

SPONSOR: Janet Vencez
Councilwoman at Large

ORDINANCE NO. 9254

**AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 121 TO REQUIRE
MOTOR VEHICLE REPOSSESSION AGENTS WHO OPERATE IN HAMMOND TO
HAVE A CITY OF HAMMOND LICENSE AND FOLLOW APPROVED PROCEDURE**

WHEREAS, Motor Vehicle repossession agents are regulated in part by Indiana Code Section 26-2-10-6; and

WHEREAS, I.C. 26-1-9.1-609 allows a secured party, following a default, to take possession of the collateral pledged for security; and

WHEREAS, this statute requires a repossession agent, with a repossession Order, who intends to repossess a motor vehicle to contact only the Lake County Sheriff of his/her intentions and activities; and

WHEREAS, this statute does not require local law enforcement to be notified and the repossession agents have refused to notify Hammond Police of their activities in the City of Hammond which result in many false calls concerning stolen vehicles; and

WHEREAS, such avoidable false calls represent a waste of Hammond taxpayer dollars, reduce response times to real crimes in progress, as well as create a safety hazard for officers and citizens in the response area, and advance notice to Hammond Police Department of repossession activity would eliminate these false calls for service; and

WHEREAS, Hammond does not currently require motor vehicle repossession agents to have a license to operate in the City of Hammond, and the Hammond Police Department is requesting such a license to insure that all laws and Ordinances are

followed in the repossession process; and

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WHEREAS, Under Indiana law the City of Hammond has the statutory power to “regulate conduct, or use or possession of property that might endanger the public health, safety or welfare.” (I.C. 36-8-2-4).; and

WHEREAS, the Indiana Code specifically grants municipalities such as Hammond Home Rule to adopt local laws needed for the effective operation of the government. (I.C. 36-1-3-1, 2); and

WHEREAS, The City of Hammond maintains a written and formally codified Municipal Code, and this Municipal Code sets forth in detail as part the City’s legitimate and appropriate police powers, including Business Licenses; and

WHEREAS, Local municipalities, such as Hammond are given the specific statutory authority to adopt regulations that do not conflict with or duplicate existing state statutes, including traffic matters; and

THEREFORE BE IT ORDAINED by the Common Council of the City of Hammond, Indiana that a new Section of Chapter 121 is created as follows:

Chapter 121.xxx Motor Vehicle Repossession Agents

- (1) Requirement: Any person or company operating as a Motor Vehicle Repossession Agent in the City of Hammond is required to have a City of Hammond Business License to operate within the City limits.**
- (2) Fees: there shall be a fee of \$100.00 per annual license.**
- (3) Application: There shall be an application for license containing the following information:**

Name and business address of applicant

**History of criminal convictions of applicant
Proof of valid driver's license or operator's license for applicant
Proof of insurance for applicant for any vehicle driven**

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**Hammond business licenses are controlled by Section 119 of the
Hammond Municipal code and all terms and conditions of that section shall
apply.**

(4) Operation in City of Hammond:

**A motor vehicle repossession agent who repossesses or intends to
repossess a motor vehicle or watercraft, and can do so without breaching
the peace, must provide the following information to the Hammond Police
Department before the repossession takes place, or not later than two
hours after the repossession occurs:**

The identity of the repossession company

The identity of the repossession agent, with photo I.D.

**The name and address of the person believed to be currently in
possession of the motor vehicle or watercraft in the City of Hammond.**

**The name and address where the motor vehicle repossession agent
believes that the motor vehicle or watercraft will be found in the City of
Hammond.**

**A copy of the Order of Repossession issued by a judicial entity or
proof of a debt instrument and security agreement showing evidence
of default by debtor.**

Any other document/condition as directed by the Chief of Police

**(5) Penalty: See Section 10.99, each day constitutes a separate violation.
Violation of any provision of Hammond City Ordinance is grounds for
revocation of license.**

THEREFORE, BE IT FURTHER ORDAINED that if any part of this ordinance
shall be held invalid by a court of competent jurisdiction, the remainder thereof shall not
be affected.

BE IT FURTHER ORDAINED by the Common Council that this Ordinance shall
be in full force and effect from and after its passage by the Common Council, signing by
the

President thereof, and approval by the Mayor.

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ADOPTED AND APPROVED BY the Common Council of the City of Hammond,
Indiana, this 9th day of June, 2014.

Michael Opinker President /s/
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond,
Indiana, to the Mayor, for approval and signature, this 10th day of June, 2014.

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana

The foregoing Ordinance No. 9254 consisting of four (4) typewritten pages,
including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of
the City of Hammond, Indiana, this 14th day of June, 2014.

Thomas M. McDermott, Jr., Mayor /s/
City of Hammond, Indiana

PASSED by the Common Council on the 9th day of June, 2014 and approved by

the Mayor on the 14th day of June, 2014.

Robert J. Golec, City Clerk /s/
City of Hammond, Indiana