

CHAPTER 10
BUILDING AND BUILDING REGULATIONS
ARTICLE I
IN GENERAL

Sec. 10-1 - Adoption of State Unsafe Building Law.

Chapter 36-7-9 (Unsafe Building Law) of the Indiana Code, as amended from time to time, is hereby adopted.

- (a) *Establishment of unsafe building fund.* The Town of Trail Creek Unsafe Building Fund shall be established as a non-reverting fund in which shall be deposited monies from any source allowed by law, including, but not limited to, any monies received as payment for reimbursement of the Town's expenditures in implementing any provision of this section or satisfaction of any judgment for violation of any provision of this section. Upon appropriation by the council. Monies from the fund may be expended for any purpose directly related to the implementation and enforcement of any provision of this section.
- (b) *Definitions.* The definitions contained in IC 36-7-9-2 shall govern the interpretation and implementation of this section, except for these terms shall be defined as follows:
- (1) *Town Building Inspector.* The Town Building Inspector, who shall be the enforcement authority for purposes of this article.
 - (2) *Order.* Any directive issued by the director. In emergency situations, the order should be in writing.
 - (3) *Hearing authority.* The Trail Creek Board of Zoning Appeals shall hear appeals of any director order issued pursuant to the provisions of this section.
 - (4) *Person.* Any individual or entity capable of holding a fee or equitable interest in real estate.
 - (5) *Substantial property interest.* The definition of "Substantial property interest" set forth in IC 36-7-9-2 is incorporated herein by reference. As of the date of this ordinance it means any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest a future interest, a mortgage interest, or an equitable interest of a contract purchaser.
 - (6) *Town, Trail Creek, Indiana.*
 - (7) *Unsafe building.* As defined in IC 36-7-9-4(a) and IC 36-7-9-4.5, as amended.
 - (8) *Unsafe premises.* As defined in IC 36-7-9-4(b) and (c) and IC 36-7-9-4.5, as amended.

- (c) *Penalty.* Up to the maximum amount allowed by Indiana law at the time of the violation, any person who violated any provision of this section or fails to timely comply with the requirements of a director's order directed to that person or that person's property may be fined as set forth in section 1-11, if not stated otherwise herein. Each day a violation continues shall be considered a separate violation. The director may issue a citation for any violation of this section or any violation of any director order issued pursuant to the provisions of this section.

Section 10-2 - Written guarantee of concealed wiring and plumbing.

For any dwelling until which has been prefabricated in such a manner that the electrical wiring or plumbing is so concealed as to prevent ready inspection without causing damage to the unit, the manufacturer thereof shall provide each purchaser with specifications of the installed electrical wiring and plumbing and a written guarantee, and it shall absolve the various inspection departments from any responsibility or liability regarding the concealed electrical wiring or plumbing.

State Law reference – Local regulation of industrialized building systems or mobile structures, IC 22-13-2-6; certification of industrialized building systems or mobile structures, IC 22-13-2-6.

Sec. 10-3-10-18 - Reserved.

Chapter 22 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. – GENERALLY

Sec. 10-19 - Adoption of standards.

In addition to the property maintenance requirements set forth in Chapter 22 and any applicable building codes, the town council establishes the following standards for maintenance of any real property within the Town of Trail Creek which is vacant and abandoned as defined in this division.

Sec. 10-20-Purpose.

The purposes of this division are as follows:

- (1) Establish a program for ongoing identification and registration of buildings which have been vacant for a certain length of time.
- (2) Establishes responsibilities of owners of these vacant buildings; and
- (3) Provides for administration and enforcement of standards related to vacant buildings.

Sec. 10-21-Definitions.

For purposes of this division, unless the context otherwise requires, the following words and phrases have the meanings set forth below;

Abandoned building means as follows:

- (1) A structure on a parcel of real property which is vacant for more than 90 days; is the subject of an order issued pursuant to the Indiana Unsafe Building Law, which has been incorporated into this Code, and at which the condition which generated the order has existed for at least 30 days and has not been remedied.; or
- (2) Is not maintained in compliance with applicable provisions of the Town Code, building codes, or state laws or regulations for a period of at least 30 days.

Owner is a person or legally cognizable entity with an ownership interest in a parcel of real property on which a vacant and abandoned building is located, or has obtained a judgment of foreclosure regarding the property based on a mortgage or land contract, and whose identity and address may be determined from an instrument recorded in the LaPorte County Recorder's Office or filed in the LaPorte County Clerk's Office.

Vacant building means a structure on a parcel of real property which lacks the habitual presence of human beings who have a legal right to be on the premises or at which substantially all lawful business operations or residential occupancy has ceased for a period of at least 30 days. The term "vacant building" shall not include a seasonally occupied residence or a residence owned by an individual actively serving in the military.

Sec. 10-22 -Continuing maintenance; mandatory and voluntary registration.

- (a) Upon finding a building vacant and abandoned, the Town Inspector, or his designee, may issue to the building owner an order for continuing maintenance pursuant to the Unsafe Building Act, IC 36-7-9-1, et seq., as it may be amended from time to time, or pursuant to similar authority granted by state statute, this Code, or other ordinances and regulations.
- (b) The owner of a building that is abandoned shall register with the Town Clerk pursuant to Section 10-24.
- (c) The owner of a building that is vacant but not abandoned, within the meaning of this division, may opt to register the building with the Town Clerk, so as to notify Town Officials of the identity and contact information for the property manager and exchange other information pertinent to the condition of the building.
- (d) The owner of building that is registered as an abandoned building shall at all times display the registration permit issued to him by the Town on the front of the abandoned building in a visible, secure, and weather-proof location on said building. An owner of a building who voluntarily registers their building as vacant with the town shall not be required to post their registration permit on their building.

Sec. 10-23-Property Manager.

- (a) The owner of a building which is required to be registered pursuant to this division must appoint a property manager residing within 25 miles from Town of Trail Creek limits and provide the Town Clerk with regular and emergency contact information for property manager. The failure to appoint a property manager or to provide the required information is a separate violation of this division. The property manager may be the owner or an agent of the owner.
- (b) An agent acting as the property manager must be at least 21 years of age.
- (c) The property manager must be available to government officials by telephone 24 hours a day. The owner's failure to make certain that such property manager is available and maintains the property is a separate violation of this division.

Sec. 10-24 - Information required with registration.

