TITLE XV: LAND USAGE

Chapter

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CHAPTER 150: BUILDING REGULATIONS

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BUILDING CODE

§ 150.001 TITLE.

This subchapter and all ordinances supplemental or amendatory thereto shall be known as the "Building Code of Dayton, Indiana," may be cited as such, and will be referred to herein as "this code." (Prior Code, § 80.01) (Ord. 95-16, passed 12-28-1995)

§ 150.002 PURPOSE.

The purpose of this code is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures.
(Prior Code, § 80.02) (Ord. 95-16, passed 12-28-1995)

§ 150.003 AUTHORITY.

(A) The County Building Commissioner is hereby authorized and directed to administer and enforce all of the provision of this code. Whenever in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Town Council, this shall be construed to give the officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no provision shall be construed as giving any officer discretionary powers as to what regulation, codes or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner.

(B) The Building Commissioner, after having been designated as the officer of a single agency to administer and enforce building regulation, shall be authorized to issue building permits, collect permit fees, perform inspections, order correction of violations of building regulations and authorize occupancy of buildings and structures situated within the incorporated areas of the town.

(C) The provisions of this section are subject to the issuance of an improvement location permit by the administrative officer of the town pursuant to the Unified Zoning Ordinance.
(Prior Code, § 80.03) (Ord. 95-16, passed 12-28-1995)

§ 150.004 SCOPE.

The provisions of this code apply to the construction, demolition, alterations, structural repair, use, occupancy, maintenance and additions to all buildings and structures other than fences, mobile structures and/or industrialized buildings certified under I.C. 22-15-4 in the town, except storage buildings of 120 square feet or less and not construed on a masonry or concrete foundation.
(Prior Code, § 80.04) (Ord. 95-16, passed 12-28-1995)

§ 150.005 ADOPTION OF REGULATIONS BY REFERENCE.

(A) Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following articles of I.A.C. Title 675 are hereby incorporated by reference in this subchapter and shall include later amendments to those articles as the same are published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein:

(1) Articles 13—Building Codes:

(a) Fire and Building Safety Standards;

(b) Indiana Building Code;

(c) Indiana Building Code Standards; and

(d) Indiana Handicapped Accessibility Code.

(2) Article 14—One- and Two-Family Dwelling Code (675 I.A.C. 14-4):

(a) Council of American Building Officials One- and Two-Family Dwelling Code;

(b) CABO One- and Two-Family Dwelling Code; Amendments;

(c) Standard for Permanent Installation of Manufactured Homes; and

(d) Section R-309.6—Ground Covering: The entire ground surface of the under-floor space shall be covered with a vapor barrier having a maximum permeability rating of one perm.

(3) Article 16—Plumbing Codes: Indiana Plumbing Code;

(4) Article 17—Electrical Code:

(a) Indiana Electrical Code, including Article 547 (Agricultural Building); and

(b) Safety Code for Health Care Facilities.

(5) Article 18—Mechanical Codes: Indiana Mechanical Code;

(6) Article 19—Energy Conservation Codes:

(a) Indiana Energy Conservation; and

(b) Modifications to the Model Energy Code.

(7) Article 20—Swimming Pool Code: Indiana Swimming Pool Code.

(B) Copies of adopted building rules, codes and standards are on file in the office of Building Commissioner.
(Prior Code, § 80.05) (Ord. 95-16, passed 12-28-1995)

§ 150.006 APPLICATION FOR PERMITS.

No permits shall be issued for the foregoing purposes, unless the application for a permit is accompanied by plans and specifications showing the work to be done. All plans for building construction under the authority of the Fire Prevention and Building Safety Commission of the state must also be filed with the State Building Commissioner if a state permit is required. No local permits shall be issued hereunder until a copy of a design release from the State Building Commissioner is received by the County Building Commissioner if a design release is required. No permit shall be issued until an improvement location permit has been approved in writing by the administrative officer of the town pursuant to the Unified Zoning Ordinance and Unified Subdivision Ordinance.
(Prior Code, § 80.06) (Ord. 95-16, passed 12-28-1995)

§ 150.007 PERMIT REQUIRED.

A permit shall be obtained before beginning construction, demolition, alteration or repair of any building or structure, using forms furnished by the Building Commissioner. All permits shall be issued by the Building Commissioner and all fees provided for herein shall be paid to the county.

(A) A building permit expires and comes void if:

(1) The work authorized by the permit is not started within one year from the date of issuance;

(2) The work authorized by the permit is suspended or abandoned for six months; and/or

(3) The work authorized by the permit is not completed within two years from the date of issuance.

