

SPONSORS: Pedro "Pete" Torres
2nd District Councilman

Dave Woerpel
5th District Councilman

ORDINANCE NO. 9454

AN ORDINANCE TO AMEND ORDINANCE 7183 ALSO KNOWN AS SECTION 10.98 OF THE HAMMOND MUNICIPAL CODE AS IT PERTAINS TO THE CREATION OF AN ORDINANCE VIOLATION BUREAU

WHEREAS, in 1989, by Ordinance 7183, the City of Hammond Municipal Code in Title I, Chapter 10, created a Violations Bureau which will now be used once the Hammond City Court ceases to exist in the City of Hammond at the end of 2019; and

WHEREAS, following the closing of the Hammond City Court the City of Hammond will require an updated procedure for the enforcement and prosecution of Hammond Municipal Ordinances; and

WHEREAS, Indiana Code Section 33-36-2 allows the legislative body of a municipal corporation to establish by Ordinance, an Ordinance Violation Bureau to handle Ordinance Violations with the exclusion of moving traffic violations which may not be paid to the Violations Clerk pursuant to I.C. 36-1-6-3; and

WHEREAS, upon creation of the Bureau, the City's legislative body shall provide for the City Clerk, or his designee, to be the administrator of the Ordinance Violation Bureau; and

WHEREAS, pursuant to I.C. 33-36-2-3 the Clerk may accept (1) Written appearances; (2) Waivers of Trial; (3) Admissions of Violations; and (4) Payment of Civil Penalties up to a specific dollar amount set forth by Ordinance up to Two Hundred Fifty Dollars and no Court Costs shall be imposed in addition to that designated fine; and

WHEREAS, a person who makes an Admission of Violation but does not pay the fee that corresponds to that violation will have Ordinance proceedings initiated in court pursuant to I.C. 33-36-3-5; and

WHEREAS, any person who wishes to deny a violation must enter a written denial with the Violations Clerk, so that proceedings in court may be initiated pursuant to I.C. 33-36-3-5; and

WHEREAS, any person who does not admit or deny a violation within the time prescribed by ordinance is presumed to have denied the allegation and proceedings in court may be initiated in the same way as written denials of violation; and

WHEREAS, Hammond City Ordinance Violations not disposed of by means of the Ordinance Violation Clerk or Ordinance Violation Bureau, and requiring a trial pursuant to I.C. 33-36-3-3, shall do so by a filing in the Lake Superior Court, County Division IV and in that forum proceed in accordance with Indiana law for such cases including the addition of Court Costs to the fines prescribed by City Ordinance, upon a finding of liable by the Court; and

WHEREAS, the Hammond Common Council wishes to designate by Ordinance a schedule of Ordinance/Hammond Municipal Code violations that may be admitted to and paid to the violations clerk, including the amount of civil penalties to be assessed to the violator who elects to admit a violation prior to the commencement of proceedings in the Lake Superior Court, County Division; and

WHEREAS, the Hammond Common Council now creates and attaches the Schedule of Ordinance and Code Violations which are subject to admission of violation before the Violations Clerk and includes the amount of Civil Penalty to be assessed by a

violator who elects to admit that violation prior to the commencement of proceedings in the Lake Superior Court, County Division; and

WHEREAS, the Hammond Common Council wishes to memorialize by Ordinance the powers granted by State Law and responsibilities of this Bureau; and

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Hammond that it is the will of the Citizens of Hammond, by and through the Hammond Common Council that Ordinance 7183, Title I, Chapter 10, is amended as follows:

§ 10.98 ORDINANCE VIOLATIONS BUREAU; ADMISSION OF VIOLATION; RIGHT TO TRIAL

(A) There shall be created an Ordinance Violations Bureau for the city, and the City Clerk shall serve as the Violations Clerk of the Bureau.

(B) The City Clerk is appointed the violations clerk and shall accept written appearances, waivers of trial, admissions of violations and payment of civil penalties of not more than the statutory limit set forth in I.C. 33-36-2-3(4) in ordinance violations cases.

(C) The ordinances subject to administration by the Ordinance Violations Bureau shall be designated by proper schedule and may be otherwise identified throughout the Code of Ordinances. The schedule may be amended from time to time by action of the City Council to add or delete qualified ordinances or to increase or decrease any civil penalty.

(D) The scheduled ordinance violations are determined to be payable offenses which are subject to admission before the violations clerk, and the violator may elect to pay a civil penalty directly to the violations clerk without the necessity of appearing in court.

(E) Civil penalties shall be paid to, receipted by, and accounted for by the clerk under procedures provided for by the State Board of Accounts. Payments of civil penalties may be made in person or by mail.

(F) Certain ordinance violations may, at the discretion of the city's Law Department, be resolved by proof of compliance with the cited ordinance rather than the assessment of a civil penalty. Those ordinances shall be designated by proper schedule and may be otherwise identified throughout the Code of Ordinances. Upon receipt of notification of compliance by the Law Department or any person authorized by the Law Department to determine compliance, the violations clerk shall consider such violations resolved and dismiss same.