The owner of a building that is vacant and abandoned shall register the property with the Town Clerk upon receipt of an order for registration. Registration shall be on a form provided by the Town Clerk, shall be verified under the penalties for perjury, and shall include the following information:

- (1) The street address of the property;
- (2) The names, addresses, land contract, mortgage or other lien interest in the property, and all beneficiaries of any land trust which owns the property;
- (3) A copy of the most recently executed deed used to transfer title to the property and the most recently prepared sales disclosure form, if available to the owner;
- (4) The names and residential and business addresses and telephone numbers of the property manager;
- (5) The names and addresses of all persons or entities which hold a lien interest or a substantial property interest in the property;
- (6) The names, address and telephone numbers of the insurance agent and the carrier providing insurance coverage for the property as required by the division; and
- (7) For the Town Inspector's review and approval, the owner's written plan for maintenance and repair of the property, including the schedule within which the owner anticipates completion of all repairs necessary to bring the property into compliance with the code and all property maintenance codes which schedule shall not exceed 30 days unless it is demonstrated to the director's satisfaction that additional time is necessary to avoid undue hardship to owner due to the quality of work required. However, an owner's request for additional time must be supported by relevant documentation, including bids or quotes for the work and owner's financial statement and/or federal income tax return. However, the owner's presentation of a plan does not relieve the owner from complying with any orders issued pursuant to the unsafe building law or of any obligation imposed by statute,

ordinance or regulation governing the maintenance of the property other than this division. The Town's receipt of a plan does not constitute approval of the owner's plan or of any violation of property maintenance standards. The director shall not approve a plan that does not meet all of the requirements of this division and shall issue an amended plan that meets said requirements upon owner's failure to do so as required herein.

The owner is responsible for providing an updated registration form to the Town Clerk within five business days of any change of ownership or any information provided by the registration. The failure of the owner to provide such updated information within five business days of any change is a violation of this division.

Sec. 10-25 - Standards for Maintenance.

- (a) At least once each week, the owner of a property required to be registered under this division must ensure that the property is inspected and secured against unlawful entry, and that it is cleaned, vegetation is mowed, and cleared of snow and ice in the walkways. Records of such inspections shall be provided to the Town Clerk upon request.
- (b) The window and door openings of all buildings on the property shall be secured against unlawful entry by the use of locks designed for such use.
- (c) In order to protect a building against unlawful entry or vandalism while it is vacant, an owner may secure the windows and doors of the building by the use of boarding. If boarding is used to secure the building, the following standards must be met: Windows shall be framed by two -inch by four-inch boards secured with plywood to the frame by using six seven-inch lag bolts into King studs in all corners and in the center of the vertical boards. The plywood must be 4-ply CDX sheathing or approved equivalent material, no less than one-half inch in thickness and attached by tamper proof screws no less than three inches in length. The screws must be type W for wood and type S for steel, and must be applied to a maximum of eight inches on center.
- (d) Boarding of a vacant structure is to be considered a temporary and not long-term method of securing the building. Any boards applied to secure doors and windows for more than 30 days must be surface coated with exterior grade paint matching the exterior of the subject structure so as to reduce the blighting effect on the immediate neighborhood.

Sec. 10-26 -Registration fee.

- (a) The owner of any building required to be registered under this division shall pay an annual registration fee to the Town Clerk upon registration. However, the owner of a building that is vacant but not abandoned within the meaning of this division, who voluntarily registers the building pursuant to Section 10-22(c), is not required to pay a registration fee.

- (b) If the building is used for or zoned for residential purposes and is a single family residential unit or contains not more than two residential units, the registration fee shall be as set forth in the (Permit fee schedule).
- (c) If the building is used or zoned for residential purposes and contains three or more residential units, or if the building is used or zoned for any non-residential purposes, including but not limited to commercial and industrial, the fee shall be as set forth in Payment fee schedule.
- (d) The purpose of the registration fee is to reimburse the town for the costs of monitoring the property and the additional costs of responding to emergencies and property maintenance requirements for a vacant and abandoned building.

Sec. 10-27 - Liability Insurance.

- (a) The owner of any property required to be registered by this division must maintain a policy of liability insurance for the building, and must provide to the Town Clerk the name, address and telephone number of the insurance agent and carrier, along with a copy of the certificate or other proof of insurance coverage. The coverage required shall be not less than \$100,000.00 per occurrence and \$100,000.00 in the aggregate.
- (b) The policy of insurance must require the agent or carrier to provide 15 days' advance notice of cancellation to the Town Clerk in writing.

Sec. 10-28 - Exemptions.

The Town Inspector may exempt a property from the registration requirements of this division if the property is the subject of an open probate estate or has suffered extensive fire or catastrophic damage within the past 90 days. Any exemption granted shall be for a specific period of time, not to exceed 90 days. However, exemption from the registration requirements shall not constitute approval of any violation of property maintenance standards established by statute or this Code.

Sec. 10-29 - Financial Penalties.

- (a) A citation shall be issued for the violation of any provision of this division or for knowingly providing false information or withholding information required to be provided by the registration requirements of this division. Such a citation shall be issued to the owner and property manager, if one has been identified to the Town to by the owner, and shall impose a fine as set forth in this Code/Ordinance.
- (b) The citations and the fines imposed by the division are in addition to the other legal and equitable remedies and enforcement actions available to the Town, including but not limited to those remedies, enforcements actions, and penalties provided for in section 1-11 of this code.
- (c) In addition to a fine, the Town shall be entitled to recover the costs it incurs to repair or otherwise bring the property into compliance with all legal requirements and in enforcing

any provisions of this division, including, but not limited to, a reasonable attorney's fee, litigation costs, and costs for inspection and enforcement by Town employees and officials.

DIVISION 2. – ENFORCING OFFICERS

Sec. 10-30 - Appointment of Inspectors; Conflicts of Interest.

The Town Council shall appoint a building inspector, an electrical inspector, a heating, ventilation and air conditioning inspector, and a plumbing inspector, and such other employees as may be necessary for the administration of all rules and regulations of this chapter; provided that no person shall be appointed as an inspector unless he has had at least five years' practical experience in the technical work for which he is appointed to conduct inspections. If an inspector is to do private work within the town on a job, he would normally inspect for the town, he/she shall inform the Town Clerk and another inspector will be chosen for that job by the Town Council.

Sec. 10-31 - Powers and Duties.

Each inspector referred to in Section 10-30 is authorized and directed to enforce all the provisions of the building, plumbing, electrical, heating, ventilating and air conditioning rules and regulations. For these purposes, each inspector shall have the authority to enter at any reasonable hour any building, structure or premises within the Town to enforce the Code provisions.

Sec. 10-32 - Inspections; Stop Work Orders.

Each inspector is authorized and directed to enforce all the provisions of the building, plumbing, electrical, heating, ventilating and air conditioning rules and regulations. For these purposes, the inspectors shall have the authority to enter at any reasonable hour any building, structure or premises within the Town to enforce the Code provisions.

At any time during the process of building work, the director, upon finding any violations of this chapter, the use of improper materials or improper methods of construction, or anything that may interfere with or cause damage to life, health or property, may issue a stop work upon the project and cause the immediate cessation of all work on the construction site.

At any time during the process of building work, an inspector, upon finding any violations of this chapter, the use of improper materials or improper methods of construction, or anything that may interfere with or cause damage to life, health or property, may stop work within that inspector's assigned duties only for that inspection upon the project and cause the immediate cessation of work inspected. Where this action is taken, there

shall be no resumption of any work without first having obtained written authority to proceed. Any violation of these orders shall be punishable as provided in section.

Sec. 10-33 thru 10-40- Reserved.

DIVISION 3. – PERMITS, FEES AND CERTIFICATES OF OCCUPANCY.

Sec.10 – 41 - Definitions; permit required; town departments and authorities review for compliance of Class 1 and Class 2 structures.

(a) Definitions.

