

CITY OF PERU COMMON COUNCIL MINUTES

PERU CITY HALL, COUNCIL CHAMBERS

PERU, INDIANA

December 4, 2023

Council President Sahaidachny called the special meeting to order at 5:30 pm. This was a public hearing for Ordinance 30-2023, concerning Wastewater rates for the utilities. Josh Chance from the Utilities was present to field any remaining questions from the audience.

The meeting was adjourned at 5:45 as no one had any further questions about the proposed rates.

Council President Sahaidachny called the regularly scheduled meeting of the Common Council to order at 6:00 pm on December 4, 2023. The following members were present: Steve Anderson, Tom Gustin, Mark Ramsey, Peter Sahaidachny, Patricia Russell, Kathleen Plohow and Betsy Wolfe.

Others present were , City Clerk/Treasurer Kurt Krauskopf, City Attorney Dustin Kern, Scott Miller from Baker Tilly, department heads and other interested persons and members of the community.

PLEDGE OF ALLEGIANCE - led by Mark Ramsey

INVOCATION – led by Pastor Brent Wedding

ROLL CALL – Anderson, Gustin, Ramsey, Russell, Sahaidachny, Plohow and Wolfe were all present.

READING & CORRECTING JOURNAL – of minutes of the Regular Meeting on November 6, 2023.

Councilperson Wolfe moved, seconded by Councilperson Gustin, to suspend the rules and to adopt the minutes as amended.

Roll Call: 7 Ayes 0 Nays

MOTION CARRIED

Communications:

Wolfe: Nothing to report.

Ramsey: Reported on the Animal Control Department. They currently have 6 dogs and 3 puppies. Stacey Mize has been appointed to the Library Board. There will be a public meeting on December 14 to discuss the proposed bond for golf course improvements.

Russell: Cookies with Santa will be at the Civic Center on December 9th. Joel Ebert has been appointed to the Aviation board.

Sahaidachny: The County Government received a \$5000 grant to help with mental health.

Gustin: Nothing to report.

Plathow: Nothing to report.

Anderson: Nothing to report.

OLD BUSINESS

ORDINANCE # 30 - 2023

AN AMENDED ORDINANCE REPEALING ORDINANCE NO. 23, 2013, AND INSERTING IN ITS PLACE A NEW SCHEDULE OF RATES AND CHARGES FOR SERVICE PROVIDED BY THE MUNICIPAL SEWAGE WORKS UTILITY OF PERU, INDIANA

WHEREAS, the City of Peru has heretofore constructed and has in operation a sewer system for the purpose of collecting and treating wastewater; and

WHEREAS, the City of Peru has heretofore authorized the construction of certain improvements to be paid by the proceeds of a revenue bond issue for the collection, treatment, and disposal of wastewater under the provisions of Chapter 284 of the Acts of the General Assembly of the State of Indiana for the year 1967; and

WHEREAS, the municipally owned sewage works utilities in the Peru Municipal Sewage Works Utility service area has been exempted from the jurisdiction of the Utility Regulatory Commission pursuant to I.C. §36-7-30-33; and

WHEREAS, the existing rates and charges for services provided by the utility do not produce revenues sufficient to maintain the utility property in a sound physical and financial condition and such the current rates and charges are not “reasonable and just” within the meaning of I.C. 8-1.5-3-8; and

WHEREAS the City of Peru Utility Service Board commissioned a study to determine the amount of revenues required to operate the Peru Municipal Sewage Works Utility in a reliable and efficient manner, determine how the revenues shall be collected from the various users of the Peru Sewage Works utility and to design new rates and charges that reflect the results of said study; and

WHEREAS, the proposed rates and charges are in all respects reasonable and nondiscriminatory and will provide sufficient revenues to pay all the costs associated with

the operation, maintenance, and system improvements of said Peru Municipal Sewage Works Department; and

WHEREAS, the City of Peru Utilities Service Board has passed Resolution # _____, 2023 recommending certain rates and charges and service conditions; and