(G) A person charged with a violation of a provision of the Code of Ordinances is entitled to a trial before a court as provided by law, unless the person waives the right to trial and enters an admission of the violation with the violations clerk.

(H) Upon an admission of an ordinance violation, the violations clerk shall assess and collect from the violator the amount prescribed by the schedule of civil penalties established under this ordinance. Payment of the civil penalty shall be made within thirty (30) days from the date of the citation unless an extension is allowed by the Law Department or its designee. However, payment of the civil penalty for scheduled parking violations under Chapter 72 and Chapter 73 shall be made within sixty (60) days from the date of the citation unless an extension is allowed by the Law Department or its designee.

(I) Any person paying a civil penalty at the ordinance violations bureau shall execute a waiver of right to trial and admission of the violation.

(J) Except as otherwise provided, an ordinance violation admitted in the ordinance violation bureau and resolved by payment of a civil penalty or compliance does not constitute a judgment for the purposes of I.C. 33-37, and ordinance violation cost fees may not be collected or assessed by the ordinance violations bureau under I.C. 33-37-4. An ordinance violation that is resolved within the ordinance violations bureau may not be considered for the purposes of I.C. 33-37-7-6 when determining the percentage of ordinance violations prosecuted in certain courts.

(K) Any person charged with a violation of a provision of the Code of Ordinances who desires to exercise the right to trial may appear before the violations clerk and deny the violation or enter a written denial of violation with the violations clerk.

(L) The violations clerk shall report to the Law Department if a person (1) denies an ordinance violation; (2) fails to demonstrate compliance; (3) fails to pay, within the time permitted by ordinance including any extensions, the civil penalty assessed by the violations clerk after having entered an admission of the violation; or (4) fails to admit or deny the violation within thirty (30) days from the date of the citation or within sixty (60) days from the date of the citation under Chapter 72 or Chapter 73.

(M) Proceedings in a court of proper jurisdiction shall be initiated against any alleged violator of ordinance who has denied the violation or who has failed to either demonstrate compliance, pay the applicable civil penalty, or admit or deny the violation within thirty (30) days after the date of the citation.

(N) Notwithstanding the establishment of the Ordinance Violations Bureau and a schedule of civil penalties, no part of this ordinance shall be construed to prohibit the City, through its Law Department or other designee, from seeking the greater penalties provided for by any applicable ordinance when proceeding in a court of proper jurisdiction.

(O) Civil penalties for the scheduled ordinances shall be assessed and collected by the violations clerk and pursuant to subsection (H) as follows:

SCHEDULE OF ORDINANCE AND CODE VIOLATIONS

<u>Municipal Code Section</u>	<u>Violations</u>	<u>Penalty</u>
72.003	Parking Where Prohibited	\$50.00
72.005	Method of Parking	\$50.00
72.006	Two Hour Parking	\$50.00
72.006	Parking in Excess of 96 Hours	\$50.00
72.008	Parking During Snow Emergency	\$50.00
72.009	Street Sweeping	\$50.00
72.011	Parking or Storing Trailers	\$50.00
72.013	Residential Only Parking	\$50.00
72.015	Parking on a Median	\$50.00
72.019	Overnight Parking on Hammond Lots	\$100.00
72.051	Handicapped Parking	\$200.00
72.052	Parking in Reserved Space	\$200.00
73.05	Truck Parking	\$100.00
91.015	Humane Care of Animals	compliance
91.016	Animal Waste	compliance
91.021	Abandonment	compliance
91.035	Domestic Animals and Fowl	compliance
91.037	Keeping Certain Animals Prohibited	compliance
91.050	Animal Licenses	compliance
91.070	Animals Running at Large	\$250.00

91.071	Dogs/Cats Under Restraint	see following
91.071(A)	General restraint	\$ 50.00 - 1 st violation \$100.00 – 2 nd violation \$250.00 - 3 rd violation
91.071(A)(1)(b)	Restraint/kennel	compliance
91.071(A)(1)(c)	Restraint/fencing	compliance
91.071(A)(1)(d)	Restraint/chaining	\$250.00
91.071(B)	Breeding	compliance
91.072	Public Nuisance Animals	compliance
91.075	Sterilization	compliance
91.090	Rabies Vaccination	compliance
91.091	Rabies Certificate	compliance
91.092	Animal Quarantine	compliance
91.105	Dangerous Animal	compliance
93.096	Smoke Detectors Required	compliance
94.015	Depositing Garbage on Streets	\$250.00
94.016	Disposal of Garbage	compliance
94.017	Open Burning	\$250.00
94.018	Dumping Waste	\$250.00
94.035	Uncollected Garbage	compliance
94.036	Excessive Garbage	compliance
94.038	Garbage Containers	\$250.00
94.071	Litter	\$250.00
94.073	Care of Sidewalks	\$250.00