Class 1 structure means a building or structure that is intended to be, is occupied or otherwise used in any part by the public, three or more tenants, or one or more persons who act as the employees of another.

Class 2 structure means:

- (1) A building or structure that is intended to contain or contains only one dwelling or two dwelling units unless any part of the building or structure is regularly used as a Class 1 structure; or
 - (2) An outbuilding for a structure described such as a garage, barn, storage shed, tool shed, carport, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.
- (b) No person shall erect, construct or remodel or add to any Class 1 structure or Class 2 structure within the Town without procuring a building permit therefor. Except as otherwise provided, before any building permit shall be issued for the erection, construction, or remodeling or addition of any Class 1 Structure or Class 2 structure within the Town, the owner of the building, or his agent, or contractor shall first submit the plans, or tentative plan of the proposed structure, for approval to the Town Clerk for submission to appropriate inspector(s) review. No building permit shall be issued until the plans have been reviewed by each of such named inspectors or authorities, as evidenced by endorsement in writing, in accordance with the considerations applicable to each respective inspector or authority. No director or inspector shall withhold its review or refusal for a period of longer than five days.**
- (c) Structures subject to the provisions of this chapter erected without a permit and not in conformity with this chapter shall be removed.**

Sec. 10-42- Additional circumstances requiring a building permit or location improvement permit.

- (a) *Roofing, siding, windows.*** No person shall re-roof, re-side, or install or replace any window or door for a Class 1 Structure or Class 2 Structure without first obtaining a building permit from the Town Clerk. Replacement of broken glass for a window or door shall be an exception to this requirement.

- (b) *Location improvement permit.* No person shall cause the erection, construction, improvement or addition to a parking lot, driveway, sidewalk connecting to street, fence excavation, grading, fill, preparing land, dredging, lighting, or pavement to a Class 1, Class 2 structure, or a vacant lot without first obtaining a location improvement permit from the Town Clerk.
- (c) Structures subject to the provisions of this chapter erected without a permit and not in conformity with this chapter shall be removed.

Sec. 10-43- Permit required for moving buildings; restrictions on moving wood frame buildings.

No building of any type shall be moved until a permit has been obtained from the Town Clerk.

Sec. 10-44 - Issuance of building permits; permit required for electrical, plumbing, or heating, ventilation and air conditioning work.

- (a) The Town Inspector shall issue a building permit upon written application of the applicant and upon submission by the applicant of the plans and specifications referred to in this division, provided that the plans and specifications conform to the provisions of this chapter and the proposed construction does not violate any other ordinances of the Town.
- (b) No electrical, plumbing, heating, ventilating or air conditioning work shall be done until the person desiring to do the work shall have obtained a permit from the Town or inspector allowing the work and providing for inspection by the appropriate inspectors of the Town. The permits shall be issued so long as the work involved does not violate any provision of this chapter. If work is initiated prior to the issuance of a permit, except in cases of emergency (such as fire, storm damage and the like), the applicant shall pay twice the regular permit fee as established in this Code/Ordinance.

Sec. 10-45 - Reroofing, re-siding or replacement window permit.

- (a) *Required.* No person, by himself or his servant, or as a servant or agent of another, shall reroof, re-side or replace a window to any building in the Town without having made application to the Town Clerk for a permit therefor. The application shall state the class of material offered for sale or class of material to be used in reroofing, re-siding or replacing the window to any building, the name of the owner of the building to be reroofed, re-sided, or replaced window, the location of the building, and the name and address of their person proposing to reroof, re-side or replace the window to the building. The application for a permit shall be filed and the permit granted before any work is started to reroof, re-side or replace the window to any building in the Town.
- (b) *Application.*

- (1) The application for a permit shall be executed by the applicant.
- (2) The estimated cost of reroofing, re-siding and replacing the window shall be stated in each application for a permit.
- (c) *Duties of inspector.* The inspector shall review the application then issue or deny the permit.
- (d) *Permit fee.* The fees for reroofing, re-siding and replacing window permits shall be as established in **Section 26**.
- (e) *Late fees.* If work is initiated prior to the issuance of a permit, except in cases of emergency (such as fire, storm damage and the like), the applicant shall pay twice the regular permit fee as established in Subsection (d) of this section.

Sec. 10-46 - Building permit fees; fee for moving building ; permit fee for sidewalks, drives, parking lots, fences, grading, fill and dredging; and location improvement permit fee.

- (a) The fees for building permits shall be as established in section 26.
- (b) The fee for moving a building shall be as established in section 26.
- (c) The permit fee for sidewalks, drives, parking lots, fences, grading, fill and dredging shall be as established in section _____.
- (d) The fee for a location improvement permit shall be as established in section _____.

Sec. 10-47 - Electrical permit fees.

At the time of obtaining a permit to do electrical work, fees for inspection by the electrical inspector shall be paid to the Town Clerk according to the schedule established in section 26.

Sec. 10-48 - Plumbing permit fees.

At the time of obtaining a permit to do plumbing work, fees for inspection by the plumbing inspector shall be paid to the Town Clerk according to the schedule established in section 26.

Sec. 10-49 - Heating, ventilating and air conditioning permit fees.

At the time of obtaining a permit to do heating, ventilating and air conditioning work, fees for inspection by the heating, ventilating and air conditioning inspector shall be paid to the Town Clerk according to the schedule established in section 26.

Sec. 10-50 - Review of permits for units of combustion or incineration.

Permits for units of combustion and incineration shall not be issued without approval of the air pollution control division of the state and/or county.

Sec. 10-51 - Conditions for turning on electric current.

- (a) No notice of completion of work will be turned in to any electric utility company for service until all inspection fees are paid.
- (b) No electric current is to be turned on in any building until a certificate has been issued by the electrical inspector showing that the electric work has been completed according to the provisions of this chapter.

Sec. 10-52 - Certificate of occupancy.

- (a) Request for a certificate of occupancy shall be made by the applicant to the Town Clerk. If final inspection by the Town's inspectors and fire marshal reveals the construction to be in compliance with the provisions of the Town and state codes, the certificate of occupancy therefor shall be issued within three days after final inspection has been made.
- (b) Occupancy or use of a structure shall not take place until a certificate of occupancy has been issued.

Sec. 10-53 - Time limits for permits; renewals; suspension or revocation.

- (a) *Expiration.* Every permit issued by the Town, by and through the inspection Department or Town Clerk, pursuant to the provisions of this paragraph shall expire as follows:
 - (1) Permits issued for new Class 1 structures (commercial) shall expire two years from date of issuance of a permit; and
 - (2) Permits issued for additions, remodeling or interior/exterior changes for Class 1 structures (commercial) shall expire one year from date of issuance of a permit; and
 - (3) Permits issued for new Class 2 structures (residential) shall expire two years from date of issuance of such permits; and
 - (4) Permits issued for additions, remodeling or interior/exterior changes for Class 2 structures (residential) shall expire one year from date of issuance of a permit.
 - (5) All permits issued prior to the effective date of this section shall be treated as though issued on the effective date of this section and their expiration date shall be determined according to the provisions of subparagraphs (1),(2),(3), and (4) in this subsection (a).
- (b) *Renewal.* A permit may be automatically renewed only one time and thereafter, any further permit renewal is subject to the discretion of the inspector or his designee and only upon a showing of good cause and payment of an additional permit renewal fee. A completed written application for renewal must be received by the Town Clerk at least ten days before the permit's expiration date. The fee for an automatic renewal and the fee for the subsequent renewals granted at the discretion of the director shall be 50 percent of the original fee.