WHEREAS, this ordinance is introduced and pursuant to I.C. 8-1.5-3-8.1, a notice of a hearing setting forth a proposed schedule of fees has been published in accordance with I.C. 5-3-1; mailed to owners of vacant or unimproved property; and

WHEREAS, the Common Council has held a public hearing pursuant to I.C. 8-1.5-3-8 at which users of the Peru Municipal Sewage Works Utility, owners of property served or to be served by the utility, and other interested persons have been allowed to be heard concerning the proposed rates and charges. The Common Council finds the rates and charges described in Section 1 are nondiscriminatory, reasonable, and just; and

WHEREAS, the Common Council also finds the rates and charges produce income in sufficient to maintain the utility property in a sound physical and financial condition to render adequate and efficient service.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF PERU, INDIANA, That:

Section 1: All rates and charges collected pursuant to this ordinance shall be considered revenues of the Peru Municipal Sewage Works Utility. The sewage works rates and charges shall be based on the quantity of the sewage works used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use. For the purpose of billing and collecting the charges for sewage works services, the water meters shall be read monthly (or period equaling a month), if the utility cannot access the meter remotely. The sewage works usage schedule on which the amount of said rates and charges shall be determined as set forth in "Exhibit A," attached hereto, and made a part hereof and incorporated herein by reference. Further, all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 2: The rates and charges as set forth in "Exhibit A" shall be subject to review and adjustment using the process as set forth in "Exhibit B", attached hereto, made a part hereof and incorporated herein by reference.

- a. The review and adjustment shall be performed annually; and
- b. It shall be the responsibility of the Peru Utility Service Board to perform the review and adjustment calculations as required in this Section 2; and
- c. The adjusted rates and charges shall be submitted to the Peru Common Council for approval; and d. Rate increases implemented under this Section 2 shall not exceed 1.5% per year.

Section 3: This Ordinance shall be in full force and effect beginning January 1, 2024.

"EXHIBIT A"

PERU (INDIANA) MUNICIPAL SEWAGE WORKS

SCHEDULE OF PRESENT AND PROPOSED RATES AND CHARGES

Present (1) Phase I (2) Phase II (3) Phase III (4) Phase IV (5) Phase V (6)
Proposed

Monthly Metered Consumption (per 1,000 gallons)

First 5,000 gallons \$9.12 \$12.87 \$18.16 \$22.79 \$27.94 \$30.79 Next 10,000 gallons 8.36 11.80 16.65 20.90 25.62 28.23 Next 60,000 gallons 6.97 9.83 13.87 17.41 21.34 23.52 Over 75,000 gallons 5.89 8.31 11.73 14.72 18.05 19.89

Gallons

Monthly Minimum Charge Allowed

5/8 - 3/4 inch meter 3,000 \$27.37 * \$38.61 * \$54.48 * \$68.37 * \$83.82 \$92.37 * 1 inch meter 5,000 45.62 64.35 90.80 113.95 139.70 153.95 1 1/4 inch meter 10,000 87.44 123.35 174.05 218.45 267.80 295.10 1 1/2 inch meter 15,000 129.26 182.35 257.30 322.95 395.90 436.25 2 inch meter 25,000 198.96 280.65 396.00 497.05 609.30 671.45 3 inch meter 35,000 268.66 378.95 534.70 671.15 822.70 906.65 4 inch meter 50,000 373.21 526.40 742.75 932.30 1,142.80 1,259.45 6 inch meter 75,000 547.46 772.15 1,089.50 1,367.55 1,676.30 1,847.45

Unmetered Residential "Shall not be less than the minimum charge based on the size of the sewer connection, however, in the case of a residential user, the minimum charge also shall be applicable to those using 3,000 gallons or less."

Unmetered - Any Other "Shall not be less than the minimum charge based on the size of the sewer connection, but shall not be less than 5,000 gallons."

