

TOWN of MONROVIA

ORDINANCE NO. 02-2019

AN ORDINANCE CREATING BUILDING COMMISSIONER, BUILDING CODE OFFICIAL, AND INSPECTOR
CONFLICT-OF-INTEREST RULES.

WHEREAS, pursuant to Indiana Code § 36-1-27-4, the Town Council of the Town of Monrovia (Council), on behalf of Town of Monrovia, Indiana ("Town"), must adopt an ordinance to establish a procedure to address a potential conflict of interest regarding a building commissioner, building code official, or inspector. This ordinance applies to elected and appointed persons who serve in a decision making capacity for the issuance of a permit as defined by IC § 36-7-4-1109.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONROVIA THAT:
SECTION I:

Nothing in this ordinance shall be construed to restrict the Town Council, the Board of Zoning Appeals, the Plan Commission, or any related Committee in the performance of their duties.

SECTION II:

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.
- "Permit" has the meaning set forth in IC § 36-7-4-1109. At the time of adoption of this ordinance, it means:
 - an improvement location permit;
 - a building permit;
 - a certificate of occupancy;
 - approval of a site-specific development plan;
 - approval of a primary or secondary plat;
 - approval of a contingent use, conditional use, special exception or special use; or
 - approval of a planned unit development.
- "Report" means a written identification of the affected permit application and disclosure of the conflict of interest involved, signed and dated by the author.

SECTION III:

A. Except as provided in Subsection (D), whenever the building inspector has a conflict of interest in the issuance of a permit:

1. the building inspector shall recuse himself or herself from the permitting process;
2. the building inspector shall file a report of the conflict of interest with the Clerk-Treasurer of Monrovia;
3. the building inspector shall deliver all related files to the plan administrator; and
4. the plan administrator shall oversee the issuance of the permit.

B. Except as provided in Subsection (D), whenever the plan administrator has a conflict of interest in the issuance of a permit:

1. the plan administrator shall recuse himself or herself from the permitting process;
2. the plan administrator shall file a report of the conflict of interest with the Clerk-Treasurer of Monrovia;
3. the plan administrator shall deliver all related files to the building commissioner; and
4. the building inspector shall oversee the issuance of the permit.

C. Whenever a building code official or inspector other than the building inspector or plan administrator 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 notify his or her department head or the Town Clerk-Treasurer of the conflict of interest.

D. Whenever the building inspector or the plan administrator is authorized to oversee the permitting process pursuant to this ordinance but is unavailable or unqualified:

1. such person shall recuse himself or herself from the permitting process;
2. such person shall file a report of a conflict of interest with the Clerk-Treasurer of Monrovia, if applicable;
3. the Council shall appoint a temporary replacement to oversee the permit; and
4. all related files shall be delivered to the appointed temporary replacement.

SECTION IV:

Filing Reports.

The Clerk-Treasurer of Monrovia shall place reports received pursuant to this ordinance in a separate Ethics file and maintain them for at least five (5) years.

SECTION V:

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to a law, document, fund, program, department, commission, employee, or public office, shall extend and apply to the same, as may be subsequently amended, elected, appointed, revised, recodified, renamed, or renumbered from time to time.
2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words "(of the) Town of Monrovia (Indiana)."
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

B. Severability.

No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this ordinance are hereby declared to be severable.

C. Effective Date. This ordinance shall be effective immediately upon passage.

SECTION VI:

Ayes: 5 Nays: None Abstentions: None

Adopted and ordained this 26 day of August, 2019.

THE TOWN COUNCIL OF Monrovia, Indiana

Robert L. Marley, Robert L. Marley, President

PHILIP
Phillip L. Fowler, Phillip Fowler, Vice President

Loren Moore, Loren Moore, Member

Bonnie Silsby-Inman, Bonnie Silsby-Inman, Member

Carol Youngblood, Carol Youngblood, Member

ATTEST: Iona Jackson, Iona Jackson, Clerk-Treasurer of Monrovia