

General Ordinance No. 1149

Whereas, The City of Kendallville has a population of less than ten thousand (10,000), according to the 2010 census, and is therefore classified as a third class city for state law purposes under Indiana Code 36-4-1-1;

Whereas, the legislative body of the City adopted an ordinance before September 1, 1982 providing that the City is to be governed by Indiana Cod 36-4-6-5 concerning City Council districts, namely General Ordinance 663, adopted January 5, 1982;

Whereas, General Ordinance 663 has not been repealed after August 31, 1982, and the Clerk Treasurer of the City has sent a certified copy of General Ordinance 663 to the Circuit Court Clerk in the Clerk's capacity as Secretary of the Noble County Election Board;

Whereas, State law (Indiana Code 36-4-6-5) requires that the legislative body adopt an ordinance during 2012 to divide the City into districts that meet the following requirements:

- (1) The districts must be composed of contiguous territory;
- (2) The districts must be reasonably compact;
- (3) The districts must contain, as nearly as is possible, equal population; and

Whereas, the Common Council is the legislative body of the City of Kendallville by virtue of state law (Indiana Code 36-4-6-2);

Whereas, State law (Indiana Code 36-4-6-5) and (j) requires that the Common Council consist of either four (4) members elected from districts and one (1) member elected at large, or, three (3) members elected from districts and two (2) members elected at large;

Whereas, The Common Council has, at a public meeting of the Council, provided an opportunity for all members of the Council and voters of the City to comment and make suggestions concerning the division of the City into districts under this Ordinance;

Whereas, The Common Council has determined that the division of the City into four districts for the purpose of conducting elections of legislative body members would be desirable and beneficial for the voters of the City and for the convenient administration of City government;

Whereas, The Common Council has examined the district boundaries set forth in this Ordinance and finds that the districts:

- (1) are composed of contiguous territory;
- (2) are reasonably compact;
- (3) contain, as nearly as is possible, equal population; and
- (4) do not cross precinct boundaries lines.

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

SECTION 1. As used in this Ordinance:

- (1) "City refers to the City of Kendallville
- (2) "Council" refers to the Common Council of the City of Kendallville
- (3) "Precinct" refers to the precinct by that name as established by the Board of Commissioners of the County of Noble, and as approved by the State Election Board under Indiana Code 3-11-1.5, in existence on the effective date of this Ordinance.

SECTION 2. The Council is composed of five (5) members. Four (4) members of the Council are elected from districts established under this Ordinance. One (1) member of the Council is elected at large by the voters of the whole City. Each voter of the City may vote for one (1) candidate for at large membership and one (1) candidate from the district in which the voter resides.

SECTION 3. The Council divides the City into the following districts for the purpose of conducting elections of Council members: See attached map

SECTION 4. If any part of the City is not included in one (1) of the districts established by this Ordinance, that territory is included within the district that:

- (1) is contiguous to that territory; and
- (2) contains the smallest population (as "population" is defined in Indiana Code 1-1-4-5).

SECTION 5. If any part of the City is included in more than one (1) of the districts established by this Ordinance, that territory is included within the district that:

- (1) is one (1) of the districts in which the territory is described in the Ordinance.
- (2) is contiguous to that territory; and
- (3) contains the smallest population (as "population" is defined in Indiana Code 1-1-4-5).

SECTION 6. The Council adopts a map depicting the districts established under this Ordinance, and incorporates the map by reference into this Ordinance. Two (2) copies of this map are on file in the office of the Clerk Treasurer for public inspection as required by Indiana Code 36-1-5-4. If a conflict exists between the districts as depicted on the map and as described in this Ordinance, the description in this Ordinance prevails.

SECTION 7. The Clerk Treasurer of the City shall forward a signed copy of this Ordinance to the Circuit Court Clerk of Noble County and shall request the Clerk to include the copy of this Ordinance in the records of the Noble County Election Board.

SECTION 8. The following are repealed: General Ordinance 663; and General Ordinance 775; General Ordinance 829 and all other Ordinances conflicting with this Ordinance to the extent of that conflict.

SECTION 9. As provided by Indiana Code 36-4-6-14, this Ordinance takes effect when signed by the presiding officer of the Common Council and either approved by the Mayor or passed over the Mayor's veto by the Common Council under Indiana Code 36-4-6-16.

ORDAINED AND PASSED by the Common Council of the City of Kendallville, Indiana this _____ day of _____, 2012.

	YEA	NAY	ABSTAIN	ABSENT
Larry Davis	_____	_____	_____	_____
James C. Dazey	_____	_____	_____	_____
Regan Ford	_____	_____	_____	_____
Max Franklin	_____	_____	_____	_____
April Waters	_____	_____	_____	_____

Passed by the Common Council this _____ day of _____, 2012.

W. SuzAnne Handshoe, Mayor

ATTEST:

Sheryl Hanes, Clerk Treasurer

The foregoing ordinance was presented by me to the Mayor of Kendallville, Indiana on the _____ day of _____, 2012.

Sheryl Hanes, Clerk Treasurer

APPROVED and signed by me on the _____ day of _____, 2012.

W. SuzAnne Handshoe, Mayor