The Town Board of Zoning Appeals may modify, rescind, or place conditions upon any renewal of any permit, including an automatic or subsequent renewal.

- (c) *Suspension or revocation.* The Town inspector or director may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is used in error, or on the basis of incorrect information supplied by the applicant, or in violation of this chapter, or upon revocation of the state building commission construction design release (CDR). Said permit suspension or revocation shall be effective immediately upon issuance.
- (d) *Unsafe building law.* This section shall not be deemed to limit the authority to the Town Inspector or board of zoning appeals to IC 36-7-9 (Unsafe Building Law), which may be amended from time to time, state law shall control in any actual or apparent conflict with this section.

Sec. 10-54 to 10-70 - Reserved.

ARTICLE III

INDIANA ADMINISRATIVE CODE

Sec. 10-71 - Adoption of title 675 (Fire Prevention and Building Safety Commission) of the Indiana Administrative Code.

- (a) The articles of the state fire prevention and building commission as set out in the articles of title 675 of the Indiana Administrative Code are hereby incorporated by reference and shall include later amendments to those articles as the amendments are published in the Indiana Register r the Indiana Administrative Code, with effective dates as affixed therein.
- (b) Copies of this code and the rules, regulations and codes adopted in this section by reference are on file as required by law in the office of the Town Clerk.

State Law reference – State building standards, IC 22-13-2-1 et seq; adoption by reference, IC 36-1-5-4.

Sec. 10-72 thru 10-75 - Reserved

ARTICLE IV

BUILDING DEMOLITION

DIVISION 1 – GENERALLY

Sec. 10-76 - Definitions; permit required; permit fee

- (a) All work and safety precautions in any demolition operations shall be in conformity with the provisions of this article and, if not provided for in this article, in conformity with accepted safe and sanitary practice to insure protection of the workers and the general public.

- (b) Definitions.

Class 1 structure means a building or structure that is intended to be, is occupied or otherwise used in any part by the public, three or more tenants, or one or more persons who act as the employees of another.

Class 2 structure means:

- (1) A building or structure that is intended to contain or contains only one dwelling or two dwelling units unless any part of the building or structure is regularly used as a Class 1 structure; or
- (2) An outbuilding for a structure described such as a garage, barn, storage shed, tool shed, carport, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

Demolition means an act or process that removes, pulls down, tears down, razes, deconstructs or destroys any part of an existing building wall, structure, or foundation, whether in whole or in part, whether interior or exterior.

- (c) Permit required.

- (1) No person shall cause the demolition for removal of a Class 1 structure or Class 2 structure without first obtaining a demolition permit from the planning department and paying the fee for the permit established in section 26.
- (2) No person shall cause the demolition for rebuilding or the demolition of the interior for remodeling of a Class 1 structure or Class 2 structure without first obtaining a building permit from the Town Clerk and paying the fee for the permit established in section 26.
- (3) Before any demolition permit shall be issued under this article within the Town, the owner of the building, his agent, or contractor shall first submit the demolition plans, or tentative demolition plan of the proposed structure, for review by the following named departments or authorities: Town Engineer, inspectors of the Town. No demolition permit shall be issued until the plans have been reviewed by each of such

named inspector or authorities, as evidenced by endorsement in writing, in accordance with the considerations applicable to each respective inspector or authority. No inspector or authority shall withhold its review or refusal for a period of longer than five days. A demolition permit issued by the Town shall specify the period of time during which such demolition shall be completed.

Sec. 10-77 - Service connections.

Before a building can be demolished, the owner, agent or contractor shall notify all utilities having service connections within the building, such as water, electric, gas sewer and other connections.

Sec. 10-78 - Use and sanitation of site and adjacent land.

The permittee under this article shall, so far as is reasonably possible, confine all work and storage of materials or debris upon the land where the work is being prosecuted and shall keep all neighboring and adjacent land free from debris and waste material arising from the demolition operation.

Sec. 10-79 - Use of public property.

- (a) Public property shall not be used for the storage of materials or equipment or for the operation of equipment, nor shall any fence, railing, barricade, walkway, canopy, shed, scaffold or other construction or protection be erected on public property without the approval of Town Engineer. Any such use shall be maintained safe and nonhazardous, and approval for such use shall be revoked when unsafe conditions are not properly corrected after notice to do so.
- (b) The use of public property incidental to demolition operations shall conform to the additional limitations and restrictions imposed by the police and fire chiefs, as deemed necessary by them for safety to life and property and the maintenance of traffic on sidewalks and roadways.

Sec. 10-80 - Storage and handling of material and equipment.

No material and equipment shall be stored, handled or placed so as to become a hazard to the public, workers, adjoining property or to the structure on which it is placed. No fire hydrant, public utility box, catch basin or manhole shall be obstructed or rendered inaccessible. Every tree on public property, light pole, and utility pole shall be protected from damage, and no material shall be piled or equipment placed so as to interfere with the proper drainage of the street or other property.

Sec. 10-81 - Diversion of traffic.

When a sufficient hazard to traffic on any sidewalk or roadway exists because of the

condition of the building being demolished, or the prosecution for the work, the Town Engineer shall request the Town Marshall to close off such areas from vehicular or pedestrian traffic and divert it as may be otherwise necessary.

Sec. 10-82 - Driving over sidewalk or curb.

- (a) No person shall drive over sidewalk or curb, other than at a properly constructed driveway, for any purpose in connection with demolition operations, including the delivery or removal of materials, without first obtaining permission from the Town Engineer. Such permission to drive over curbs or sidewalks does not guarantee against damage or injury to property and the permittee shall be fully liable for any and all damage or injury caused thereby.
- (b) Whenever a curb or sidewalk is used for temporary drive-over purposes, a suitable wood mat or pad shall be placed over the same to prevent damage to the sidewalk or curb and to protect pedestrians from broken pieces of walk or ruts worn into it. The mat or pad shall have a solid and smooth surface for the entire width of the paved and used walk and shall have chamfered edges, not to exceed an angle of 30 degrees with the horizontal, fitting tightly to the walk where the mat comes in contact with it. All mats shall be kept in good repair and free from holes, loose parts, obstructions and waste material, and sand shall be sprinkled on the mats when they become slippery.

Sec. 10-83 - Protection of pedestrians.

Protection for pedestrians on sidewalks or walkways shall be provided and maintained in conformity with this article during all times when they might be endangered by the demolition operation. Such protection shall consist of barricades, fences or sidewalk sheds approved by the code enforcement officer, except that an approved sidewalk shall be provided and maintained whenever material is being moved over the sidewalk or walkway by derrick, hoist or chute, or whenever the building being demolished is more than 25 feet high and is located 15 feet or less from the sidewalk or walkway.

Sec. 10-84 - Maintenance of walkways.

