

RESOLUTION NO. 06-16

**A RESOLUTION TO PROMOTE TRANSPARENCY AND CLARIFY THE
WEST LAFAYETTE CITY CODE**

WHEREAS, governmental transparency and public understanding of the laws is the foundation of accountability; and

WHEREAS, to effectively legislate it is necessary for the West Lafayette Common Council to be able to ascertain what the laws are; and

WHEREAS, to effectively petition the West Lafayette Common Council for redress of grievances it is necessary for citizen to be capable of ascertaining what the laws are; and

WHEREAS, Article 1 Section 31 of the Indiana constitution states "No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances;" and

WHEREAS, the current state of the West Lafayette City Code as published on the Municode platform (https://www.municode.com/library/in/west_lafayette) fails to provide a clear, readable, and easily understandable form of the West Lafayette City Code; and

WHEREAS, many many parts of the West Lafayette City Code contain delightfully arcane references to third party documents, for example Chapter 112, Article 7, Section PM-704, contains multiple egregious examples, stating:

"PM-704.1 General: Floors, walls, ceilings, and other elements and components required to develop a fire-resistance rating shall be maintained so that the respective fire-resistance rating of the enclosure, separation, or construction is preserved." "Pages 38 and 39, delete Section PM-902.0, "Extermination," and delete clauses PM-802.1 through PM-802.5 inclusive. Pages 41 - 60, delete Appendix "A," Appendix "B" and Appendix "C." (Ord. No. 5-72; Ord. No. 20-78, Art. 1; Ord. No. 2-80 §§ 1, 2; Ord. No. 9-81 § A; Ord. No. 4-89, § 1; Ord. No. 27-89, § 1; Ord. No. 17-91. §§ 1-8.)

WHEREAS, peer cities, such as Bloomington (<https://bloomington.in.gov/code/>) have published an exemplary code that clearly spell out the ordinances that govern the city,

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Lafayette that:

Section 1. That the Corporate Counsel together with the City Clerk provide the West Lafayette Common Council A Report to Update and Modernize the West

Lafayette City Code (the Report) no later than May 2, 2016, that shall contain the following:

1. A plan to update the city code to eliminate references to third party private documents.
2. A plan to replace third party references with substantially similar language into the West Lafayette Code.
3. A plan to renumber the provisions of the City Code in sequential or otherwise more consistent order.
4. A report detailing whether any sections of the West Lafayette City Code is antiquated or no longer valid under Indiana Code.
5. A report on whether altering sections of the City Code may violate grandfather clauses established by the Indiana General Assembly and Indiana Code, particularly regarding our Housing and Maintenance Code.

Section 2. The Report shall make recommendations on the resources necessary to achieve the Reports suggestions including necessary funding, the need for additional legal counsel, and estimated time such a project would take to complete.

Section 3. Unless necessary due to copyright constraints of third party documents, this resolution shall not be construed as a request to substantially change or alter the meaning of any ordinance or section of the West Lafayette City Code.

INTRODUCED ON FIRST READING ON THE 7 DAY OF March, 2016.

MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Dietrich.

DULY RESOLVED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 7 DAY OF March, 2016, HAVING BEEN PASSED BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:


	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
DeBoer	✓			
Dietrich	✓			
Jha	✓			
Keen			✓	
Leverenz	✓			
Sanders	✓			
Thomas			✓	
Wang			✓	


Peter Bunder, Presiding Officer

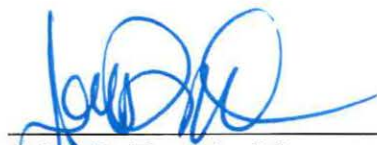
Attest:


Sana G. Booker, Clerk

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE,
INDIANA ON THE 9 DAY OF March, 2016.


Sana G. Booker, Clerk

THIS RESOLUTION APPROVED AND SIGNED BY ME ON THE 9 DAY OF
March, 2016.


John R. Dennis, Mayor

Attest:


Sana G. Booker, Clerk