Connection Fee (Plus actual costs in excess of minimum) \$750.00 \$750.00 \$750.00 \$750.00 \$750.00 \$750.00

- (1) Present rates and charges were approved pursuant to Ordinance No. 23, 2013 passed October 7, 2013.
- (2) Phase I represents a 41.1% across-the-board increase in present rates and charges, to begin January 1, 2024.
- (3) Phase II represents a 41.1% across-the-board increase in Phase I rates and charges, to begin January 1, 2025.
- (4) Phase III represents a 25.5% across-the-board increase in Phase II rates and charges, to begin January 1, 2026.
- (5) Phase IV represents a 22.6% across-the-board increase in Phase III rates and charges, to begin January 1, 2027.
- (6) Phase V represents a 10.2% across-the-board increase in Phase IV rates and charges, to begin January 1, 2028.

* The 5/8 - 3/4 inch meter minimum monthly charge provides for 3,000 gallons but is priced for 2,000 gallons reflecting a 1,000 gallon discount.

(Continued on next page)
PERU (INDIANA) MUNICIPAL SEWAGE WORKS

SCHEDULE OF PRESENT AND PROPOSED RATES AND CHARGES

(Cont'd)

Equivalent to

Single Family Proposed

Flat Rate Charges

Residential

Single family residence/unit 1.00 \$45.62 \$64.35 \$90.80 \$113.95 \$139.70 \$153.95 Apartment or trailer court/unit 0.75 34.22 48.26 68.10 85.46 104.78 115.46

Commercial

Retail establishments:
 First 3 employees 1.00 45.62 64.35 90.80 113.95 139.70 153.95 Each additional employee 0.25 11.41 16.09 22.70 28.49 34.93 38.49

Gasoline service stations:
 W/o car wash facilities 1.50 68.43 96.53 136.20 170.93 209.55 230.93 With car wash facilities 2.50 114.05 160.88 227.00 284.88 349.25 384.88

Restaurants, drive-ins, and taverns
 with eating and/or drinking facilities:
 First 2 employees 1.00 45.62 64.35 90.80 113.95 139.70 153.95 Each additional employee 0.33 15.05 21.24 29.96 37.60 46.10 50.80

Hotels, motels w/o eating facilities:
 Per room 0.33 15.05 21.24 29.96 37.60 46.10 50.80

Hotels, motels with eating facilities:
 Per room 0.75 34.22 48.26 68.10 85.46 104.78 115.46

Nursing Homes:
 Per bed 0.33 15.05 21.24 29.96 37.60 46.10 50.80

Laundromats:
 Per washer 0.75 34.22 48.26 68.10 85.46 104.78 115.46

Car Wash, manual:
 Per bay 2.50 114.05 160.88 227.00 284.88 349.25 384.88 Shop or office in home: 2.00 91.24 128.70 181.60 227.90 279.40 307.90

Professional offices:
 First 2 employees 1.00 45.62 64.35 90.80 113.95 139.70 153.95 Each additional employee 0.33 15.05 21.24 29.96 37.60 46.10 50.80

Governmental/Institutional:
 Per school student 0.05 2.28 3.22 4.54 5.70 6.99 7.70

Churches, lodges, and veteran's organizations:
 For each 200 members 1.00 45.62 64.35 90.80 113.95 139.70 153.95

Government offices:
 First 3 employees 1.00 45.62 64.35 90.80 113.95 139.70 153.95 Each additional employee 0.25 11.41 16.09 22.70 28.49 34.93 38.49

Industrial (sanitary flow only):
 First 3 employees 1.00 45.62 64.35 90.80 113.95 139.70 153.95 Each additional employee 0.25 11.41 16.09 22.70 28.49 34.93 38.49

Septic Tank Discharge

1 - 1500 gallons \$57.03 \$80.47 \$113.54 \$142.49 \$174.69 \$192.51

1,501 - 3,000 gallons 0.091 0.128 0.181 0.227 0.278 0.306 Industrial Waste Surcharges

Surcharge is based on a biochemical oxygen demand of 200 milligrams per liter, or where a BOD cannot be determined, a chemical oxygen demand of 400 milligrams per liter; and/or suspended solids content of 250 milligrams per liter.