(B) The Building Commissioner may grant extensions to these time limitations provided that the extension request is submitted prior to the expiration date of the permit.
(Prior Code, § 80.07) (Ord. 95-16, passed 12-28-1995)

§ 150.008 OTHER REGULATIONS.

All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, including, without limitation, the

Unified Zoning Ordinance and Unified Subdivision Ordinance, and in addition to the fees for permits herein after provided for, there shall be paid the fees prescribed in the ordinances.
(Prior Code, § 80.08) (Ord. 95-16, passed 12-28-1995)

§ 150.009 FEES OTHER THAN ELECTRICAL PERMITS.

(A) One- and two-family dwelling fees are based on the square footage of the buildings with the exterior measurements used in determining the building area. The fees are $0.11 per square foot up to 2,000 square feet, and then $0.09 per quare foot for each additional square foot over 2,000 (this includes attached garages) and $0.06 per square foot for basements.

(B) Detached garages and livestock confinement buildings fees are based on square footage with the exterior measurements used in determining the building area, the fee is $0.06 per square foot or $25, whichever is greater.

(C) Pole structure fees are based on the square footage of the buildings with the exterior measurements used in determining the building area. The fee is $0.025 per square foot or $25, whichever is greater.

(D) (1) All other buildings not listed above (divisions (A) through (C)) will continue to have their fees determined by the following system; $25 for the first $1,000 of estimated value, then $2 for each additional $1,000 of estimated value up to $1,000,000, then $0.10 for each additional $1,000 of estimated value over $1,000,000.

(2) This group of buildings includes all Class 2 structures, grain bins, yard bins, carports, room additions and other miscellaneous structures.

(E) Electrical permit fees are $35 for electrical services up to and including 200 amperes and $60 for electrical services over 200 amperes.

(F) A reinspection fee of $20 will be charged for the third and subsequent inspections on a project for the same violation. Reinspection fees must be paid before subsequent inspections will be made. If the inspections are on an electrical service, the fee shall be paid before the service will be approved for connection.

(G) A surcharge of $50 will be added to permit fees on buildings where construction is started without first obtaining a building permit.
(Prior Code, § 80.09) (Ord. 95-16, passed 12-28-1995)

§ 150.010 REVIEW OF APPLICATION.

Prior to the issuance of any building permit hereunder, the Building Commissioner shall:

(A) Review all building permit applications to determine full compliance with provisions of this subchapter;

(B) Provide the application to administrative officer for zoning compliance review and issuance of an improvement location permit;

(C) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will comply with the Unified Zoning Ordinance of the town; and

(D) An application for a building permit becomes null and void if the applicant does not secure the permit within 90 days after its approval.
(Prior Code, § 80.10) (Ord. 95-16, passed 12-28-1995)

§ 150.011 INSPECTIONS.

After the issuance of any building permit hereunder, the Building Commissioner shall make, or shall cause to make, inspections of the work being

done under the permit as are necessary to ensure full compliance with the provisions of this subchapter and the terms of the permit.
(Prior Code, § 80.11) (Ord. 95-16, passed 12-28-1995)

§ 150.012 ENTRY.

Upon presentation of proper credentials, the Building Commissioner or his or her duly authorized representatives may enter at reasonable times any building, structure or premises in the town to perform any duty imposed upon him or her by this code.
(Prior Code, § 80.12) (Ord. 95-16, passed 12-28-1995)

§ 150.013 STOP ORDER.

Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by notice in writing served on any persons engaged in the doing or causing work to be done, and any persons shall forthwith stop the work until authorized by the Building Commissioner to proceed with the work.
(Prior Code, § 80.13) (Ord. 95-16, passed 12-28-1995)

§ 150.014 CERTIFICATE OF OCCUPANCY.

No final approval of construction for any building or structure erected, altered or repaired after the adoption of this subchapter shall be issued unless the building or structure was erected, altered or repaired in compliance with the provisions of this subchapter and the Unified Zoning Ordinance with the town.
(Prior Code, § 80.14) (Ord. 95-16, passed 12-28-1995)

§ 150.015 STANDARDS.

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.
(Prior Code, § 80.15) (Ord. 95-16, passed 12-28-1995)

§ 150.016 VIOLATIONS.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, other than fences, in the town or cause or permit the same to be done, contrary to or in violation of the provisions of this code.
(Prior Code, § 80.16) (Ord. 95-16, passed 12-28-1995)

§ 150.017 RIGHT OF APPEAL.