94.074	Litter from Vehicles	\$250.00
94.075	Affixing Notices to Poles	\$250.00
94.079	Donation Box Violation	\$250.00
94.105	Firewood and Lumber	compliance
96.003	Construction/Maintenance of Buildings	compliance
96.004	Duties of Occupants	compliance
96.015	Basic Facilities, Compliance	compliance
96.016	Kitchen/Bathroom Hot & Cold Water	compliance
96.017	Heating Requirements	compliance
96.018	Plumbing Requirements	compliance
96.019	Garbage Containers	compliance
96.020	Electrical Outlets, Wiring, Facilities	compliance
96.021	Lighting	compliance
96.022	Egress	compliance
96.023	Gas	compliance
96.024	Foundations, Walls, Floors, Roofs	compliance
96.025	Window, Doors, Hatchways	compliance
96.026	Stairways and Porches	compliance
96.027	Sanitation	compliance
96.040	Light, Heat, Ventilation, Compliance	compliance
96.041	Minimum Window Area	compliance
96.042	Ventilation	compliance
96.043	Bathrooms/Water Closets	compliance

96.044	Heating Facilities	compliance
96.045	Public Hall/Stairway Lighting	compliance
96.046	Screening	compliance
96.066	Floor Space	compliance
96.067	Ceiling Height	compliance
96.068	Cellar for Habitation	compliance
96.069	Basement for Habitation	compliance
96.086	Rooming House	compliance
96.087	Rooming House Requirements	compliance
96.088	Rooming House Inspection	compliance
96.105	Unfit Dwellings	compliance
96.106	Occupying Condemned Premises	\$250.00
96.135	Inspection of Rental	compliance
96.152	Registration of Rental	compliance
96.153	Registration Certificate	compliance
96.157	Failure to Register	compliance
97.20	Noise	\$250.00
98.02	Nuisance	compliance
98.21	Junk Vehicles on Property	compliance
98.50	Christmas Lights	compliance
99.20	Park After Hours	\$250.00
99.21	Damage to Park Property	\$250.00
99.24	Littering in Park	\$250.00

99.25	Disorderly Conduct	\$250.00
99.26	Alcoholic Beverages	\$250.00
99.28	Possessing or Discharging Firearms	\$250.00
101.003	Debris on Streets Prohibited	\$250.00
101.007	Keeping Sidewalks Clear	\$250.00
101.010	Injury to Sidewalks	\$250.00
101.013	Obstruction of Public Property	\$250.00
101.165	Impeding Traffic	\$250.00
105.21	Injury to Trees	\$250.00
110.20	Alarm License	\$100.00
117.033	Business License, Mobile Caterer	\$100.00
117.091	Business License, Food Market	\$100.00
118.04	Business License, Junk Yard	\$100.00
118.20	Business License, Pawnbroker	\$100.00
121.36	Business License, Pet Shop	\$100.00
122.15	Business License, Sales	\$100.00
122.35	Business License, Food	\$100.00
123.15	Business License, Public Garage	\$100.00
124.03	Business License, Retail Sales	\$100.00
127.03	Business License, Tattoo Parlor	\$100.00
131.02	Debris in Yard	compliance
131.26	Injuring Public Property	\$250.00
131.27	Obstructing Public Property	\$250.00

131.28	Defacing Public Property	\$250.00
132.020	Curfew	\$250.00
132.085	Criminal Gang Activity	\$250.00
132.096	Nuisance Property	compliance
150.017	Contractor No License	\$250.00
150.025	Working Without Permit	\$250.00
150.028	Truck Signs for Contractors	\$250.00
150.100	Numbers on House	compliance
150.125	Fence No Permit	compliance
151.34	Electric Contractor License	\$250.00
151.50	Electrical Permits Required	\$250.00
154.15	HVAC Contractor License	\$250.00
154.41	HVAC Permits Required	\$250.00
156.10	Plumbing Contractor License	\$250.00
156.20	Plumbing Permit Required	\$250.00
160.01	General Maintenance of Property	compliance

(Prior Code, § 10.98) (Ord. 7183, passed 7-24-1989)

FURTHER BE IT ORDAINED 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.

ADOPTED AND APPROVED by the Common Council of the City of Hammond, Indiana, this 18th day of November, 2019.




Robert Markovich, President
Hammond Common Council

ATTEST: 

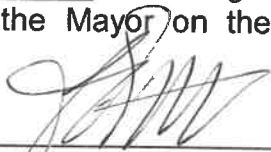
ROBERT J. GOLEC, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor said City for approval on the 20th day of November, 2019.



ROBERT J. GOLEC, City Clerk

The foregoing Ordinance No. 9454 consisting of eleven (11) typewritten pages, including this page, approved by the Mayor on the 20th day of November, 2019.



THOMAS M. MCDERMOTT, JR., Mayor
City of Hammond, Indiana

PASSED by the Common Council on the 18th day of November, 2019.



ROBERT J. GOLEC, City Clerk