

2019 AUG 26 A 11: 29

ORDINANCE 2019-26
AN ORDINANCE ADDING NEW SECTION 13.01.180
“BUILDING PERMIT CONFLICTS OF INTEREST”
TO THE LAFAYETTE MUNICIPAL CODE

CINDY MURRAY

WHEREAS, the Indiana General Assembly enacted IC 36-1-27-4 mandating that units adopt ordinances concerning conflict of interest procedures with respect to the issuance of building permits;

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Lafayette, Indiana, as follows:

1. The Lafayette Municipal Code is hereby amended to add new Section 13.01.180 which shall read as follows:

Section 13.01.180 Building Permit Conflicts of Interest

- A. The purpose of this section is to satisfy the requirements of IC 36-1-27-4.
- B. As used in this section, “conflict of interest” means a direct or indirect financial interest in the issuance of a permit.
- C. As used in this section, “permit” has the meaning set forth in IC 36-7-4-1109(b).
- D. The building commissioner, building code official, building inspector or other City employee, may not issue a permit or oversee the issuance of a permit, oversee the issuance of a permit through a subordinate if the person has a conflict of interest.
- E. If a permit is requested or required that raises a conflict of interest for a building commissioner, building code official, building inspector or other City employee, the person shall report the conflict of interest to the City Engineer who shall either conduct the building permit process directly or refer the matter to another subordinate who does not have a conflict.
- F. If a permit is requested or required that raises a conflict of interest for the City Engineer, the City Engineer shall report the conflict of interest to the Mayor who shall appoint a qualified replacement for the purpose of determining whether a permit should be issued and otherwise overseeing the permit process as it pertains to the conflict.
- G. A building commissioner, building code official or building inspector of the City of West Lafayette and Tippecanoe County shall be regarded a qualified temporary

replacements for the purposes of this section and shall be given consideration as potential replacements if willing and able to serve.

2. The Interlocal Cooperation Agreement Between the City of Lafayette, the City of West Lafayette, and the County of Tippecanoe Concerning Building Permit Conflicts of Interest, attached here as Exhibit A, is hereby approved in substantially final form.

3. This Ordinance shall take effect upon adoption and approval by the by Mayor.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, on this ____ day of _____, 2019.

Ron Campbell, President

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana on the ____ day of _____, 2019.

Cindy Murray, City Clerk

This ordinance approved and signed by me on the ____ day of _____, 2019.

Tony Roswarski, Mayor

ATTEST:

Cindy Murray, City Clerk

Sponsored by: Edward Chosnek, City Attorney

INTERLOCAL COOPERATION AGREEMENT
BETWEEN THE CITY OF LAFAYETTE,
THE CITY OF WEST LAFAYETTE,
AND THE COUNTY OF TIPPECANOE
CONCERNING BUILDING PERMIT CONFLICT OF INTEREST

This Interlocal Cooperation Agreement is made this _____ day of _____, 2019 by and between the City of Lafayette, Indiana (“Lafayette”), the City of West Lafayette, Indiana (“West Lafayette”), and the County of Tippecanoe, Indiana (the “County”) concerning Building Permit Conflicts of Interest.

WHEREAS, IC 36-1-27 (“the Statute”) was added to the Indiana Code, effective July 1, 2019;

WHEREAS, the Statute prohibits a building commissioner, building code official, or inspector of a unit from issuing a permit or overseeing the issuance of a permit through a subordinate if the commissioner, official, or inspector has a conflict of interest; and

WHEREAS, the Statute requires the unit to adopt a procedure for appointing a “qualified temporary replacement building commissioner, building code official, or inspector in the case of a conflict of interest”; and

WHEREAS, the City of Lafayette, City of West Lafayette, and Tippecanoe County each employ qualified building permit personnel able to serve as temporary replacements for the other units in the event of conflicts;

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. Incorporation of Recitals. The recitals above are made part of this Interlocal Cooperation Agreement.

2. Purpose. The purpose of this Interlocal Cooperation Agreement is for Lafayette, West Lafayette, and the County to assist one another by a providing qualified temporary replacement building commissioner, building code official, or inspector in the event that the other unit is unable to use its own personnel due to a conflict.

There is a benefit to the public for Lafayette, West Lafayette, and the County to enter into this agreement inasmuch as locating appropriate personnel from the private sector might be difficult and more expensive.

3. Duration. The duration of this Interlocal Cooperation Agreement shall be for a period of one (1) year beginning upon the date of execution hereof by the appropriate officials of the Parties and shall continue from year to year thereafter until terminated by the parties. Any party may terminate its participation in this agreement with thirty (30) days written notice to the other.

4. Financing. There shall be no charge by a unit for temporarily supplying the services of appropriate building personnel to the other units. This provision may be adjusted if the parties determine that one unit is disproportionately supplying or receiving assistance.

5. Process. When a party determines that it is unable to review, issue, or otherwise process a permit with its own personnel due to a conflict under IC 36-1-27, it may make a request to either of the other parties for a qualified temporary replacement. If a party is able to provide a qualified temporary replacement without unduly burdening its own operations, it shall provide a qualified temporary replacement to review, issue, or otherwise process the permit request.

6. Effectiveness. This Interlocal Cooperation Agreement will be effective upon approval by the appropriate bodies of Lafayette, West Lafayette, and the County.

7. Governing Law. This Interlocal Cooperation Agreement will be construed using the laws of the State of Indiana.

Agreed the first date written above.

City of West Lafayette

City of Lafayette

By: _____
John Dennis, Mayor

By: _____
Tony Roswarski, Mayor

Attest: _____
Clerk-Treasurer

Attest: _____
Cindy Murray, Clerk

Tippecanoe County

By: _____
David S. Byers, President
Tippecanoe County Board of Commissioners

Attest: _____
Robert Plantenga, Auditor