Surcharges (per pound)

Biochemical Oxygen Demand \$0.18 \$0.25 \$0.35 \$0.44 \$0.54 \$0.60 Chemical Oxygen Demand 0.18 0.25 0.35 0.44 0.54 0.60 Suspended Solids 0.17 0.24 0.34 0.43 0.53 0.58

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- (4) Phase III represents a 25.5% across-the-board increase in Phase II rates and charges, to begin January 1, 2026.
- (5) Phase IV represents a 22.6% across-the-board increase in Phase III rates and charges, to begin January 1, 2027.
- (6) Phase V represents a 10.2% across-the-board increase in Phase IV rates and charges, to begin January 1, 2028.

“EXHIBIT B”

CALCULATION OF CITY OF PERU MUNICIPAL SEWAGE WORKS UTILITY LOCATED IN THE PERU MUNICIPAL SEWAGE WORKS UTILITY SERVICE AREA ADJUSTMENT

Eligible Expenses – Shall be only those expenses shown as Operations and Maintenance Expenses and Payment in Lieu of Taxes for the Pro Forma Year as contained in the Baker Tilly Municipal Advisors, LLC Peru Municipal Sewage Works Utility of the Peru Municipal Sewage Works Utility Service Area dated October 17, 2023, appropriate excerpts of which are attached and made a part of this “Exhibit B”.

Annual Cost Index – Shall be the Annual Cost Index as published by the Indiana Utility Regulatory Commission.

Revenue Requirement Adjustment – Shall be the product of the Pro Forma Operations and Maintenance expenses and Payment in Lieu of Taxes from the Study plus the total of all previous revenue Requirement Adjustment times the current Annual Cost Index.

Percentage Increase Adjustment Calculation – Shall be the quotient of the Revenue Requirement Adjustment calculation divided by the previous 12-months total revenue, expressed as a percentage, which shall then be applied equally across the rate schedules, not to exceed a gross increase of 1.5%. This does not apply to Nonrecurring Charges.

Councilperson Russell moved, seconded by Councilperson Anderson, to adopt Ordinance 30-2023. Motion carried with a vote of 6 Ayes, 1 Nay, with Councilperson Wolfe voting no.

MOTION CARRIED

NEW BUSINESS:

Councilperson Anderson moved, seconded by Councilperson Russell, to consider Resolution 20-2023. Motion carried with a vote of 7 Ayes, 0 Nays.

RESOLUTION # 20-2023

A RESOLUTION ESTABLISHING RATE TRACKING FACTOR FOR THE MUNICIPAL ELECTRIC UTILITY OF THE CITY OF PERU, INDIANA

WHEREAS the Electric Rate Adjustment for the following rates shall be on the basis of a Rate Tracking Factor, occasioned solely by changes in the cost of Purchased Power, in accordance with order of the City Council of Peru, Indiana, as a pass through approved in Cause No. 36835-533 as follows:

PERU MUNICIPAL ELECTRIC UTILITY RATE ADJUSTMENT FOR THE 1ST QUARTER 2024

<u>Residential Service (RS-1)</u>	<u>\$0.005799 per kWh</u>
General Service (GSA-1)	\$0.005923 per kWh
Power Service (PS)	<u>\$0.006057 per kWh</u>
Security Lighting Service (SL-1)	\$0.007565 per kWh
Municipal Street Lighting (MSL-1)	\$0.006784 per kWh

Traffic Signal Service (TL)

\$0.009280 per kWh

The above factors represent an average increase in its schedule of rates for electricity sold in the amount of \$0.003641 per kilowatt hour (kWh) applicable January, February, and March 2024.

Josh Chance, General Manager for Peru Utilities, explained that this was the normal quarterly rate tracker. The adjustment for the next quarter was an extremely small increase per kilowatt hour.

Councilperson Russell moved, seconded by Councilperson Sahaidachny, to adopt Resolution 20-2023. Motion carried with a vote of 7 Ayes, 0 Nays.

