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Petitioner: Hammond Plan Commission

ORDINANCE No. 9460

AN ORDINANCE AMENDING ORDINANCE NO. 8514, BEING: AN ORDINANCE ESTABLISHING A ZONING PLAN FOR THE CITY OF HAMMOND IN ORDER TO PROVIDE FOR ORDERLY GROWTH AND DEVELOPMENT WITHIN THE CITY, ALL IN ACCORDANCE WITH THE COMPREHENSIVE/LAND USE PLAN; FOR PURPOSES OF ADDRESSING CONFLICTS OF INTEREST.

Whereas, the City of Hammond established its zoning regulations by the through the passage of Ordinance 8514, being effective in October 2003; and

Whereas, pursuant to Indiana Code § 36-1-27-4, the Indiana Legislature has mandated the Common Council as the legislative body of the City of Hammond to adopt an ordinance that establishes a procedure to address potential conflicts of interest by a the inspections department, building commissioner, code enforcement official, inspector, city planner, assistant city planner, zoning administrator, or other employee of the City in issuing a permit or overseeing the issuance of a permit through a subordinate.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana, that Ordinance 8514 shall be amended as follows:

Section 1

To add the definitions in Title I, Section 1.50 Definitions, in alphabetical order:

Conflict of interest - A direct or indirect financial interest in the issuance of a permit, pursuant to IC § 36-1-27-1.

Conflict of Interest Report – A written account of the affected permit application and disclosure of the conflict of interest involved, signed and dated by the author.

Permit - As set forth in IC § 36-7-4-1109(b), any of the following: (1) An improvement location permit; (2) A building permit; (3) A certificate of occupancy; (4) Approval of a site-specific development plan; (5) Approval of a primary (preliminary) or secondary (final) plat; (6) Approval of a contingent use, conditional use, special exception or special use.; (7) Approval of a planned unit development. In addition, permit includes a developmental variance and variance of use.

To Amend Title I General Provision Section 1.50 Definitions by amending the specified item by adding the underlined language as follows:

Zoning Administrator- The Director of City Planning or his/her designated staff member within the City Planning Department acts as the designated administrator and enforcement official of this Ordinance.

To add a new section to Title XXV Zoning Administrator as follows:

Section 25.80 CONFLICT OF INTEREST

- A. Whenever the Director of City Planning, Assistant City Planner, Zoning Administrator, or other employee of the City Planning Department has a conflict of interest in the issuance of a permit:
1. such person shall recuse himself or herself from the permitting process;
 2. such person shall report the conflict of interest to the Law Department.
- B. Promptly upon receipt of a conflict of interest report made under subsection A, the Law Department, shall appoint a qualified temporary replacement to oversee the permit, and all related files shall be delivered to the appointed temporary replacement.
- C. Filing Conflict of Interest Reports. The Director of City Planning shall place reports received pursuant to this ordinance in a separate file and maintain them for at least five (5) years.

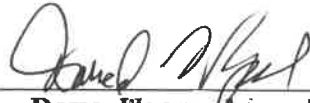
Section 2

Severability

- A. If any Court of competent jurisdiction shall adjudge any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, or amendment thereto, to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, or amendment thereto, not specifically included in said judgment. It is expressly declared that this Ordinance and each section, subsection, paragraph, sentence, clause and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared invalid or unconstitutional.
- B. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance, or amendment thereto, to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

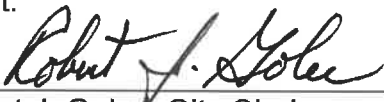
C. If any Court of competent jurisdiction shall determine that any word, clause, phrase, sentence, paragraph, or subsection of the Ordinance, or amendment thereto, is unconstitutional as worded, the court shall first attempt to construe or interpret such unconstitutional provision so as to enable the same to be constitutional as so narrowed or construed. If the court cannot so limit or construe such word or provision narrowly so as to render the same constitutional, it shall strike or modify only the minimum number of words, phrases, clauses, sentences, or paragraphs as will be absolutely necessary to render the remainder constitutional. In no case shall a subordinate clause, phrase, or word render the attached major section or provision unconstitutional, but instead such subordinate clause, phrase, or word shall be severed there from, unless such severance renders the remainder wholly meaningless or unconstitutional.

BE IT FURTHER RESOLVED by the Common Council of the City of Hammond 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.



Dave Woerpel, President

Attest:



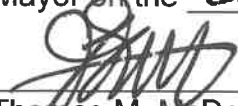
Robert J. Golec, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City, for his approval on the 28th day of January, 2020.



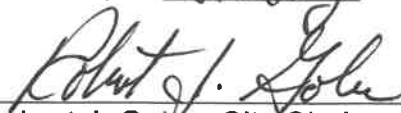
Robert J. Golec, City Clerk

The foregoing Ordinance No. 9460, consisting of three (3) pages, including this page was Approved by the Mayor on the 28th day of January 2020.



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

PASSED by the Common Council on the 27th day of January, 2020 and Approved by the Mayor on the 28th day of January, 2020.



Robert J. Golec, City Clerk