

20-11

SPONSOR: Scott Rakos

6th District CouncilmanORDINANCE NO. 9469

**AN ORDINANCE ESTABLISHING INSPECTIONS CONFLICT OF
INTEREST RULES AND REPORTING PROCEDURE**

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 the inspections department, building commissioner, code enforcement official, inspector, 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 as follows:

SECTION I

Whenever the following terms are used in this ordinance, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

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

- “Permit” has the meaning set forth in IC § 36-7-4-1109(b). At the time of adoption of this ordinance, “permit” means any of the following:
 - (1) A building permit.
 - (2) A certificate of occupancy.
- “Report” means a written account of the affected permit application and disclosure of the conflict of interest involved, signed and dated by the author.

SECTION II

- A. Whenever the chief of inspections, building commissioner, code enforcement official, inspector, or other employee of the City 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 Head of Inspections and the Law Department.
- B. Promptly upon receipt of a conflict of interest report made under subsection A, the Chief of Inspections in consultation with 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.

SECTION III

Filing Reports. The Chief of Inspections shall place reports received pursuant to this ordinance in a separate file and maintain them for at least five (5) years.

SECTION IV

- A. References
 - a. Reference to other sections. Whenever, in a section, reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised,

recodified or renumbered unless the subject matter is changed or materially altered by the amendment or revision

- b. Reference to offices. Reference to a public office or officer shall be deemed to apply to any office, officer or employee of the City of Hammond exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary at this time or in the future.
- B. Severability. If any part or parts, section or division, sentence, clause or phrase of this ordinance, as now or later amended, for any reason declared unconstitutional or invalid, the decision shall not affect the validity of the remaining portions of this code.
- C. Effective Date. This ordinance shall be effective immediately upon passage.

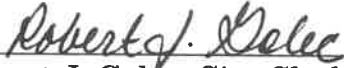
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BE IT FURTHER ORDAINED by the Common Council of the City of Hammond that this Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the President thereof, and approval by the Mayor.



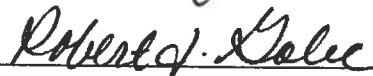
Dave Woerpel, President
Hammond Common Council

ATTEST:



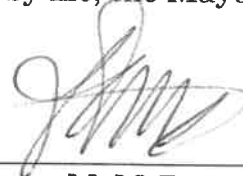
Robert J. Golec, City Clerk.

PRESENTED by me, the City Clerk of the City of Hammond, to the Mayor of said City for his approval or veto on the 28th day of July, 2020.



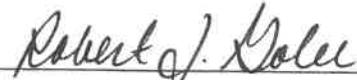
Robert J. Golec, City Clerk.

The foregoing Ordinance Number 9469, consisting of 4 pages, including this page is hereby Approved by me, the Mayor, this 28th day of July, 2020.



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

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



Robert J. Golec, City Clerk.