MOTION CARRIED

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ORDINANCE 32-2023

Councilperson Wolfe moved, seconded by Councilperson Ramsey, to consider Ordinance 32-2023. Motion passed with a vote of 7 ayes, 0 nays.

AN ORDINANCE OF THE CITY OF PERU, INDIANA CONCERNING PARK IMPROVEMENTS BY THE PERU PARK AND RECREATION BOARD THROUGH THE ISSUANCE AND SALE OF BONDS, AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS, the Park and Recreation Board ("Board") of the City of Peru, Indiana ("City") has determined to issue bonds in an amount not to exceed One Million Seven Hundred Sixty Thousand Dollars (\$1,760,000) of the Peru Park and Recreation District ("District") to construct and complete the park projects as more fully described in Exhibit A attached hereto and incorporated herein by reference, together with all necessary appurtenances, related improvements and equipment (collectively, "Projects"); and

WHEREAS, the Common Council of the City is authorized by IC 36-10-3-25(c) to approve the issuance of bonds of the District;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF PERU, INDIANA, THAT:

The Common Council hereby approves the issuance of bonds of the District by the Board in the amount not to exceed One Million Seven Hundred Sixty Thousand Dollars (\$1,760,000) to apply on the cost of the Projects.

Effective Date. This ordinance shall be in full force and effect from and after its passage.

Garry Clark, representing the Golf Course, addressed the council. The council had asked earlier in the summer to get a quote and a bond issuance moving to address the many repairs that are needed at the golf course. Eric Walsh from Bake Tilly had attended a department head meeting that dealt with 5-year projections from all the various departments for future spending. He had taken what the golf course had presented and included it in the groundwork for the 5-year plan to be presented early in 2024. All of the golf course requests had been included in the proposed bond issuance being presented in this ordinance.

The council had numerous questions and it was decided that more information was needed. The council decided to postpone the vote until the special meeting that has already been advertised for December 18.

ORDINANCE # 26- 2023

AN ORDINANCE TO ESTABLISH AN ADOPTION FEE FOR DOGS

WHEREAS, the City Animal Control Department from time to time will have dogs which need adopted/rehomed; and

WHEREAS, it is necessary for the City to establish a set fee for the adoption/rehoming fee for dogs held by the City Animal Control, and

WHEREAS, prior to a dog being eligible for adoption, the Animal Control Officer shall comply with §90.34 of the Peru Municipal Code; and

WHEREAS, some dogs are harder than other dogs to rehome, which can be based on several factors, of and including, but not limited to: ages, sex, breed, size and weight, health conditions, temperament, and etc....; and

WHEREAS, the standard adoption fee should be \$65.00; and

WHEREAS, when the City is not able to adopt out or rehome a dog for the \$65.00 fee after certain periods of time, the price shall be reduced; and

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF PERU, INDIANA, That:

Section 1: There shall be established a standard adoption fee of \$65.00 for dogs that are needing adopted/rehomed after the Animal Control officer has complied with §90.34 of the Peru Municipal Code.

Section 2: When the City is not able to adopt out or rehome a dog for the \$65.00 fee after certain periods of time, the price shall be reduced as follows:

- a. After 30 days, the price shall be reduced to \$45.00.
- b. After 60 days, the price shall be reduced to \$25.00.
- c. After 90 days, the price shall be reduced to \$0.00.

It was explained to the council that the SBOA had noted in their audit this past summer that the city did not have a fee for the adoption of dogs. All other fees had been established, but the dog adoption fee was not present in the city ordinances. This ordinance is being presented to correct that oversight.

Councilperson Wolfe moved, seconded by Councilperson Ramsey, to adopt Ordinance 26-2023. Motion carried with a vote of 7 Ayes, 0 Nays.

MOTION CARRIED

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Councilperson Wolfe moved, seconded by Councilperson Ramsey, to consider Resolution 21-2023. Motion passed with a vote of 7 ayes, 0 nays.