All persons shall have the right to appeal the Building Commissioner's decision first through the Town Council and then to the County Board of Commissioners and then to the Fire Prevention and Building Safety Commission of the state in accordance with the provisions of I.C. 22-13-2-7 or I.C. 4-21.5-3-7, as applicable.
(Prior Code, § 80.17) (Ord. 95-16, passed 12-28-1995)

§ 150.018 REMEDIES.

The Building Commissioner shall in the name of the Town Council bring actions in the County Circuit Court, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders, made by the Building Commissioner, and any action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this subchapter.
(Prior Code, § 80.18) (Ord. 95-16, passed 12-28-1995)

§ 150.019 BUILDING PERMITS.

(A) No building permit shall be issued for the construction, extension, remodeling, alteration or repair of any proposed or exiting building in the town, except single-family dwelling houses in approved subdivisions, until the plans for the construction, extension, remodeling, alteration or repair have been approved in writing by the County Drainage Board.

(B) No building permit shall be issued until the plans have been found to be in compliance with the Unified Zoning Ordinance and Unified Subdivision Ordinance of the town and an improvement location permit has been issued by the administrative officer of the town.
(Prior Code, § 80.20) (Ord. 95-16, passed 12-28-1995) Penalty, see § 150.999

BUILDING SITE PROCEDURE

§ 150.030 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SOLIDS. Stone, sand, dirt, gravel, mud, broken dishes, bottles, pottery, old iron, junk metals, ashes, cinders and all other substances of a permanent nature and as such are not subject to speedy decay or the generation of noisome and offensive odors, including construction debris.

WASTES. Broken or cut down trees, tree leaves, old rags, tin cans, paper, sweepings, wood or paper boxes, crates, sacks and all other debris and accumulation of waste from dwellings and business houses and the yards and grounds thereof as are not within the definition of garbage or solids as herein contained and are not susceptible of speedy packing into solid fillings when gathered and dumped on the ground in the work of filling and leveling of ground surfaces.
(Ord. 02-12, passed 11-4-2002)

§ 150.031 ON-SITE.

A dumpster may be used but is not required. Trash must be contained either in an enclosure constructed of posts and type of temporary barrier fence, within the structure or garage that is being built. The dumpster or trash enclosure shall be visible on-site within ten days after the building permit is issued. No metal dumpsters are to be placed on streets. All trash must be disposed of regularly. No open piles of construction debris will be allowed.
(Ord. 02-12, passed 11-4-2002) Penalty, see § 150.999

§ 150.032 STREETS AND ALLEYS.

It is unlawful for any person to throw or deposit any ashes, dirt, chips, wood, garbage, waste or solids in any street, alley or other public place or to drive or haul the wastes or solids so as to scatter about or litter them on any street, alley, gutter or adjoining premises of the town or into any stream or watercourse, or ditch running into, through or adjacent to the town or any part of the town.
(Ord. 02-12, passed 11-4-2002) Penalty, see § 150.999

§ 150.033 ENFORCEMENT.

(A) The town will contact the builder indicated on the building permit if there is a trash problem at a building site or mud or gravel in the street next to the building site. This contact will either be over the phone or as a warning letter.

(B) A site should be reasonably clean within 48 hours unless the weather interferes.

(C) If the problem is not remedied in a reasonable amount of time, a stop work order will be issued to the subcontractors on-site and followed up by a phone call to the builder from the Town Clerk-Treasurer.

(D) The builder is responsible for making arrangements for a site re-inspection within 48 hours of the stop work order. If the site is in compliance, a phone call will be made to the builder to proceed with construction. If the site is not in compliance, the stop work order will continue to be enforced, along with penalties.
(Ord. 02-12, passed 11-4-2002)

UNIFORM CONSTRUCTION AND UTILITY SERVICE REQUIREMENTS

§ 150.045 OBJECTIVES.

The objectives of this subchapter are:

(A) To guide the future growth and development of the town and to ensure that public facilities and services are available and will have sufficient capacity to serve proposed development areas;

(B) To establish policy and procedures relating to the annexation of property to the town and the extension of utilities beyond the corporate limits of the town;

(C) To set forth guidelines and standards for the design, installation and inspection of public facilities to serve proposed development areas;

(D) To establish procedures for submittal and review of proposed development plans including review fees and submittal requirements; and

(E) To ensure proposed development for the town is consistent with the policies and procedures of adjoining jurisdictional areas.
(Ord. 99-6, passed 6-7-1999)

§ 150.046 ANNEXATION AND UTILITY EXTENSION POLICY.

