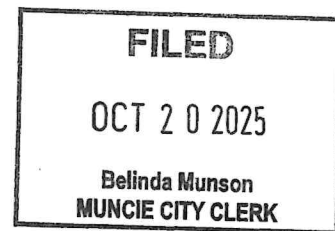


ORDINANCE NO. 40-25



**AN ORDINANCE OF THE CITY OF MUNCIE AMENDING SECTION 32.39 OF
THE CITY OF MUNCIE CODE OF ORDINANCE – PREREQUISITES TO
ACTION ON ORDINANCE, RESOLUTION**

WHEREAS, Chapter 32, Division 2 of the City of Muncie Code of Ordinances sets forth the Rules of Council; and

WHEREAS, the Common Council has established requirements for the filing of ordinances or resolutions prior to such being eligible for consideration by the Common Council; and

WHEREAS, the Common Council wished to amend those requirements to ensure that any ordinance or resolution placed on the agenda for consideration by the Common Council has been approved by a member of the Common Council; and

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

Section 1: Section 32.39 of the City of Muncie Code of Ordinances shall be amended to read as follows:

Sec. 32.39. – Prerequisites to action on ordinance, resolution.

- (A) The City Clerk shall not accept for filing any ordinance or resolution to be considered by the Common Council unless and until it has been approved by written signature thereon of a member of the Common Council and has been approved for form by a City Attorney or the Attorney for the Common Council.
- (B) To ensure that the approval required in subsection (A) above has been obtained, each ordinance or resolution shall be filed in person or by electronic mail by the member of the Common Council that signed the ordinance or resolution, or the attorney that approved the form of the ordinance or resolution that is being filed.
- (C) Each ordinance or resolution submitted which conforms to the requirements of subsections (A) and (B) shall be given an identifying number and placed on the agenda of the first regular council meeting occurring at least 14 days from the date of filing. If the 14th day prior to the next regular council meeting is a holiday or other day on which the Clerk's office is closed, the ordinance or resolution shall be placed on the agenda for the next regular council meeting if filed on the first day thereafter that the Clerk's office is open.
- (D) The City Clerk shall distribute the ordinance or resolution to members of the Common Council at least seven (7) days prior to the meeting at which the ordinance or resolution will be first considered.

- (E) Each ordinance or resolution filed in accordance with this Section shall be eligible for consideration at the next regularly scheduled council meeting.
- (F) No ordinance shall be adopted on the same day or at the same meeting that it is introduced except by unanimous consent of the Common Council if there are present and voting at least two-thirds of all elected members of the Common Council. The consent of a simple majority of those present and voting shall be required to suspend the Rules of Council for any other purpose.
- (G) Any ordinance or resolution may be amended at any point in the proceedings by majority vote, and the amendment shall not need to comply with the filing requirements of this Section.
- (H) Any ordinance or resolution, except ordinances amending the comprehensive zoning code, may be withdrawn by consideration upon the oral request of the member of the Common Council that approved and signed the ordinance or resolution for filing. Ordinances to amend the comprehensive zoning code may only be withdrawn by the applicant with the consent of a majority of the members of the Common Council present at the time of the withdrawal.
- (I) The date an ordinance is officially brought before the Common Council is the date the ordinance is introduced by the Common Council at a regular or special meeting.
- (J) No ordinance or resolution affecting a specific department shall be adopted unless and until the head of that department (or his or her designee) appears before the Common Council to answer any inquiries the Common Council may have regarding the ordinance or resolution.

Section 2: This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Muncie.

Adopted by the Common Council of the City of Muncie, Indiana this _____ day
of _____, 2025.

	Yeas	Nays	Abstained	Absent
Jeff Green	_____	_____	_____	_____
Nora Powell	_____	_____	_____	_____
Brandon Garrett	_____	_____	_____	_____
Sara Gullion	_____	_____	_____	_____
Jerry Dishman	_____	_____	_____	_____
Harold Mason	_____	_____	_____	_____
Dale Basham	_____	_____	_____	_____
Ro Selvey	_____	_____	_____	_____
William McIntosh	_____	_____	_____	_____

President Muncie Common Council

Presented by me to the Mayor for his approval, this ____ day of _____, 2025.

Belinda Munson, Muncie City Clerk

The above Ordinance is approved/vetoed by me this _____ day of _____, 2025.

Dan Ridenour, Mayor of the City of Muncie

ATTEST:

Belinda Munson, Muncie City Clerk

This Ordinance is proposed by Council Member

Nora E. Powell

This Ordinance is approved in form by Legal Counsel

Janice L. [Signature]

Sec. 32.39. - Prerequisites to action on ordinance, resolution.

- (A) The city clerk shall not accept for filing any ordinance or resolution to be considered by the common council unless and until it has been approved by written signature thereon of a member of the council, and further, unless and until it has been approved for form by the city attorney or attorney for the common council. Each ordinance and resolution shall bear at the top of the first page thereof a caption which shall briefly and fairly describe the nature, purpose and content of the document. Any ordinance or resolution submitted which conforms to the requirements of this division shall be given an identifying number and placed on the agenda of the first regular council meeting occurring at least 14 days from the date of filing. If the 14th day prior to the next council meeting is a holiday or other day on which the clerk's office is closed, the document shall be placed on the agenda for the next council meeting if filed on the first day, following the 14th day prior to the meeting, on which the clerk's office is open. The city clerk shall distribute the ordinance or resolution to council members for their study no later than seven days prior to the meeting.
- (1) Any matter filed with the clerk in conformance with subsection (A) above shall be eligible for consideration by the council at the next regularly scheduled meeting. No ordinance shall be passed on the same day, or at the same meeting that it is introduced, except by unanimous consent, and then only in case there are present and voting at least two-thirds of all the members-elect of the council. The consent of a simple majority of those present and voting shall be required in order to suspend the rules for any other purpose.
- (2) Any matter may be amended at any point in the proceedings by appropriate vote, and the amendment shall not need to comply with any time or filing provisions in this section. Any matter except ordinances to amend the comprehensive zoning ordinance may be withdrawn from consideration by the council upon the oral request of the sponsoring council member without a vote upon the request. Ordinances to amend the comprehensive zoning ordinance may only be withdrawn by the applicant with the consent of a majority of the members of the council present.
- (B) The date the ordinance is officially brought before or certified to the council is the date the ordinance is introduced by the council at a regular meeting or special meeting, as provided by sections 32.33 and 32.34 and in compliance with the provisions of this section.
- (C) No ordinance or resolution affecting a specific department of city government shall be passed unless and until the department head of the affected department or his designee appears before the council to answer any inquiries the council may have regarding the ordinance.

(Code 1968, § 31.20; Ord. No. 44-74, 11-12-74; Ord. No. 183-76, 5-10-76; Ord. No. 376-78, 5-8-78; Ord. No. 620-80, 10-10-80; Ord. No. 19-93, 6-7-93; Ord. No. 47-13, § 1, 1-13-14)