RESOLUTION 21-2023

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PERU, INDIANA APPROVING CERTAIN MATTERS IN CONNECTION WITH THE AMENDMENT OF AN ECONOMIC DEVELOPMENT AREA AND PLAN

WHEREAS, the Miami County Economic Development Authority (the “Authority”), as the successor to the Grissom Redevelopment Authority, was created as an “Authority” pursuant to Indiana Code 36-7-14.5-12.5, and pursuant to Ordinance No. 6-19-06 of the Miami County Commissioners and Ordinance No. 27, 2005 by the Common Council of the City of Peru, Indiana (the “City”), and the Authority has been granted the powers of the redevelopment commission of the City; and

WHEREAS, the Authority, pursuant to Indiana Code 36-7-14.5-12.5, and pursuant to the procedures provided in Indiana Code 36-7-14, as amended (the “Act”), on November 8, 2023, adopted its Resolution No. 11-8-23 (the “Declaratory Resolution”) in which the Authority declared its intent to delete certain parcels in the existing City of Peru Consolidated Economic Development

Area (the “Economic Development Area”) and revise the economic development plan related thereto (the “Plan”) for the Economic Development Area; and

WHEREAS, the City of Peru Planning Commission, on November 28, 2023, approved and adopted a resolution (the “Plan Commission Order”) determining that the Declaratory Resolution and the Plan conform to the plan of development for the City of Peru and approving the Declaratory Resolution and the Plan.

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

1. Pursuant to Section 16(a) and (b) of the Act, the Common Council of the City (the “Council”) determines that the Declaratory Resolution and the Plan for the Economic Development Area, as set forth in the Declaratory Resolution, in all respects, conform to the plan of development for the City, and approves in all respects, the Declaratory Resolution, the Plan for the Economic Development Area and the Plan Commission Order.

2. The Council hereby approves the determination that the Authority delete certain parcels in the Economic Development Area, as set forth in the Declaratory Resolution, is an “Economic Development Area” pursuant to Indiana Code 36-7-14-41.

3. This Resolution shall be in full force and effect from and after its passage by the Council and approval by the Mayor as required by law.

Jim Tidd representing MCEDA explained to the council the rationale for removing these properties from the economic development areas. Most of them were owned by non-profits and could not be developed.

Councilperson Sahaidachny moved, seconded by Councilperson Wolfe, to adopt Resolution 21-2023. Motion passed with a vote of 7 ayes, 0 nays.

MOTION CARRIED

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Councilperson Wolfe moved, seconded by Councilperson Anderson, to consider Ordinance 33-2023. Motion carried with a vote of 7 Ayes, 0 Nays.

CITY OF PERU COMMON COUNCIL

ORDINANCE 33- 2023

AN ORDINANCE TO AMEND ORDINANCE IN CHAPTER 90

WHEREAS, the City of Peru Plan Commission has request amendments to the Zoning Code and has caused public notice to be placed in the Peru Tribune,

WHEREAS, Chapter 90 of the City of Peru Code of Ordinances shall be amended to reflect necessary changes,

WHEREAS, it is in the best interest of the City of Peru, that Chapter 90 of the City of Peru Code of Ordinances be amended to reflect necessary changes,

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF PERU, INDIANA, That:

1. It is in the best interest of the City of Peru to amend Chapter 90 of the City of Peru Zoning Code of Ordinances and add Chapter 90.20-90.24 Chickens.

2. To reflect the necessary amendments to Chapter 90 of the City of Peru Code of Ordinance Book, said Section shall now read as follows:

90.20 CHICKENS

(A) Permit For Coop/Run/Flock must be obtained prior to commencement of building a Flock or Coop.

(B) All Flocks that exist within the city prior to this enactment must apply for a permit and be inspected and approved.

(C) A Chicken is a gallus domesticus, a domestic bird typically kept on a farm. This definition does not include other fowl, such as, but not limited to, peacocks, turkeys, geese, quails, or other waterfowl.

(D) There shall be no more than 1 bird per 2,000 sq ft of land A MAXIMUM OF 8 and a minimum lot size of 16,000 sq ft to allow for 8 birds. NO ROOSTERS ALLOWED.