(A) Where town utilities are extended beyond the current town corporation limits and prior to rendering water or sewer utility service to properties outside the current town corporate limits, the landowner of the property to be served shall agree to the following:

(1) Jointly cooperate with the town to annex the property into the town corporate limits; or

(2) If the property cannot be legally annexed to the town, to enter into an agreement wherein the landowner and his or her successors in interest waive their right to object to annexation. The agreement is to be recorded, and as such will constitute notice to and be binding upon successors in interest to the real estate described in the agreement.

(B) All potential utility customers shall enter into an agreement with the town (utility service agreement). This agreement describes the terms and conditions for provision of utility service (water and sewer) to a proposed residential, commercial or industrial development including any fees and terms of fee payment.

(C) Extension of water and sewer lines from the point of connection into the existing municipal system to and throughout the proposed development shall be the responsibility of the owner/developer of the subdivision or addition, and shall be at his or her sole expense. The materials, design, layout and construction of the proposed extension of utilities shall be subject to the acceptance and approval of the Town Council or its authorized representative.

(D) In order to facilitate future expansion or development, the town may require the developer to oversize utility lines or extend utilities through the proposed development. Costs for oversizing and/or extension beyond the area to be served by the developer will be the responsibility of the town.
(Ord. 99-6, passed 6-7-1999)

§ 150.047 COMPLIANCE.

(A) In addition to the requirements of this subchapter, compliance with the requirements set forth in the Zoning, Subdivision and Drainage Ordinances of the county; the sewer and water ordinances of the town; and any other applicable ordinances with respect to submission and approval of preliminary and final subdivision plats, improvement plans, building and zoning permits, construction, inspections, appeals and similar matters, and compliance with applicable state statutes and regulations shall be required.

(B) No sewer or water permits shall be issued for development in the town or proposed annexation or other service areas (except single lot, single-family residences) until the plans for the construction, extension, remodeling, alteration or repair have been approved in writing by the Town Council or its authorized representative. The process for obtaining plan approval is outlined in § 150.048.

(C) No sewer or water service shall be provided until all construction is complete and inspected to the satisfaction of the Town Council or its authorized representative, and as-built information is submitted to and approved by the Town Council or its authorized representative.

(D) No utility service, water or sewer will be provided until all technical and monetary matters have been satisfied.

(E) Payment of all required plan review fees and utility fees shall be made to the town prior to the issuance of any utility connection (tap) permits.

(F) Notification of the town utility personnel is required prior to initiation of construction activity and/or to connection the system.
(Ord. 99-6, passed 6-7-1999)

§ 150.048 PLAN SUBMITTAL AND REVIEW PROCEDURES.

(A) *Development guide.* A developer and/or owner is required to purchase a development guide which includes: a plan submittal checklist, plan review checklist, development procedure checklist, all applicable ordinances, *Typical Construction Guidelines and Details*, inspection checklist and all other applicable development requirements and information of the town.

(B) *Preliminary/conceptual plan submittal.*

(1) Upon review of the town's requirements, the developer/owner shall provide the Town Council or its authorized representative a preliminary/conceptual plan of the proposed development.

(2) Submittal requirements for the preliminary/conceptual plan shall be as outlined in the development guide.

(3) The developer shall pay a plan review fee at the time of a submittal of preliminary/ conceptual plan. Review fees are outlined in § 150.055.

(4) The Town Council or its authorized representative shall review the preliminary/conceptual plan and provide corrective comments, approval or denial of the preliminary/conceptual plan. The owner/developer may be required to attend a meeting with the Town Council to answer questions or provide additional information concerning the proposed development.

(C) *Utility service agreement.* Following preliminary/conceptual plan approval, the developer/owner shall enter into a utility service agreement with the town. This agreement describes the terms and conditions for provision of utility service (water and sewer).

(D) *Detailed construction plan submittal.*

(1) The developer/owner shall provide the Town Council or its authorized representative a complete set of construction plans signed and sealed by a professional engineer licensed in the state.

(2) The requirements for construction plan preparation and submittal are as outlined in the development guide.

(3) The Town Council or its authorized representative shall review the detailed construction plans for compliance with the town's requirements and conformance with the conceptual plan approval. The developer/owner shall revise construction drawings as required by the Town Council or its authorized representative.

(4) Prior to obtaining final written approval of the detailed construction drawings, the developer/owner shall pay all required review fees as outlined in § 150.055 and/or utility fees as may be outlined in the utility service agreement.

(5) Once all technical and monetary issues are satisfied, the town shall give written approval of the final detailed construction plans.

(6) Plan approval is conditioned upon receiving County Drainage Board approval for development outside of the town limits. The town reserves the right to review the drainage and storm sewer plan and require changes as necessary to fit within the town's storm sewer system. It is the intent of the town to coordinate drainage plan review with the County Engineer and County Surveyor.
(Ord. 99-6, passed 6-7-1999)

§ 150.049 CONSTRUCTION AND INSPECTION PROCEDURES.