A safe walkway, not less than four feet wide, and of greater width where deemed necessary by the board of public works and safety, shall be maintained as a continuation of abutting sidewalks at all demolition operations, as directed or approved by the code enforcement officer. The walkway may be constructed outside the curb line and abutting thereto, and shall be of plank or other suitable material with a substantial guardrail along the outer edge. No walkways shall be maintained outside the curb line longer than absolutely necessary and shall be relocated inside the curb line as soon as practicable.

Sec. 10-85 - Barricades and fences.

Barricades shall be substantially built and shall be not less than three feet in height. Fences shall be substantially built with tight boards, plywood or other suitable material applied on the outer fence, and shall be not less than six feet in height. When openings are required for access to the premises they shall be equipped with sliding in-swinging doors or gates, which doors or gates shall be closed and secured at the end of each work day.

Sec. 10-86 - Marking of obstructions.

All barricades, fences, sidewalk sheds, equipment, material debris, pits, excavations or obstructions within the lines of any street or sidewalk shall be marked after dark with flares, red lanterns or red electric lights to warn pedestrians and operators of vehicles of the presence of such obstructions or excavations.

Sec. 10-87 - Removal of material and debris.

- (a) All waste material and debris shall be removed promptly and shall not be stored in any location where they may create a fire hazard or obstruct access for firefighting, or obstruct the use of a sidewalk or roadway beyond the extent authorized.
- (b) Dry material and rubbish shall be wetted down when necessary to lay dust or prevent it from being blown about. All dirt, debris or waste upon the roadway or sidewalk shall be removed immediately.

DIVISION 2 – BACKFILL REQUIREMENTS.

Sec. 10-88 - Backfilling required; elevation; inspection required before filling.

Any owner who shall cause any building or structure to be demolished and the land site cleared, causing any depressions in the ground, shall cause the depressions to be backfilled to an elevation six inches above the existing yard grade. The hole shall not be filled until the owner and/or contractor has contacted the Town engineer for an inspection and the Town Engineer has inspected and approved the filling of the hole.

Sec. 10-89 - Material and topsoil; seeding.

- (a) All material used for backfill as required by the Town shall be free of foreign or organic material, and the top six inches of soil in backfilled areas shall be suitable for growing vegetation.
- (b) The backfilled areas shall be seeded, at the appropriate season, to provide a suitable ground cover to prevent erosion by natural elements or other causes.
- (c) Sanitary sewers are to be plugged to prevent ground water from entering the abandoned line.

Sec. 10-90 - Order to correct violation; correction of violation by Town.

If the Town Engineer shall find that a cleared land site creates a public nuisance, through erosion or other causes, because the site had not been backfilled in compliance with this division, it shall direct the owner to remedy the condition. It shall then be the duty of the owner of the property to comply with the order of Town Engineer within such time as may be fixed in the order. On failure to do so, the Town shall have the power to have the required work done either by letting a contract therefor upon notice and terms as it shall deem best or by employing the necessary labor to perform the work. In any event, the costs therefor shall constitute a lien on the real estate on which the building or condition is situated, as well as a personal liability against the owner thereof. The collection of the expense and foreclosure of the lien may be enforced in the name of the Town in any court of competent jurisdiction. In the case of an emergency, the Town Engineer shall have the power to cause remedial changes to be made as well remove the public nuisance, without notice of any kind to the owner and without delaying for the owner to do so, and the cost thereof shall constitute a lien on the property and a liability of the owner and may be collected in the manner provided in this section.

Sec. 10-91 - Use of building demolition, repair and contingent fund for payment of costs incurred by Town.

In order to effectuate the provisions of this section, the Town is empowered to utilize an existing fund known as the building demolition, repair and contingent fund. The cost incurred by the Town, including all expenses of notices and incidental expenditures incurred, or the amount due anyone on any contract for work done pursuant to this division relating to any backfilling, grading or corrective changes, shall remain a charge and lien against the real estate and may be collected in any manner authorized by law, but pending the collection, all the cost and expenses so incurred, or due to the Town or to anyone else, arising out of the order, may be paid out of the fund in the manner and under the conditions set forth in such cases in the statutes of the state.

Sec. 10-92 thru 10-95 - Reserved.

ARTICLE V

ELECTRICAL CODE

Sec. 10-96 - Definitions; permit required; permit fee

The provisions of this chapter shall constitute the minimum requirements for the installation of electrical wiring in all buildings.

Sec. 10-97 - Correction of faulty work or hazardous wiring.

When electrical work or wiring is found to have been installed in a manner conflicting with the provisions of this chapter, or when any existing electrical work or wiring has, through fire, natural deterioration or any other cause whatever, in the opinion of the electrical inspector, become a fire, accident or life hazard, the electrical inspector is empowered to remove the fuse, cut the wires,

or otherwise render the system inoperative until the defects have been corrected and the electrical inspector notified in writing that the work may be again inspected and approved.

Sec. 10-98 to 10-100 - Reserved.

ARTICLE VI MECHANICAL CODE

ARTICLE VIII SWIMMING POOLS

Sec. 10-101 - Protective enclosure safety requirements for swimming pools and ponds.

- (a) Any person owning land on which there is situated a swimming pool, wading pool, fish pond or other body of water which constitutes an obvious hazard and contains 18 inches or more in depth at any one point shall erect and maintain thereon an adequate enclosure surrounding either the property or pool area sufficient to make the body of water inaccessible to small children. The enclosure, including gates therein, must not be less than four feet in height above the underlying ground and shall be of a type with the latch on the inside of the gate placed four feet above the underlying ground or otherwise made in accessible from the outside to small children. However, if the entire premises of the pool site, whether public or private, are enclosed, then this provision may be waived upon inspection and approval of the enclosure. A natural barrier, hedge, pool cover or other protective device may be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the enclosure, gate and latch described in this section.
- (b) Swimming pools, wading pools or other bodies of water as described in subsection (a) of this section, already constructed or in existence, shall comply with subsection (a) of this section within 60 days after _____ passage of this code provision. Filter pumps or motor of any kind shall be G.F.C.I. protected and properly grounded.
- (c) The provisions of subsection (a) of this section shall not be construed to apply to natural watercourses, beaches or other impounded waters of like nature.

Sec. 10-101 thru 10-105 - Reserved.

ARTICLE IX

HOUSING CODE

DIVISION 1. – GENERALLY

Sec. 10-106 - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Basement means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

Board of health means the county board of health.

Building includes the word "structure," and shall be construed as if followed by the words "or part thereof."

Cellar means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing shall not be regarded as a dwelling.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Extermination means the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating or trapping, or by any other recognized and legal pest elimination methods approved by the board of health.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable room means a room or enclosed floorspace used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, heater closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage space.

Hotel means every building or structure kept, used or maintained as, and advertised or held out to the public to be, an inn, hotel, motel, family hotel, apartment hotel, lodginghouse, dormitory, or place where sleeping or rooming accommodations are furnished for hire or are used or maintained for the accommodation of guests, ledgers or roomers.

Infestation means the presence, within or around a dwelling, of any insects, rodents or other pests.

