

CHAPTER 150: BUILDING REGULATIONS

Section

Building Code

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BUILDING CODE

§ 150.01 DEPARTMENT OF BUILDING STANDARDS; DEFINITION.

(A) The city adopts the enforcement of building standards as set out in I.C. 36-7-9. A Department of Building Standards is established for the administration of the ordinance.

(B) ***SUBSTANTIAL PROPERTY INTEREST.*** Is 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, a future interest, a present possessory interest, or an equitable interest of a contract purchaser.

(Prior Code, § II-2-1.1) (Ord. 1984-8, passed 7-9-1984)

§ 150.02 BUILDING PERMIT.

It shall be unlawful for any person(s), firms, or corporation to build, erect, construct, place, or locate any dwelling house, mobile home, or any other structure of any kind or nature within the residential section or sections of the city without having first secured a permit from the City Council to do so. Such building permit may be issued by the Clerk-Treasurer after a written application therefor has been placed on file and favorably acted upon by the City Council of the said city.

(Prior Code, § II-2-1) Penalty, see § 150.99

§ 150.03 BUILDING PERMIT APPLICATION.

(A) Such application shall be in due form prescribed by the City Council of the said city and shall be placed on file not later than 7:30 p.m. any regular meeting date of the said Council, or may be acted upon by said Council at any special meeting of said Council called for such purpose after such application has been duly placed on file at the City Hall of said city with the Clerk-Treasurer of said city.

(B) The building permit application shall require the name and address of the primary contractor. The primary contractor shall be required to sign the building permit application which will provide that the costs of any repairs to municipal property including, but not limited to, streets, utility lines, and equipment shall be the responsibility of the primary contractor. Any unpaid repair costs owed by a primary contractor will be sufficient cause to deny a building permit.

(C) The said building permit shall provide that all dwelling houses, mobile homes, and any and all other structures of every kind or nature hereafter constructed, built, erected, placed, or located shall be placed back from the street such a distance as may be required to place the structure in line with other dwelling houses, mobile homes, or structures in the block in which the same is to be built, erected, constructed, placed, or located, and if there be no dwelling houses, mobile homes, or structures in such block then the same shall be not less than 20 feet back from the street line.

(Prior Code, § II-2-1) (Ord. 2005-07, passed 12-12-2005)

§ 150.04 BUILDING INSPECTOR.

(A) The Building Inspector shall have the power to enter upon any premises or dwellings within the corporate limits of the city to inspect any dwelling, structure, excavation, business, or thing for the purpose of determining whether a dwelling is fit for human habitation or determining whether a structure, excavation, business, or thing is free of defects which may render it unsanitary or unsafe. Dwellings shall include any building, or its premises, used as a place of residence or habitation or for sleeping by any person. A dwelling is unfit for human habitation when it is dangerous or detrimental to life and health because of want of repair, defects in the drainage, plumbing, lighting, ventilation or their construction, infection with contagious disease, or the existence on the premises of any unsanitary condition likely to cause sickness among occupants of the dwelling.

(B) Whenever it is determined by the Building Inspector that a dwelling is unfit for human habitation, the Building Inspector may issue an order requiring all persons living in the dwelling to vacate it within not less than five days nor more than 15 days. The order shall mention one or more reasons for the order. The Building Inspector making any order may, for good reason, extend the time within which to comply with the vacating order. When he or she is satisfied that the danger from the dwelling has ceased to exist and that it is fit for habitation, he or she may revoke the order.

(C) The Building Inspector may declare a public nuisance and order to be removed and/or abated, suspended, altered, improved or to be purified any dwelling, structure, excavation, business pursuit or thing in or about a dwelling or its lot or the plumbing, sewerage, drainage, light or ventilation of the

dwelling unfit for human habitation. The Building Inspector may order to be purified, cleansed, disinfected, renewed, altered, repaired, or improved any dwelling, excavation, building structure, sewer, plumbing, pipe, passage, ground, or thing in or about a dwelling or its lot. The order shall be served on the tenant and owner or his or her rental agent, but such order also may be served on any person who is by contract assumed the duty of doing the things which the order specifies.

(D) The Building Inspector shall be appointed by the Mayor and shall serve the same term as the Mayor.

(Prior Code, § II-2-2) (Ord. 80-17, passed 12-15-1980) Penalty, see § 150.99

§ 150.05 DEPARTMENT OF DEVELOPMENT.

Pursuant to authority granted by said Pub. Law No. 182, there is hereby created the City Department of Development, which shall be in addition to existing executive departments of said city. Said Department shall be under the control of a board of five members to be known as the City Economic Development Commission. The members of said Commission shall be appointed and shall perform the duties and exercise the powers, all as set out in said Pub. Law No. 182.

(Prior Code, § II-3-1) (Ord. 7-75, passed 10-14-1975)

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Any person, persons, firms, or corporations violating §§ 150.02 or 150.03, or any part of the provisions thereof, on conviction shall be fined in any sum not exceeding \$500 and shall be required to correct such condition by placing any such building in such position as required thereby.

(Prior Code, § II-2-1)

(C) Any person failing to comply with any order of the Building Inspector, in violation of § 150.04, shall be liable for all costs and expenses paid or incurred by the Building Inspector in executing the order. This may be recovered in a civil action brought on by the Building Inspector, who shall also recover such attorney's fees as are reasonable in the action.

(Prior Code, § II-2-2)

(Ord. 635-61, passed 8-1-1961; Ord. 80-17, passed 12-15-1980)