

SPONSOR: David Woerpel
5th District Councilman

ORDINANCE NO. 9363

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

WHEREAS, the City of Hammond in the coming years is facing increased economic challenges as a result of the removal of Tax Cap exemptions, and must eliminate redundancy; and

WHEREAS, Hammond Municipal Code Section 35.01 states that the Hammond City Court shall continue in existence until abolished by the Common Council; and

WHEREAS, Indiana Code 33-35-1-1 states that a Court which comes into existence prior to January 1, 1986 may continue until it is abolished by Ordinance without regard to year; and

WHEREAS, The Hammond Common Council wishes to abolish the Hammond City Court and provide for the orderly and equitable disposition of pending cases; and

WHEREAS, The Hammond Common Councils wishes to gradually eliminate the cases of the Hammond City Court to allow for the absorption of those cases by the Lake County Superior Court system as established by this Ordinance, while safeguarding the interest of the public; and

WHEREAS, The Hammond City Court will cease to exist on December 31, 2018.

THEREFORE BE IT ORDAINED by the Common Council of the City of Hammond that pursuant to Indiana Code 33-35-1-1 the Hammond City Court shall be abolished and cease to exist as of December 31, 2018 which shall be its last day of operation and existence.

All criminal cases (CM) shall be filed in the Lake Superior Court system starting January 1, 2017 and no criminal cases shall be filed in Hammond City Court after that date.

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All infraction (IF) cases shall be filed in the Lake Superior Court system starting July 1, 2017 and no infraction cases shall be filed in Hammond City Court after that date.

All ordinance violation cases (OV) shall be filed in accordance with the Unsafe Building Law I.C. 36-7-9 starting July 1, 2017 and no ordinance cases shall be filed in Hammond City Court after that date.

The Hammond City Clerk is instructed that the Hammond City Court will cease to operate as of December 31, 2018 and should accept the filing of small claims (SC), plenary cases (PL), collection cases (CC) and eviction matters at his discretion knowing the Court will be closing.

FURTHER BE IT ORDAINED by the Common Council of the City of Hammond that this Appropriation 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.

Janet Venecz, 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 10th day of January, 2017.

Robert J. Golec, City Clerk /s/

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The foregoing Ordinance No. 9363 consisting of three (3) typewritten pages,
including this page was approved by the Mayor on 10th day of January, 2017.

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

PASSED BY THE Common Council on the 9th day of January, 2017 and approved by the
Mayor on 10th day of January, 2017.

Robert J. Golec, City Clerk /s/