

22-12

SPONSOR: Scott Rakos
6th District Councilman

ORDINANCE NO. 9545

**AN ORDINANCE TO ADD CERTAIN SECTIONS TO CHAPTER 34 OF THE
HAMMOND CITY CODE RELATED TO ENUMERATING POWERS OF THE BOARD
OF PUBLIC WORKS AND SAFETY**

WHEREAS, there is established within the City of Hammond a Board of Public Works and Safety, created pursuant to Indiana Code 36-4-9-5 and City of Hammond Ordinance Section 34.065; and

WHEREAS, the Common Council, the Board of Public Works and Safety, and the Hammond Police Department are charged in various ordinance sections within the Hammond City Code with the control and regulation of pedestrian and vehicular traffic upon the streets and ways of the City, including the signage thereon; and

WHEREAS, the Board of Public Works and Safety is further charged with the oversight and maintenance of certain property of the City, including the streets, sidewalks, alleyways and other public ways; and

WHEREAS, there is a need to respond to requests for signage around the city in a timely manner and to unburden the city council with the need for passing ordinances on each sign or other traffic control and regulation request, and that it is therefore appropriate to clearly delineate one central body to manage, oversee and regulate the movement of traffic and pedestrians upon the streets and ways of the City, while still providing information and notice to the City Council and Mayor; and

WHEREAS, the Board of Public Works and Safety additionally serves as the hearing body for the review of certain actions taken by departments of the City, including

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those arising under the under the State of Indiana's Unsafe Building Law and the City's animal control ordinances, among others, and it is appropriate that the Board of Public Works and Safety adopt such rules and procedures as are necessary for the orderly presentation of matters to the Board as a hearing body; and

WHEREAS, the structure of the Board of Public Works and Safety allows it to gather and consider input from various City Departments including Engineering, Police and Fire as well as the general public; and

WHEREAS, pursuant to I.C. 36-4-9-4, the Common Council has the authority to transfer any power duties, functions, or obligations to another City department, and

WHEREAS, it is appropriate to establish certain of these related responsibilities be allowed to be performed by the Board of Public Works and Safety, while not diminishing the ability of the Common Council to act when and where needed on these issues.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond that the Hammond Municipal Code is hereby amended to read as follows:

New Sections of the Hammond City Code as follows:

34.066 BOARD OF WORKS; POWERS AND DUTIES

In addition to the powers conferred by statute or ordinance, the Board of Public Works and Safety is empowered as follows:

(A) To designate locations where traffic-control signs, signals or devices shall be erected and to place and maintain, or to cause to be placed and maintained, traffic-control signs, signals or devices as it may deem necessary to regulate under applicable ordinance, statute, or to guide and warn traffic;

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- (B) To determine and designate those locations at which vehicles may not make a left or right turn from or onto any street, alley or property of the City;
- (C) To establish and create traffic-control regulations such as through streets, one-way streets, one-way alleys, and such other regulations as the Board of Public Works and Safety determines is necessary for the orderly flow of traffic, and to determine whether such regulation is temporary or permanent;
- (D) To designate streets, alleys, and municipal parking lots, or parts thereof, where parking, standing, or stopping is prohibited or restricted and whether that prohibition or restriction is temporary or permanent, and to place and maintain, or to cause to be placed or maintained, appropriate signs to regulate, guide and control that parking, standing, or stopping;
- (E) To establish, as necessary and appropriate, loading and unloading zones upon any public right-of-way for the loading or unloading of merchandise or materials and to determine any restrictions on the time and use of such zones;
- (F) To issue, or to authorize the Chief of Police to issue, such permits or emergency authorizations affecting the use of the streets as the Board may from time to time determine, and to make such rules and regulations concerning the issuance of such permits as it may determine to be necessary and reasonable;
- (G) To designate and maintain crosswalks or other pedestrian rights-of-way across or along the roads, alleys and other public areas of the City;
- (H) To place and maintain, or to cause to be placed and maintained, at each and every intersection appropriate signage to identify the streets of the City;
- (I) To place and maintain, or to cause to be placed and maintained, upon the streets of the City such signage as the Board of Public Works and Safety deems necessary and appropriate to direct traffic to municipal facilities, emergency facilities, and other attractions or points of interest within the City;
- (J) To regulate the size, content, or duration of any signage or other display on any right of way;
- (K) To determine any terms or conditions for any permits for which the approval of the Board of Public Works and Safety is required, provided, however, that those terms or conditions do not conflict with the provisions of any ordinance;
- (L) To establish such rules and procedures as it determines are necessary and appropriate for the orderly presentation or submission of hearings before the Board;

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(M) To take all other actions, to establish all procedures, and to perform all functions necessary to fulfill the Board's duties and obligations as established under Indiana statute or this Code of Ordinances.

All powers conferred within this section shall not eliminate or decrease in any way the power of the Common Council to enact ordinances on these matters as it so determines. Further, the Board of Public Works and Safety shall report to the Common Council in writing any action it takes under subsections (A) – (J) within seven (7) days of taking such action.

34.067 Penalties

Any penalties provided within the Hammond City Code for violation of any of those matters established under Section 34.066 shall be those penalties provided elsewhere within the Hammond City Code including Sections 10.98, 10.99, or under Indiana law.

BE IT FURTHER ORDAINED that the City of Hammond intends to create an enforceable Ordinance which is compliant with all Federal, State, and Local laws. In the event, that this Ordinance, or any part of it, or any provision, or any classification contained therein, is found to be unconstitutional, the remaining portion will remain in effect and will be found to be valid.

NOW BE IT FURTHER ORDAINED that this ordinance shall have full force and effect from and after passage, approval by the Council, signing by the President thereof and approval and signing of the Mayor.

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ADOPTED AND APPROVED by the Common Council of the City of Hammond, Indiana,
this 28th day of March, 2022.

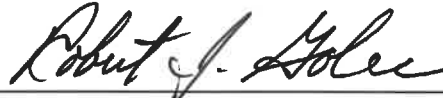


David Woerpel, President
Hammond Common Council

ATTEST:

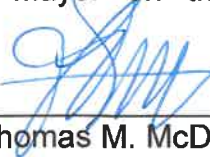

Robert J. Golec, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the
Mayor said City for approval on the 30th day of March, 2022.



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

The foregoing Ordinance No. 9545 consisting of five (5) typewritten pages,
including this page, approved by the Mayor on the 31st day of
MARCH, 2022.



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

PASSED by the Common Council on the 28th day of March, 2022.



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