Multiple dwelling means any dwelling containing more than two dwelling units.

Occupant means any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

Ordinary minimum winter conditions means the temperature 15 degrees Fahrenheit above the lowest recorded temperature for the previous ten-year period, based upon the records of the United States Coast Guard Station.

Owner means any person who, alone or jointly or severally with others:

- (1) Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the provisions of this article, and of the rules and regulations adopted pursuant to this article, to the same extent as if he were the owner.

Plumbing includes all of the following supplied facilities and equipment: gas, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, showerbaths, installed clothes-washing machines, catchbasins, drains, vents and any other similar supplied fixtures, together with all connections of water, sewer or gas lines.

Rooming unit means any room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Roominghouse means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rubbish means combustible and noncombustible waste materials, except garbage. The term

includes the residue from the burning wood, coal, coke and other combustible material, paper, rags, carton, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

Supplied means paid for, furnished or provided by or under the control of the owner or operator.

Temporary housing means any tent, mobile home or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than 30 consecutive days.

Sec. 10-107 - Compliance Required

No person shall occupy or maintain a dwelling or dwelling unit in the Town unless in accordance with the provisions of this article.

Sec. 10-107 thru 10-110 - Reserved.

DIVISION 2 – ADMINISTRATION AND ENFORCEMENT

Subdivision I. – In General

Sec. 10-111 - Inspections; access by owner for purpose of making repairs.

The fire marshal and/or inspector are authorized and directed to make inspections to determine the condition of dwelling units, rooming units and premises located within the Town, in order that they may perform their duties of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making these inspections the fire marshal and inspector(s) are authorized to enter, examine and survey at all reasonable times all dwellings, dwelling unit and rooming unit, or the person in charge thereof, shall give the fire marshal or inspector(s) free access to the dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of the inspection, examination and survey. Every occupant of a dwelling unit shall give the owner thereof, or his agent or employee, access to any part of the dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article.

State Law reference – Building inspections authorized, IC 36-7-2-3.

Sec. 10-111 thru 10-115 - Reserved.

Subdivision II. – Violations

Sec. 10-116 - Notice of violation.

- (a) Whenever the fire marshal or inspector(s) determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, he shall give notice of the alleged violation to the persons responsible. The notice shall:
 - (1) Be in writing.
 - (2) Include a statement of the reasons why it is being issued.
 - (3) Allow a reasonable time, not less than ten days, for the performance of any act it requires.
 - (4) Be served upon the owner or his agent, or the occupant, as the case may require. The notice shall be deemed to be properly served upon the owner, agent or occupant if a copy thereof is sent by registered or certified mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice.
- (b) The notice may contain an outline of remedial action which, if take, will effect compliance with the provisions of this article.

Sec. 10-117 - Hearing.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article, or of any rule or regulation adopted pursuant to this article, may request and shall be granted a hearing on the matter before the Town Board of Zoning Appeals. The person shall file in the office of the Town clerk a written petition requesting the hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. Upon receipt of the petition the board shall set a time and place for the hearing and shall give the petitioner written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed. Upon application of the petitioner, the board may postpone the date of the hearing for a reasonable time beyond the ten day period, if in its judgment the petitioner has submitted a good and sufficient reason for the postponement. All the hearings shall be open to the public.

Sec. 10-118 - Decision and order.

After the hearing pursuant to section 10-117, the Board of Zoning Appeals shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this article have been complied with. If the board sustains or modifies the notice, it shall be deemed to be an order. Any notice served pursuant to section 10-117 shall automatically become an order if a written petition for a hearing is not filed in the office of the Town Clerk within ten days after the notice is served. After a hearing in the case of any notice suspending any permit required by this article when the notice has been sustained by the board, the permit shall be deemed to have been revoked. Any permit which has been suspended by a notice shall be automatically revoked if a petition for hearing is not filed with the board within ten days after the notice is served. The

inspector serving the notice upon which a petition for review is filed shall not sit as a member of the board at the hearing of the petition, but shall be allowed to be present or designee examine witnesses, and be cross examined by the petitioner.

Sec. 10-119 - Records.

The board of Zoning Appeals shall make findings of facts relative to a decision under section 10-118, which shall be reduced to writing. The decision and all orders of the board shall also be reduced to writing. The board shall prepare a record consisting of the notice, the petition for a hearing, the statement of finding of facts, and all decisions and orders of the board and deposit it in the office of the Town Clerk for public inspection.

Sec. 10-120 - Emergency orders.

Whenever the board of public works and safety or fire marshal finds that an emergency exists which requires immediate action to protect the public health, the board or the fire marshal may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as deemed necessary to meet the emergency. Notwithstanding other provisions of this article, the order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the board of zoning appears shall be afforded a hearing as soon as possible. After the hearing, depending upon the finding as to whether the provisions of this article have been complied with, the board shall continue the order in effect, modify it, or revoke it.

Sec. 10-120 thru 10-125 - Reserved.

Subdivision III. – Condemnation of Unfit Dwellings

Sec. 10-126 - Generally

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of the unfit dwellings or dwelling units shall be carried out in compliance with the requirements stated in this subdivision.

Sec. 10-127 - Causes for condemnation.

Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the fire marshal or Town Inspectors.

- (1) One which is so damages, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(2) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

(3) One which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

Sec. 10-128 - Vacation of condemned dwellings.

Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the health officer shall be vacated within a reasonable time as ordered by the director or his designee.

Sec. 10-129 - Reuse of vacated dwellings.

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and the placard is removed by the director or his designee. The director or his designee shall remove the placard whenever the defects upon which the condemnation and placarding action were based have been eliminated.

Sec. 10-130 - Defacing or removing placard.

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in section 10-129.

Sec. 10-131 - Hearing.

Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the board of Zoning Appeals under the procedure set forth in subdivision II of this division.

Sec. 10-132 - Reserved.

DIVISION 3. – RESPONSIBILITIES OF OWNERS AND OCCUPANTS

Sec. 10-133 - Maintenance of public areas.

Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

Sec. 10-134 - Maintenance of individual dwelling units.

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

Sec. 10-135 - Rubbish and garbage disposal.

- (a) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers.
- (b) Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers. It shall be the joint and several responsibility of the owner and occupant of all dwelling units in any building containing more than one dwelling unit to supply the required garbage disposal facilities. In all other cases it shall be the responsibility of the occupant to furnish the facilities or containers.

Sec. 10-136 - Hanging of screens, storm doors and storm windows.

Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens and double or storm doors and windows whenever they are required under the provisions of this article, except where the owner has agreed to supply the service.

Sec. 10-137 - Extermination of insects or other pests.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonable insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

Sec. 10-138 - Care of plumbing fixtures.

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

Sec. 10-139 - Sewer lines.

All sewer lines to have full size clean out installed outside of home where sewer exits the home. Sewer clean out to be installed every 100 ft if tying to Municipal sewer line

Sec. 10-140 thru 10-145 - Reserved.

DIVISION 4 – BASIC FACILITIES AND EQUIPMENT

Sec. 10-146 - Compliance with division

No person shall occupy as owner – occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the requirements of this division.