(A) Upon receipt of final construction plan approval the developer/owner shall schedule a pre-construction conference with the town utility personnel. The purpose of the conference is to discuss timetables for installation of utilities, start dates for IDEM permit(s), coordination requirements with any other agencies and utilities and the like.

(B) The contractor shall provide the town with the names and telephone numbers of contact person(s) and emergency contact person(s) for applicable phases of construction.

(C) The town's authorized representative shall perform periodic inspections of the construction site and discuss any concerns with the contact person or his or her on-site representative.

(D) All testing and inspection procedures are to be as outlined in the *Typical Construction Guidelines and Details*.

(E) The contractor shall notify the town utility personnel for inspection when each section of watermain is ready for testing. It is to the contractor's benefit to have the construction approved prior to paving.

(F) After sanitary and storm drainage systems are installed, the contractor shall notify the town utility personnel. Inspection of sewers shall begin within one week after notification of the utility personnel. However, air and mandrel tests will not be performed before 45 days have elapsed from the date of completion of backfill of the system (to be verified by the utility personnel). It is to the contractor's benefit to notify the utility personnel of backfill completion and to have the construction approved prior to paving.

(G) Pavement and stormwater drainage facilities shall be inspected in accordance with the practices and procedure of the County Engineer and County Surveyor, unless more stringent requirements are established in the town's *Typical Construction Guidelines and Details*.

(H) The town utility personnel or his or her authorized representative shall notify the contractor in writing of any deficiencies identified during inspection. The contractor shall correct all deficiencies and shall notify the utility personnel for a subsequent reinspection of the work.

(I) All fees for inspection shall be borne by the town. Inspection fees are outlined in § 150.055.

(J) Detailed construction inspection procedures and checklists are provided in the development guide.

(K) A final inspection shall be performed by the utility personnel or his or her authorized representative.
(Ord. 99-6, passed 6-7-1999)

§ 150.050 EASEMENT REQUIREMENTS.

(A) All sewers and watermains shall be located within easements outside of the public road right-of-way. The easement shall be of adequate size and location for access, maintenance and/or replacement of the utility. All easements shall be dedicated to the town. The town shall approve easement location and size as part of the plan approval process.

(B) All storm drainage easement requirements of the county shall be met.
(Ord. 99-6, passed 6-7-1999)

§ 150.051 TIME LIMITS FOR CONSTRUCTION PLAN APPROVAL.

Construction plan approval shall be withdrawn in writing by the town if construction has not commenced within 365 days of obtaining approval. The town, at its discretion and after the receipt of written request of the developer/owner may grant additional extensions of the plan approval in six-month increments. Should the plan approval expire, the developer will be required to re-submit the construction plans for approval.
(Ord. 99-6, passed 6-7-1999)

§ 150.052 CHANGE IN PLANS.

(A) The developer/owner shall be required to discuss and submit any plan changes to the town for its review and approval prior to making any changes to the approved construction plans.

(B) All plan changes shall be reflected on the approved revised plans and the as-built drawings.
(Ord. 99-6, passed 6-7-1999)

§ 150.053 AS-BUILT CERTIFICATIONS.

(A) The developer/owner shall submit three sets of complete as-built plans to the town prior to requesting a final inspection.

(B) An as-built checklist is provided in the development guide.

(C) A certification statement signed by the design engineer shall appear on the as-built plans stating that the completed work substantially complies with the final approved plans.
(Ord. 99-6, passed 6-7-1999)

§ 150.054 TOWN ACCEPTANCE OF UTILITIES.

(A) When all work is completed and as-built plans are approved by the town personnel, the developer/owner will be notified that a request can be made for town acceptance of utilities.

(B) The developer/owner submits to the Town Council the following information:

(1) Engineer's as-built certification that the work was completed substantially in accordance with the approved plans;

(2) Three-year letter of credit or maintenance bond for 10% of the amount of work completed and requested for acceptance; and

(3) Request for town acceptance of the completed public improvements.

(C) Upon acceptance of the public improvements by the Town Council, the developer/owner, lot owner or contractor may apply for sewer and water permits.

(D) The town will not accept utilities until all fees have been paid.
(Ord. 99-6, passed 6-7-1999)

§ 150.055 SUBMITTAL, REVIEW AND INSPECTION FEES.

The town requires the following fees be paid by the developer/owner.

(A) Development guide is $50.

