

SPONSOR: David Woerpel
5th District Councilman
ORDINANCE NO. 9435
(AMENDED)

AN ORDINANCE TO AMEND ORDINANCE 9363, ORDINANCE 4487, ORDINANCE 4851, ORDINANCE 6099, ORDINANCE 7429, ORDINANCE 7830, ORDINANCE 8211, ORDINANCE 8471, ORDINANCE 8845 and ORDINANCE 9412, ALSO KNOWN AS CHAPTER 35 OF THE HAMMOND MUNICIPAL CODE AS IT PERTAINS TO THE HAMMOND CITY COURT AND THE ORDERLY TRANSITION OF CASES IN 2019

WHEREAS, In January 2017 the Hammond Common Council passed Ordinance 9363 which abolished the Hammond City Court pursuant to Indiana Code 33-35-1-1; and

WHEREAS, Ordinance 9363 specified the Hammond City Court would cease to exist on December 31, 2018; and

WHEREAS, Ordinance 9412, passed on May 29, 2018, allowed the Hammond City Court to exist until December 31, 2019; and

WHEREAS, the Hammond City Court is in the process of winding down its existing cases and having consulted with the Indiana Office of Court Services, has received from that body recommendations which require additional Hammond Common Council Action, including, but not limited to, a termination date for filing civil actions in Hammond City Court; and

WHEREAS, Non-Traffic Hammond Municipal Code Ordinance Violations, which will be handled by a Hammond Ordinance Violation Bureau to be created later in 2019, are still being processed by Hammond City Court, and filing of same Ordinance Violations in City Court should be terminated by September 30, 2019; and

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WHEREAS, the Hammond Common Council wishes to make the recommended changes proposed by the Indiana Office of Court Services to insure the orderly transition of files and reduce the number of transfer cases to the Lake Superior Court; and

THEREFORE BE IT ORDAINED by the Common Council of the City of Hammond that pursuant to Indiana Code 33-35-1-1, and as Amendment to Ordinance 9363 and Ordinance 9412, the Hammond City Court shall be abolished and cease to exist as of December 31, 2019 which shall be its last day of operation and existence; and

The Hammond City Clerk is instructed by the Hammond Common Council that the Hammond City Court will cease to operate as of December 31, 2019 and should accept the filing of Indiana Code authorized (I.C. 33-35-2-5) civil cases up to and including September 30, 2019, but no later than that date, so that all cases filed may be calendared and heard prior to the termination of the Hammond City Court; and

The Hammond City Clerk is instructed by the Hammond Common Council that Ordinance Violations should be accepted and filed with the Hammond City Court up to and including September 30, 2019, but no later than that date, so that all cases filed as Ordinance Violations, may be calendared and heard prior to the termination of the Hammond City Court; and

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The City of Hammond shall, by separate Ordinance, establish an Ordinance Violation Bureau pursuant to I.C. 33-36-2-1 for the handling and disposition of all non-traffic Ordinance Violations, or utilize the hearing authority for violations governed by the unsafe building act; and

FURTHER BE IT ORDAINED by the Common Council of the City of Hammond that this Ordinance shall become effective after public hearing hereon, and upon its passage by the Hammond Common Council, signing by its President, and approval of the Mayor.

FURTHER BE IT ORDAINED by the Common Council of the City of Hammond that if any part, parts, section, sections, provision, clause or portions of this ordinance shall be adjudged invalid or unconstitutional, such invalidity or constitutionality shall not affect the validity or the constitutionality of this ordinance as a whole or of any other part, parts, section, sections, provision, clause or portion of this ordinance which survives.

Robert Markovich, President /s/
Hammond Common Council

ATTEST:

Robert J. Golec, City Clerk /s/

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City for his approval on the 26th day of March, 2019.

Robert J. Golec, City Clerk /s/

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The foregoing Ordinance No. 9435 consisting of four (4) typewritten pages, including this page was approved by the Mayor on the 26th day of March, 2019.

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

PASSED BY THE Common Council on the 25th day of March, 2019 and approved by the Mayor on the 26th day of March, 2019.

Robert J. Golec, City Clerk /s/