Sec. 10-147 - Foundation, floors, walls, ceilings and roofs.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article unless plaster, paint, and all other surface materials are of such character as to be easily cleanable, and are reasonably finished, clean and tight.

Sec. 10-148 - Plumbing and plumbing fixtures.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article unless:

- (1) All plumbing is so designed and installed as to prevent contamination of the water supply through backflow, backsiphonage and any other method of contamination.
- (2) All plumbing is designed and installed so that no potable water supply line or plumbing fixture is directly connected to a nonpotable water supply.
- (3) Every water supply line is so constructed that there is no possibility of a cross connection between a potable and nonpotable water supply.
- (4) Every water supply line is in good working condition and every valve therein is in good working condition.
- (5) Every water supply inlet is located above the flood level of any installed sink, lavatory, bathtub or automatic washing machine and similar water using fixture or above some unobstructible overflow thereof. No submerged inlets shall be used except submerged inlets installed with a vacuum breaker or a type approved by the health officer.
- (6) The waste line of every water using fixture is trapped.
- (7) Every waste line drains freely without obstruction or leaks.
- (8) All plumbing and plumbing fixtures are maintained in good working condition, and all plumbing fixtures are kept clean.
- (9) Water pressure is adequate to permit a proper flow of water from all water faucets at all times.
- (10) Every water closet is of the trap type, with facilities for safe and clean flushing.

- (11) No water closet is of the co-called flush hopper, frost-proof hopper, or similar type.

Sec. 10-149 - Kitchen sink.

Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water system and sewer system if available, or to a septic tank system approved by the County Health Department if no sewer is available.

Sec. 10-150 - Water closet and lavatory basin.

Every dwelling unit shall contain a room which affords privacy within the room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system if available, or to a septic tank system approved by the city if no sewer is available, or by LaPorte County Health Department.

Sec. 10-151 - Bathroom floors.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article unless every water closet compartment floor and bathroom floor is made of terrazzo tile, smooth concrete, dense hard wood with rightly fitting joints, rubber, asphalt tile, linoleum or other similar material providing a surface which is reasonably impervious to water and is easily cleanable, or the floor is made of one of the denser, soft woods with tightly fitting joints and is covered with varnish, lacquer or other similar coating providing a surface which is reasonably impervious to water and is easily cleanable.

Sec. 10-152 - Bathtub or shower.

Every dwelling unit shall contain a room which affords privacy to a person within the room and is equipped with a bathtub or shower in good working condition and properly connected to a water and sewer system if available, or to a septic tank system approved by the County Health Department if no sewer is available.

Sec. 10-153 - Hot and cold water lines.

Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of sections 10-149, 10-150 and 10-152 shall be properly connected with both hot and cold water lines.

Sec. 10-154 - Garbage and rubbish facilities.

Every dwelling unit shall be supplied with adequate rubbish and garbage disposal and storage facilities in accordance with the provisions of article IV of Section 10-155 et seq.

Sec. 10-155 - Rubbish storage and disposal.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article unless:

- (1) Rubbish stored outdoors is stored in one or more rubbish storage boxes or containers which are flytight, rodentproof, nonflammable and reasonably waterproof.
- (2) Rubbish stored in the basement or cellar, or in an enclosed structure such as a shed, is stored in nonflammable containers.
- (3) No loose rubbish is placed upon or strewn about on the floor of any basement or cellar or other part of any dwelling, or on the ground surrounding any dwelling.

Sec. 10-156 - Garbage storage and disposal.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article unless:

- (1) Garbage is disposed of in a garbage incinerator located within the dwelling and installed and operated in a sanitary manner, or garbage is disposed of in one or more flytight and watertight metal garbage storage containers equipped with tightly fitting metal covers, no one of which is smaller than 15 gallons in capacity or larger than 30 gallons in capacity; or garbage is disposed of in a garbage grinder which grinds garbage finely, and is discharged into the kitchen sink drain in a sanitary manner.
- (2) Every outside garbage storage container is so maintained and so located on the premises that no odors will permeate any dwelling or dwelling unit.
- (3) Every garbage storage container is cleaned at least weekly.
- (4) No loose garbage is placed upon or strewn about on the floor of any basement or cellar or any other part of any dwelling or on the ground surrounding any dwelling.

Sec. 10-157- Water heating facilities.

Every dwelling shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of 10-153, and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. The supplied water heating facilities shall be capable of meeting the requirements of this section when the dwelling or dwelling unit heating facilities required under the provisions of 10-153 are not in operation. Gas Water heaters located in garage area need to be raise so gas burner is no less than 18 inches above floor.

Sec. 10-158 - Gas facilities.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article unless:

- (1) All gas-burning hot water heaters and space heaters are properly vented to a chimney or duct leading to outdoor space.
- (2) Every gas pipe is sound and tightly put together, with no leaks.
- (3) No gas pipe is corroded or obstructed so as to reduce pressure or volume.
- (4) Every gas appliance is connected to a gas line with appropriate piping.

- (5) Gas pressure is adequate to permit a proper flow of gas from all open gas valves at all times.
- (6) All gas piping to be air tested upon installation of new construction. Also when services have been disconnected and meter removed all gas piping will need to be air tested before service can be released to have meter reinstalled.

Sec. 10-159 - Electric wiring and facilities.

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No dwelling or dwelling unit shall be deemed to comply with the requirements of this article unless:

- (1) On 200 amp service install two ground rods.
- (2) With 100 amp service install two ground rods.
- (3) With both services make sure water line is grounded unless it is non-metallic.
- (4) Ground hot water tank, jumpering hot, cold, and gas line.
- (5) Kitchen recp's by sink to G.F.C.I.'s.
- (6) Outside recp's G.F.C.I.'s.
- (7) Install smoke detectors by bedrooms and furnace area.
- (8) Every exposed electric wire has insulation which is in good condition.
- (9) Every switch plate and outlet plate is properly fastened in position.
- (10) No short circuit or break exists in any electric line.
- (11) Every fixture and outlet functions properly and is properly fastened in place.
- (12) No obvious shock hazard exists.
- (13) No temporary wiring is used, except extension cords which run directly from portable electric fixtures to convenience outlets, and which do not lie underneath floor covering materials or extend through doorways, transoms or other similar apertures through structural elements.
- (14) No electric circuit is overloaded as a result of connecting appliances which operate at high wattages to outlets supplied with wire of inadequate size.
- (15) New Construction and remodels shall have exhaust fan and G.F.C.I. receptacle installed in bathrooms.

Sec. 10-160 - Electric outlets and light fixtures.

Every habitable room of a dwelling shall contain at least two separate floor wall type electric convenience outlets or one convenience outlet and one supplied water or ceiling type electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one supplied ceiling or wall type electric light fixture. Every outlet and fixture shall be properly installed and shall be connected to the source of electric power in a safe manner.

