 3:41 pm
Browser:	Chrome 131.0.0.0 / Windows
IP Address:	76.139.33.77
Unique ID:	1303803897
Location:	39.9594, -86.0199

Name	Amy Perry
Address	106 Chippenham Lane 106 Chippenham Lane Fishers, IN 46038
Email	amyperryindy@yahoo.com
Subdivision or business name	Ritchey Woods
Please select the meeting to which you would like to submit a public comment	City Council
Meeting Date	Jan 13, 2025
Project Name/Resolution Number	RZ-24-3
Comment	Given that the new development is very close to Ritchey Woods Nature Preserve, with only the airport in between, I request that the developer be required to use downward-facing lights during construction and in the final development. Lights that face upward confuse nocturnal creatures such as owls and migrating birds and cause deaths of birds. In early 20-23, the Andretti Global headquarters removed the original lights on the existing barn on their property and replaced them with downward-facing lights. The businesses along Hague Road, on the opposite side of Ritchey Woods from the airport, use downward-facing lights. Thank you for listening.
Would you like to receive email communications and updates from the City of Fishers?	Yes

Form Name:	Public Meeting Comment Form
Submission Time:	January 13, 2025 2:20 pm
Browser:	Chrome 131.0.0.0 / OS X
IP Address:	209.160.198.202
Unique ID:	1304862044
Location:	39.9086, -86.121

Name	McKenzie Lynch
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Address	10263 cloverbank dr Fishers , IN 46040
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Email	mckenzielynch9@gmail.com
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Subdivision or business name	N/A
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Please select the meeting to which you would like to submit a public comment	City Council
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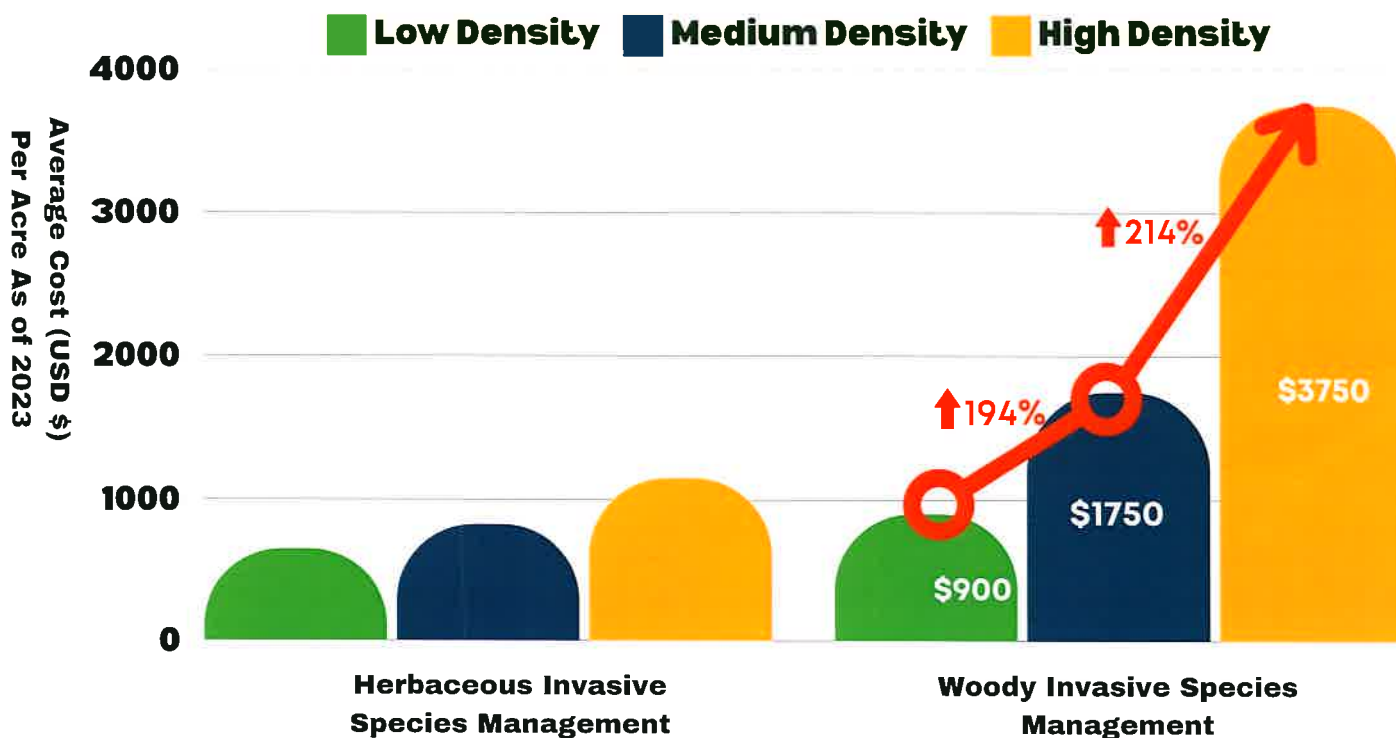
Meeting Date	Jan 13, 2025
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Project Name/Resolution Number	Change for Florida Road and Southeastern Parkway
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Comment

I reside at 10263 Cloverbank drive, Fishers, IN. I understand that a roundabout has been put in at 126th and Southeastern Parkway. For me, the student drivers, and the residents of Fishers Indiana, I want to petition to put in a stop light and/or a roundabout at the crossroads of Southeastern Parkway and Florida Road. While I thought a four-way traffic light would have been more beneficial, I really just want a solution, or some control over the intersection. This has been an issue for me recently, as I have been a resident of Fishers for some time, and plan on living here in the future. Watching this area populate itself, going from quiet countryside to bustling city roads, this has now further escalated traffic. Due to this recent change, it has added an extra 15 minutes to my commute to school in the morning. Along with the speed bump also recently put in on 126th street, that has added another 15. With the ridiculous traffic build up from Florida Road to 126th street to the athletic entrance of HSE high school, it's become time consuming to live my regular day-to-day life. With the overpopulation now in the area, and getting to school on time, it is my senior year and the most important; I just cannot afford to be late. I also believe the area is not equipped for the newly constructed homes and the anticipated influx of people. With all the new neighborhoods, the area is becoming crowded, and there must be some way to accommodate for that. The roads have not been updated either, except for the roundabout. Congested traffic may put lives at risk as well. Florida road is a two-lane road and there has been no way to accommodate for that. With the children and bikers, this traffic may be threatening a life. I ask this with kindness and great hope that the city of fishers will consider its patrons and recognize this issue with care. I hope that even if it's not a stoplight, that ultimately a solution is found, because like you, I care for the functional state of Fishers Indiana, and that we can support the city with its fast-growing population.

The Cost of Waiting



Fast growth is a key characteristic of most invasive species. This fast growth does more than destroy ecosystems, it gives us less time to react before the cost to remove becomes unaffordable. Native forests take decades to grow and mature, but an invasive species infestation can take over in just a few years.

This data was collected by averaging estimates for similar work from ecological restoration firms in the Indianapolis area. These estimates are only for the removal of invasive species and do not factor in restoration costs.

There's No Time Like the Present

If you plan on managing invasive species on your property, it is hard to deny the benefits of getting started early.

Lower costs, greater benefit to local ecosystems, quicker recovery times, easier work, the list goes on and on. The biggest thing getting in our way is taking that first step, so next time you take a look at your budget to decide if now is the right time to start removing invasive species ask yourself this; Can you afford not to?



Need Help?

Hamilton County, IN land owners can contact Hamilton County SWCD for free technical assistance.



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