(B) Preliminary/conceptual submittal fee is $1,000. This fee will be used to pay for the review of the submittal. If the preliminary/conceptual plan is approved by the town and the developer/owner proceeds with the project, the unused balance of the fee will be returned to the developer/owner. Should preliminary/conceptual review exceed $1,000, the developer/owner will be responsible for making up the difference between the $1,000 submitted and the actual review costs prior to approval of the preliminary/conceptual plan.

(C) Final construction plan review fee is $1,000. If the final review fee is less than $1,000, the unused balance will be returned to the developer/owner. Should final plan review fees exceed $1,000, the developer/owner will be responsible for making up the difference between the $1,000 submitted and the actual review costs prior to the final approval of the construction plans.

(D) All cost of inspection shall be the responsibility of the town. However, any costs for re-inspection due to deficiencies and inadequacies in the construction will be the responsibility of the owner/developer. These re-inspection costs will be billed to the owner/developer monthly and shall be due within 30 days of receipt of the invoice.
(Ord. 99-6, passed 6-7-1999)

§ 150.056 CONFLICTING PROVISIONS.

(A) The provisions of this subchapter shall be deemed as additional requirements to minimum standards required by other ordinances of the town and/or the county.

(B) In the case of conflicting requirements, the most restrictive shall apply.
(Ord. 99-6, passed 6-7-1999)

UNSAFE BUILDINGS

§ 150.070 AUTHORITY.

Under the provisions of I.C. 36-7-9, there is hereby established the town unsafe building subchapter.
(Prior Code, § 81.01) (Ord. 95-15, passed 12-28-1995)

§ 150.071 STATE LAW ADOPTED BY REFERENCE.

(A) I.C. 36-7-9-1 through 36-7-9-28 is hereby incorporated by reference in the town unsafe building subchapter. All proceedings within the incorporated areas of the town for the inspection, repair and removal of unsafe buildings shall be governed by the applicable state law and the provisions of this subchapter.

(B) In the event the provisions of this subchapter conflict with the provisions of I.C. 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control.
(Prior Code, § 81.01) (Ord. 95-15, passed 12-28-1995)

§ 150.072 NUISANCE DECLARED.

All buildings or portions thereof within the incorporated areas of the town which are determined after inspection by the Building Commissioner of the county to be unsafe as defined in this subchapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.
(Prior Code, § 81.02) (Ord. 95-15, passed 12-28-1995)

§ 150.073 COUNTY BUILDING COMMISSIONER.

The County Building Commissioner, as chief administrative office, shall be authorized to administer and to proceed under the provisions of the applicable state law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.
(Prior Code, § 81.03) (Ord. 95-15, passed 12-28-1995)

§ 150.074 CONFLICTING PROVISIONS.

Wherever in the building regulations of the state, county or the town unsafe building subchapter, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the county, this shall be construed to give the officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no provisions shall be construed as giving any officer discretionary powers as to what regulations or standards shall be, power to require conditions not prescribed by ordinance or to enforce ordinance provisions in an arbitrary or discretionary manner.
(Ord. 95-15, passed 12-28-1995)

§ 150.075 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SUBSTANTIAL PROPERTY INTEREST. As set forth in I.C. 36-7-9-2 and is hereby incorporated by reference herein as if copied in full.

UNSAFE BUILDING.

(1) The description of an unsafe building contained in I.C. 36-7-9-4 hereby supplemented to provide minimum standards for building condition or maintenance in the town by adding the following definition.

(2) Any building or structure which has any or all of the conditions or defects hereinafter described, provided that the conditions or defects exist to the extent that life, health, property or safety of the public or its occupants are endangered:

(a) Whenever any door, aisle, passageway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;

(b) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;

(c) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose or location;

(d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to an extent that the structural strength or stability thereof is materially less than it was before the catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose and location;

(e) Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property;

(f) Whenever any portion of a bui1ding, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, or purpose or location without exceeding the working stresses permitted for the buildings;

(g) Whenever any portion thereof has cracked, warped, buckled or settled to an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;

(h) Whenever the building or structure, or any portion thereof, because of:

1. Dilapidation, deterioration or decay;

2. Faulty construction;

3. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building;

4 The deterioration, decay or inadequacy of its foundation; or

5. Any other cause, is likely to partially or completely collapse.

(i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;

(j) Whenever the exterior walls or other vertical structural members list, lean or buckle to an extent that a plumb lime passing through the center of gravity does not fall inside the middle one-third of the base;

(k) Whenever the building or structure, exclusive of the foundation, shows 33% or more damage or deterioration of this supporting member or members, or 50% damage or deterioration of its non-supporting members, enclosing or outside walls or coverings;

(l) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated so as to become:

