

COUNCIL PENDING ORDINANCE CPO 2022-115
ORDINANCE NO. _____
AS AMENDED _____
CERTIFICATION DATE _____
FAVORABLY _____
UNFAVORABLY _____

AN ORDINANCE AMENDING GARY MUNICIPAL CODE SECTION 36-158 and 36-159 TITLED: PETITIONS; INVESTIGATION AND RECOMMENDATION; AND PUBLIC HEARING; DETERMINATION.

WHEREAS, Section 44-50 of the Gary Municipal Code was enacted in 1982 providing the law as it pertains to dead and diseased trees in the city of Gary; and,

WHEREAS, it has become necessary to update portions of the code to ensure compliance with state law; and,

WHEREAS, it is in the best interest of the City of Gary to update the code;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Gary, Indiana as follows:

SECTION 1. That section 36-158 of the Municipal Code be amended as follows:

Sec. 36-158. - Petitions; investigation and recommendation.

All petitions to vacate public ways, pursuant to IC 36-7-3-12, shall first be filed with **the common council who shall then forward the petition to** the city plan commission. The plan commission shall review and investigate each petition. After review, the plan commission shall forward its recommendation as to each petition to the common council for final action.

(Code 1989, § 52.56; Ord. No. 5793, 1-5-1982)

Sec. 36-159. - Public hearing; determination.

The common council shall hold a public hearing **within 30 days** on all ordinances to vacate public ways pursuant to IC 36-7-3-12(c) to determine whether or not the area sought to be vacated is necessary to the growth of the city located or to which it is contiguous, the vacation would make access to the lands of others by means of a public way impossible and for the vacation would eliminate the public's access to a church, school, or other public building or place. In making this determination, the common council may consider any and all evidence presented to the plan commission as well as the recommendation from the plan commission. The common council may approve petitions to vacate public ways subject to

the payment of damages by the petitioner to parties who would be injured by the vacation of the public way, if appropriate.

(Code 1989, § 52.57; Ord. No. 5793, 1-5-1982)

SECTION 2. That the amendment be placed in the Municipal Code online and print editions of the code without the mark-ups.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED by the Common Council of the City of Gary, Indiana, this ___ day of _____, 2022.

PRESIDING OFFICER

ATTEST:

CITY CLERK

Presented by me to the Mayor for his approval and signature this ___ day of _____ 2022.

CITY CLERK

APPROVED and **SIGNED** by me this _____ day of _____ 2022.

MAYOR, CITY OF GARY, INDIANA

PREPARED BY: Angela Lockett, Corporation Counsel

SPONSORED BY: Mayor Jerome Prince

COMMITTEE ASSIGNMENT _____ Reported-out/Date _____
1st Reading/Date _____ Committee Hearing/Date _____
2nd Reading/Date _____ Public Hearing/Date _____

3rd Reading/Date _____ Final Reading/Date _____
Passed/Date _____ Defeated/Date _____ Deferred/Date _____
Tabled/Date _____ Override/Date _____ Adopted Date _____
Publications/Date _____ Community Hearing/Date _____ Veto _____ Pocket
Veto _____ Adopted _____