90.21 Permit requirements

(A) Applicant cannot be in code violation and must remedy such violations as noted by inspection before permit will be granted.

(B) No Chickens will be allowed in multi-family homes such as apartment buildings and/or duplexes.

(C) No Chickens will be allowed on residential rental properties.

(D) A flock must be maintained in accordance with all applicable nuisance, noise, and

animal control ordinances including but not limited to animals running at large.

(E) All feed must be kept in a sealed metal storage container that protects against rodents and vermin.

(F) The Chickens must be kept in a coop from sunset to sunrise.

(G) A flock may only be located on a lot on which the homeowner resides. (H) The coop must be in a rear yard surrounded by a fully enclosed fence (waiver or variance for unusual circumstances where owner has no fence, but no neighbors are affected example yard surrounded by natural barriers). Refer to §151.080.

(I) Chickens will be required to be in an enclosed coop and run even with a fence surrounding the yard to prevent escape and predator attack and to keep in compliance with animal at large ordinance.

(J) All who keep a flock of chickens are expected to keep their flock in a manner that is clean and sanitary in order to not pose a public health risk or a public nuisance. The chicken coop and run must be kept clean, dry and odor free. The coop, run and surrounding area must be free from trash, clutter and accumulated droppings.

(K) Waste shall either be composted with carbonaceous material such as hay, bedding, or leaves and located twenty (20) feet from all adjoining property lines or stored in a sealed container until it is removed from the property.

(L) Coops must be secure and properly ventilated to house chickens from the elements. The run must be secured from predators and provide adequate amounts of sun and shade. Chickens must have access to water and food.

(M) NO Free Ranging Chickens. Chicken "tractors" (a mobile enclosure) are allowed only with direct supervision for short periods of time less than 12 hours, and never overnight. This is to allow use for pest control in the yard such as crickets grasshoppers etc. and cannot violate setbacks meaning you cannot graze your chickens close to the property line if it violates the 12 ft setback).

(N) Chickens are to be used for personal use only, no commercial sale of eggs or meat shall be permitted. Regular butchering of chickens is not permitted. THE STATE BOARD OF HEALTH ALLOWS HOME SLAUGHTER FOR PERSONAL USE ONLY BUT THIS

ORDINANCE IS ONLY INTENDED TO ALLOW CHICKENS FOR EGG LAYING PURPOSES. COOP SETBACKS AND SIZE RESTRICTIONS

(O) Coops must be located a minimum of 20 feet away from human occupied dwellings and a minimum of 12 feet away from any neighboring property not owned by applicant. If located on a corner lot, the coop must still maintain a 12 ft setback from sidewalk and have a visual barrier a minimum 4 ft. high. Refer to §151.080.

(P) A visual barrier must surround the coop and run that is at least 4 feet high if the coop and run are visible to occupants of neighboring lots.

(Q) Coops and runs must be in a fixed location. After applying for a Reinspection Permit the structure can be moved and Reinspected.

(R) A coop can be a maximum of 8 ft tall and 50 sq feet in dimension and must be attached to a fully enclosed run. Coops should have at least one nesting box 12"x 12" x 12" and raised off the floor of the coop per 4 birds.

(S) A coop must be a minimum of 4 sq. ft. per bird. Each chicken must have a minimum of 12 sq. ft. of run space. The maximum size of the run and coop cannot violate setbacks from property line or dwellings.

(T) The design of the coop and run must have wire mesh no larger than 1" by 1" with the mesh being buried at least 12 inches below grade to protect the chickens from predators that dig. Additionally, the top of the run must be covered with wire mesh no larger than 1" x 1" to protect the chickens from predator birds, foxes, coyotes, and dogs.

90.22 COMPLIANCE

(A) Coop/Run and Permit will be inspected and renewed annually to ensure compliance.

(B) Funds gathered from the permit will be used to maintain animal control facilities that may be impacted by the enforcement.

(C) A permit shall be revoked if a permittee is issued citations for any violation of this chapter, during a rolling 12-month period.

(D) Permits must be displayed on the coop at all times.