1. An attractive nuisance to children; or

2. Freely accessible to person or committing unlawful acts.

(m) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to the building or structure provided by the building regulations of the town, or of any law or ordinance of the state or the county or the Unified Zoning Ordinance of the town relating to the condition, location or structure of building;

(n) Whenever any building or structure which, whether or not enacted in accordance with all applicable laws and ordinances has in any nonsupporting part, member or portion less than 50%, or in any supporting part, member or portion less than 66% of the:

1. Strength;

2. Fire-resisting qualities or characteristics; or

3. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Office of the county (health official) to be unsanitary, unfit for human habitation or in a condition that is likely to cause sickness or disease;

(p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the appropriate fire official and/or State Fire Marshal to be a fire hazard;

(q) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure of whenever any building or structure is abandoned for a period in excess of six months so as to constitute the building or portion thereof an attractive nuisance or hazard to the public; and

(r) Notwithstanding the foregoing, a building may be inventoried for a period of 12 months upon permit issued by the Building Commissioner after submission by applicant of a plan for securing the property, as well, as a plan for the rehabilitation and/or removal of the property.
(Prior Code, §§ 81.04, 81.05) (Ord. 95-15, passed 12-28-1995)

§ 150.076 STANDARDS.

All work for the reconstruction, repair or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in I.C. 22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this subchapter or orders issued pursuant to this subchapter by the Building Commissioner of the county.
(Prior Code, § 81.06) (Ord. 95-15, passed 12-28-1995)

§ 150.077 UNSAFE BUILDING FUND.

An Unsafe Building Fund is hereby established in the operating budget of the town in accordance with the provisions of I.C. 36-7-9-14.
(Prior Code, § 81.07) (Ord. 95-15, passed 12-28-1995)

§ 150.999 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) *Building code.* If any person, firm or corporation shall violate any of the provisions of §§ 150.001 through 150.019, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, with the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of §§ 150.001 through 150.019, for each violation, failure or refusal, the person, firm or corporation shall be fined in the sum of $50. Each day of the unlawful activity as is prohibited by the first sentence of this division shall constitute a separate offense.
(Prior Code, § 80.19)

(C) *Unsafe buildings.*

(1) No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of the Unified Zoning Ordinance or Unified Subdivision Ordinance of the town or any of the provisions of §§ 150.065 through 150.072 or any order issued by the Building Commissioner. Any person violating the provisions of §§ 150.065 through 150.072 or I.C. 36-7-9-28 shall commit a class C infraction for each day the violation continues.

(2) Any and all costs incurred to enforce or implement the provisions of §§ 150.065 through 150.072 shall constitute a lien on the subject real estate in favor of the town.
(Prior Code, §§ 81.08, 81.09)
(Ord. 95-15, passed 12-28-1995; Ord. 95-16, passed 12-28-1995)

Section

151.01 Adoption by reference

CHAPTER 151: SUBDIVISION REGULATIONS

§ 151.01 ADOPTION BY REFERENCE.

The Unified Subdivision Ordinance of Tippecanoe County, copies of which are on file in the office of the Town Clerk-Treasurer, is adopted and incorporated by the town as part of this code of ordinances as fully as if set out at length herein.

(Ord. 75-3, passed - -; Ord. 77-7, passed - -1977; Ord. 81-9, passed - -1982; Ord. 84-4, passed 10-1-1984; Ord. 86-9, passed - -1986; Ord. 87-4, passed 2-2-1987; Ord. 88-4, passed 7-11-1988; Ord. 88-6, passed 7-11-1988; Ord. 9-3, passed 10-7-1991; Ord. 96-5, passed 6-3-1996; Ord. 97-9, passed 9-2-1997; Ord. 98-2, passed 3-2-1998; Ord. 00-02, passed 2-7-2000; Ord. 02-05, passed 7-1-2002; Ord. 02-06, passed 7-1-2002; Ord. 03-02, passed 2-3-2003; Ord. 08-2009, passed 9-8-2009)

Section

152.01 Adoption by reference

CHAPTER 152: ZONING REGULATIONS

§ 152.01 ADOPTION BY REFERENCE.

The Unified Zoning Ordinance of Tippecanoe County, copies of which are on file in the office of the Town Clerk-Treasurer, is adopted and incorporated by the town as part of this code of ordinances as fully as if set out at length herein.