Sec. 10-161 - Heating equipment.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article

unless the heating facilities are as follows:

- (1) When the dwelling or dwelling unit is heated by a central heating system:
 - (a) The central heating unit is in good operating condition.
 - (b) Every heat duct, steam pipe and hot water pipe is free of leaks and functions so that adequate heat is delivered where intended.
 - (c) Every seal between the sections of a hot air furnace is in good repair.
- (2) When the dwelling or dwelling unit is heated by space heaters:
 - (a) Every space heater burning solid, liquid or gaseous fuels is properly vented to a chimney or duct leading to outdoor space.
 - (b) Every coal-burning space heater has a fire resistant panel beneath it.
 - (c) Every space heater located close to a wall is equipped with insulation sufficient to prevent overheating of the wall.
 - (d) Every space heater smoke pipe is equipped with guards made of metal or other nonflammable material at the point where the pipe goes through a wall, ceiling or partition.
- (3) There are no portable heaters burning solid, liquid or gaseous fuels in a dwelling or dwelling unit.
- (4) Every smoke pipe and every chimney is adequately supported, reasonably clean and maintained in such condition that there will be no leakage or backing up of noxious gases.

Sec. 10-162 - Egress

Every dwelling unit shall have a safe, unobstructed means of egress leading to safe and open space at ground level.

Sec. 10-163 - Stairways and porches.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article unless:

- (1) Every flight of stairs and porch is free of holes, grooves and cracks which are large enough to constitute possible accident hazards.
- (2) Every stair well, and every flight of stairs which is more than four risers high, has rails not less than 34 inches high (minimum) and not greater than 38 inches (maximum), measured vertically from the nose of the treads to the top of the rail, and every porch which is more than 30 inches above the floor or grade below shall have guards not less than 36 inches in height.
- (3) Every rail and balustrade is firmly fastened and is maintained in good condition.
- (4) No flight of stairs has settled more than one inch out of its intended position or has pulled away from supporting or adjacent structures.
- (5) No flight of stairs has rotting or deteriorating supports.
- (6) The treads of every flight of stairs are uniform in height.
- (7) Every stair tread is sound and is securely fastened in position.

- (8) Every stair tread is strong enough to bear a concentrated load of at least 400 pounds without danger of breaking through.
- (9) Every porch has a sound floor.
- (10) No porch has rotting or deteriorating supports.
- (11) Stairways shall have hand rails.

Sec. 10-164 thru 10-170 - Reserved.

Sec. 10-171 - Protection from rodents required.

Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

Sec. 10-171 to 10-175 - Reserved.

DIVISION 5. – LIGHT, VENTILATION AND HEATING

Sec. 10-176 - Compliance with division.

No person shall occupy as owner – occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this division.

Sec. 10-177 - Minimum window area.

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of the room. Whenever walls or other portions of structures face a window of any room and the light – obstructing structures are located less than three feet from the window and extend to a level above that of the ceiling of the rooms, the window shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of the room, the total window area of the skylight shall equal at least 15 percent of the total floor area of the room.

Sec. 10-178 - Ventilation generally; openable window area.

Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least 45 percent of the minimum window area size or minimum skylight type window size, as required in 10-177, except where there is supplied some other device affording adequate ventilation and approved by the planning department.

Sec. 10-179 - Condition of windows, exterior doors and basement hatchways.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article unless:

- (1) Every window is fully supplied with window panes which are without open cracks or holes.
- (2) Every window sash is in good condition and fits reasonably tight within its frame.
- (3) Every window other than fixed windows is capable of being easily opened and held in open position by window hardware.
- (4) Every exterior door, door hinge and door latch is in good condition.
- (5) Every exterior door, when closed, fits reasonably well within its frame.
- (6) All windows and doors and their frames are constructed and maintained in such relation to wall construction as completely to exclude rain and substantially to exclude wind from entering the structure.
- (7) Every basement hatchway is so construed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling.

Sec. 10-180 - Light and ventilation for bathrooms and water closets.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in sections 10-177 and 10-178, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilating system which is kept in continuous operation and approved by the inspections.

Sec. 10-181 - Minimum level of lighting for public halls and stairways.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article unless every public hall, stairway and foyer has sufficient lighting through windows or from electric lights to provide illumination of at least one footcandle on every part of the areas at all times of the day and night, except as otherwise provided by 10-180.

Sec. 10-182 - Times when public halls and stairways must be lighted.

Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

Sec. 10-183 - Heating facilities.

Every dwelling shall have heating facilities which are properly installed, are maintained in

safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein, to a temperature of at least 70 degrees Fahrenheit, at a distance three feet above floor level, under ordinary minimum winter conditions.

Sec. 10-184 thru 10-190 - Reserved.

DIVISION 6. – MAINTENANCE STANDARDS

Sec. 10-191 - Compliance with division.

No person shall occupy as owner-occupant or let to another occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this division.

Sec. 10-192 - General sanitation requirements.

No dwelling or dwelling unit shall be deemed to comply with the requirements of this article unless:

- (1) Every floor covering is kept reasonably clean and is not littered with dirt, dust, garbage, human or animal fecal matter or any other insanitary thing.
- (2) Every wall and ceiling is reasonably clean and is not littered or covered with dust, dirt, cobwebs or greasy film.
- (3) No stagnant water is allowed to accumulate or stand anywhere about the premises.

Sec. 10-193 - Floors, walls and roofs.

Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight and rodent proof, shall be capable of affording privacy, and shall be kept in good repair.

Sec. 10-194 - Windows and doors.

Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodent-proof and shall be kept in sound working condition and good repair.

Sec. 10-195 - Stairs and porches.

Every inside and outside stair, porch and appurtenance thereof shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

Sec. 10-196 - Plumbing and fixtures.

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.

Sec. 10-197 - Bathroom floors.

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit the floor to be easily kept in a clean and sanitary condition.

Sec. 10-198 - Required equipment and facilities.

Every supplied facility, piece of equipment or utility which is required under this article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

Sec. 10-199-thru 10-205 - Reserved.

DIVISION 7. – SPACE, USE AND LOCATION REQUIREMENTS.

Sec. 10-206 - Compliance with division.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this division.

Sec. 10-207 - Floorspace per occupant.

Every dwelling unit shall contain at least 150 square feet of floorspace for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floorspace to be calculated on the basis of total habitable room area.

Sec. 10-208 - Sleeping room floorspace.

In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floorspace, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floorspace for each occupant thereof.

Sec. 10-209 - Access to bathrooms and sleeping rooms.

No dwelling or dwelling unit containing two or more sleeping rooms shall have the room arrangements such that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

Sec. 10-210 - Ceiling height.

At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

Sec. 10-211 - Use of cellar space as dwelling.

No cellar space shall be used as a habitable room or dwelling unit.

Sec. 10-212 - Use of basement space as dwelling.

No basement space shall be used as habitable room or dwelling unit unless:

- (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
- (2) The total window area in each room is equal to at least the minimum window area size as required in Section 10-177.
- (3) The required minimum window area is located entirely above the grade of the ground adjoining the window area or accessible as egress.
- (4) The total openable window area in each room is equal to at least the minimum as required under 10-177 and 10-178, except where there is supplied some other device affording ventilation and approved by the planning department.
- (5) Every sleeping room shall have an emergency escape window with a clear opening of 5.7 square feet minimum.
- (6) Floor area of every habitable room shall have a ceiling height of at least seven feet.

Sec. 10-213 to 10-220 - Reserved.