(E) Applicants must read and sign that they have read and understand all penalties associated with these ordinances before they are granted a permit.

(F) If a person has had a history of violating similar ordinances or any ordinances that have had a harmful effect on the neighborhood and surrounding properties, they will not be granted a permit.

(G) It shall be the condition of this issuance of any permit required by this chapter that:

(1) The Code Enforcement Officer and/or his/her designee shall be permitted to inspect the structure and/or premises wherein a chicken flock is maintained, or believed to be maintained, at reasonable times to inspect.

(2) All reports of such inspections shall be in writing and maintained by the Code Enforcement Division.

90.23 APPLICATION FOR REGISTRATION

(A) Applications for a permit to harbor a chicken flock shall be made by the owner of the property to the City of Peru Animal Care and Control Department and shall include: (1) The name, address, and telephone number of the applicant;

(2) The description (breed, sex, age, and coloration) of each chicken in the chicken flock; This helps should the chicken accidentally escape get picked up by animal control.

(3) A statement indicating whether the applicant has ever been convicted of the offense of cruelty to animals or ever cited for or convicted of a local unit of government's animal control or care ordinances.

(4) The permit to harbor a chicken flock shall not be transferable to another person or to another location.

(5) No applicant shall harbor more than one chicken flock within the city;

(6) If the applicant withholds or falsifies any information on the permit application, no permit shall be issued, and any permit previously issued on false or withheld information shall be revoked; and fined.

(7) An application for a permit shall be made prior to the harboring of any chickens or the creation of any chicken flock or chicken coop.

(8) All permits shall be conditioned upon a passing inspection by director of Animal Care and Control and staff animal control officers of the city and/or their designees and compliance with this chapter; and

(9) Director of animal care and control and staff animal control officers may refuse to grant or renew a permit and may revoke a permit if applicant/harbored is unable to maintain his/her flock so as to not create a nuisance, as evidenced by three (3) admitted or judicially determined violations of this chapter within twelve (12) consecutive months; and

(10) No person previously convicted of cruelty to animals shall be registered or issued a permit without prior review by the animal control commission.

90.24 FEES AND PENALTIES

(A) Application fee, re-application fee and renewal fees will be \$70.00. Initial inspection, reinspection and renewal are included in the application, reapplication, and renewal fees. (B) Any person, group of persons, partnership, or corporation who violates any provisions of this chapter, shall be subject to a civil penalty of \$100.00 for the first offense, \$250.00 for the second offense, and \$500.00 for third offense. At the third offense the owner will be required to dispose of their flock and disassemble the coop and runs.

Jennifer Maggart addressed the council and presented this ordinance to allow the keeping and raising of chickens within the city limits of Peru. There were numerous questions from the council and the audience about the viability of this. Most of the concerns dealt with how the city was going to enforce this ordinance. After much discussion, Councilperson Wolfe moved, seconded by Councilperson Plohow, to table Ordinance 33-2023. Motion passed with a vote of 7 ayes, 0 nays.

MOTION CARRIED

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Communications:

Mike Vinopal representing the Peru Police Department requested the council look into unspent funds from the Police Department 2023 budget. Clerk Treasurer Krauskopf said he had worked with Baker Tilly to see if funds were available for a bonus for the police department. It was decided that there was enough money to fund a bonus of \$3000 per officer, for a total of \$26,000. The council instructed Clerk Krauskopf to proceed with the required amended wage ordinance by a vote of 7 Ayes, 0 Nays.

ADJOURNMENT:

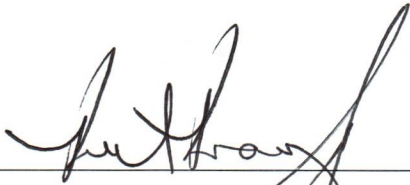
There being nothing further, Councilperson Russell moved to adjourn the meeting, seconded by Councilperson Anderson. Motion carried.

MEETING ADJOURNED



Don Sturch, Council President

Mayor of Peru Indiana



Kurt Krauskopf, City Clerk Treasurer

City of Peru, Indiana