(Ord. 80-13, passed - -; Ord. 89-1, passed - -; Ord. 89-3, passed - -; Ord. 98-15, passed - -; Ord. 98-16, passed - -; Ord. 99-4, passed - -; Ord. 74-5, passed 9-9-1974; Ord. 74-6, passed 9-9-1974; Ord. 75-4, passed 6-2-1975; Ord. 75-6, passed 10-6-1975; Ord. 77-2, passed 3-7-1977; Ord. 77-9, passed 12-12-1977; Ord. 78-3, passed 5-1-1978; Ord. 78-12, passed 9-11-1978; Ord. 78-13, passed 11-6-1978; Ord. 79-6, passed 6-4-1979; Ord. 79-8, passed 9-10-1979; Ord. 80-4, passed 7-1-1980; Ord. 80-5, passed 8-4-1980; Ord. 81-5, passed 6-1-1981; Ord. 80-16, passed 1-5-1982; Ord. 82-3, passed 3-1-1982; Ord. 82-6, passed 6-6-1982; Ord. 82-7, passed 8-2-1982; Ord. 82-11, passed 11-1-1982; Ord. 83-3, passed 7-11-1983; Ord. 83-10, passed 11-7-1983; Ord. 84-1, passed 9-10-1984; Ord. 85-2, passed 3-4-1985; Ord. 85-3, passed 3-4-1985; Ord. 85-11, passed 1-6-1986; Ord. 86-1, passed 3-3-1986; Ord. 86-2, passed 6-2-1986; Ord. 86-5, passed 11-3-1986; Ord. 86-6, passed 11-3-1986; Ord. 86-7, passed 11-3-1986; Ord. 86-8, passed 12-1-1986; Ord. 87-8, passed 8-3-1987; Ord. 88-1, passed 4-4-1988; Ord. 88-2, passed 5-2-1988; Ord. 88-3, passed 6-6-1988; Ord. 88-5, passed 6-6-1988; Ord. 91-2, passed 10-7-1991; Ord. 92-4, passed 9-14-1992; Ord. 96-10, passed 11-4-1996; Ord. 98-1, passed 3-2-1998; Ord. 98-4, passed 4-6-1998; Ord. 98-5, passed 4-6-1998; Ord. 98-6, passed 7-9-1998; Ord. 98-9, passed 9-8-1998; Ord. 98-10, passed 9-8-1998; Ord. 99-2, passed 3-1-1999; Ord. 99-3, passed 3-1-1999; Ord. 99-5, passed 6-7-1999; Ord. 99-7, passed 7-12-1999; Ord. 99-11, passed 10-4-1999; Ord. 00-01, passed 1-10-2000; Ord. 00-05, passed 4-3-2000; Ord. 00-08, passed 6-5-2000; Ord. 00-09, passed 8-7-2000; Ord. 00-12, passed 9-18-2000; Ord. 01-01, passed 2-5-2001; Ord. 01-05, passed 7-2-2001; Ord. 01-10, passed 9-10-2001; Ord. 01-12, passed 10-1-2001; Ord. 01-07, passed 11-5-2001; Ord. 01-14, passed 12-3-2001; Ord. 02-01, passed 2-4-2002; Ord. 02-02, passed 3-4-2002; Ord. 02-04, passed 6-3-2002; Ord. 02-07, passed 7-1-2002; Ord. 02-08, passed 7-1-2002; Ord. 02-09, passed 9-9-2002; Ord. 03-01, passed 2-3-2003; Ord. 03-03, passed 5-5-2003; Ord. 03-04, passed 6-2-2003; Ord. 03-05, passed 7-7-2003; Ord. 03-07, passed 8-4-2003; Ord. 03-08, passed 8-4-2003; Ord. 03-10, passed 9-8-2003; Ord. 04-02, passed 2-2-2004; Ord. 04-03, passed 5-3-2004; Ord. 04-04, passed 5-3-2004; Ord. 04-07, passed 10-15-2004; Ord. 04-08, passed 11-1-2004; Ord. 05-01, passed 2-7-2005; Ord. 06-03, passed 2-6-2006; Ord. 06-04, passed 3-6-2006; Ord. 06-07, passed 8-7-2006; Ord. 06-09, passed 10-2-2006; Ord. 09-03, passed 7-6-2009; Ord. 06-2009, passed 9-8-2009; Ord. 07-2009, passed 9-8-2009; Ord. 11-2009, passed 12-7-2009; Ord. 2010-07, passed - -2010; Ord. 2010-08, passed - -2010; Ord. 10-02, passed, 4-5-2010; Ord. 10-16, passed 10-11-2010; Ord. 10-17, passed 10-11-2010; Ord. 10-18, passed 10-11-2010; Ord. 2011-01, passed 1-3-2011; Ord. 2011-03, passed 2-7-2011; Ord. 2011-8, passed 7-11-2011; Ord. 2012-10, passed 11-5-2012)