

CHAPTER 7: BUILDING AND CONSTRUCTION REGULATIONS

Article

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ARTICLE 1: BUILDING CODE

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§ 7-1 TITLE.

This article and all material included herein by reference shall be known as the “Building Code of Hope, Indiana”.

(Ord. 2003-03, passed 6-16-2003)

Hope - Building and Construction Regulations**§ 7-2 PURPOSE.**

The purpose of this article is to protect the life, public safety, health, and general welfare of the citizens of the town, and shall be construed in that manner to effectuate this purpose.
(Ord. 2003-03, passed 6-16-2003)

§ 7-3 DEFINITIONS.

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

BUILDING COMMISSIONER. Includes individuals employed by the Building Department that are authorized to represent the Building Commissioner.

CLASS 1 STRUCTURE. Pursuant to I.C. 22-12-1-4:

(1) Any part of the following:

(a) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

1. The public;
2. Three or more tenants; or
3. One or more persons who act as the employees of another.

(b) A site improvement affecting access by persons with physical disabilities to a building or structure described in division (1)(a) above.

(c) Any class of buildings or structures that the Commission determines by rules to affect a building or structure described in division (1)(a) above, except buildings or structures described in divisions (3) through (5) below.

(2) Division (1)(a) above includes a structure that contains three or more condominium units (as defined in I.C. 32-25-2-9) or other units that:

- (a) Are intended to be or are used or leased by the owner of the unit; and
- (b) Are not completely separated from each other by an unimproved space.

(3) Division (1)(a) does not include a building or structure that:

(a) Is intended to be or is used only for an agricultural purpose on the land where it is located; and

(b) Is not used for retail trade or is a stand used for retail sales of farm produce for eight or less consecutive months in a calendar year.

(4) Division (1)(a) does not include a Class 2 structure.

(5) Division (1)(a) does not include a vehicular bridge.

(6) Pursuant to I.C. 22-12-1-24, **STRUCTURE** includes swimming pool.

CLASS 2 STRUCTURE. Pursuant to I.C. 22-12-1-5:

(1) Any part of the following:

(a) A building or structure that is intended to contain or contains only one dwelling unit or two dwelling units unless any part of the building or structure is regularly used as a Class 1 structure; and/or

(b) An outbuilding for a structure described in division (1)(a) above, such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

(2) Division (1) above does not include a vehicular bridge.

(3) Pursuant to I.C. 22-12-1-24, **STRUCTURE** includes swimming pool.

CONSTRUCTION. Pursuant to I.C. 22-12-1-7, any of the following:

(1) Fabrication of any part of an industrialized building system or mobile structure for use at another site;

(2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used;

(3) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used;

(4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure; and/or

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(5) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

INDUSTRIALIZED BUILDING SYSTEM. Pursuant to I.C. 22-12-1-14, any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure; however, the term does not include a mobile structure or a system that is capable of inspection at the building site.

MANUFACTURED HOME. Pursuant to I.C. 22-12-1-16, has the meaning set forth in 42 U.S.C. § 5402 as it existed on January 1, 1984. This definition is as follows: a **MANUFACTURED HOME** means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this paragraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under this 42 U.S.C. § 5402.

MOBILE STRUCTURE. Pursuant to I.C. 22-12-1-17:

(1) Any part of a fabricated unit that is designed to be:

(a) Towed on its own chassis; and

(b) Connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.

(2) The term includes the following:

(a) Two or more components that can be retracted for towing purposes and subsequently expanded for additional capacity; and

(b) Two or more units that are separately towable but designed to be joined into one integral unit.

PERSON. Pursuant to I.C. 22-12-1-18, an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

STRUCTURE. Both Class 1 and Class 2 structures, unless specifically stated otherwise.

VEHICULAR BRIDGE. Pursuant to I.C. 22-12-1-26, means any bridge that is neither:

(1) A pedestrian walkway; nor

(2) A passageway for light vehicles; suspended between two or more parts of a building, or between two or more buildings.

(Ord. 2003-03, passed 6-16-2003)

§ 7-4 SCOPE.

(A) All construction shall be accomplished in compliance with the provisions of this article.

(B) Pursuant to I.C. 22-13-2-6, this article shall not apply to industrialized building systems or mobile structures certified under I.C. 22-15-4; however, the provisions of this article and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under I.C. 22-15-4.

(C) Pursuant to I.C. 22-13-2-9, this article is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

(Ord. 2003-03, passed 6-16-2003)

§ 7-5 AUTHORITY.

The Building Commissioner is hereby authorized and directed to administer and enforce the following:

(A) All of the provisions of this article;

(B) Variances granted in accordance with I.C. 22-13-2-11; and

(C) Orders issued under I.C. 22-12-7.

(Ord. 2003-03, passed 6-16-2003)

§ 7-6 EFFECT OF ADOPTION ON PRIOR ORDINANCE.

(A) The expressed or implied repeal or amendment by this article of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this article.

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(B) These rights, liabilities, and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this article had not been adopted.
(Ord. 2003-03, passed 6-16-2003)

§ 7-7 BUILDING PERMIT REQUIRED.

Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commissioner prior to commencement of construction.
(Ord. 2003-03, passed 6-16-2003)

§ 7-8 APPLICATION FOR BUILDING PERMIT.

(A) Any person required to have a building permit shall submit a complete application to the Building Commissioner.

(B) This application shall be submitted on a form prepared by the Building Commissioner, and shall contain the following:

(1) Information that the Building Commissioner determines to be necessary to locate and contact the applicant;

(2) A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished;

(3) A plot plan drawn to scale. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs and sidewalks and proposed changes or additions to the streets, curbs, and sidewalks;

(4) If required by state law or any rule of the Fire Prevention and Building Safety Commission, a copy of a design release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3;

(5) Any additional information that the Building Commissioner finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws; and

(6) The fee established by the town.

(C) Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person. The Building Commissioner may require that the employee or agent provide written authority to apply for a permit.
(Ord. 2003-03, passed 6-16-2003)

§ 7-9 ISSUANCE OF BUILDING PERMIT.

The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws. (Ord. 2003-03, passed 6-16-2003)

§ 7-10 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure shall be issued unless the building or structure was constructed in compliance with the provisions of this article. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner. (Ord. 2003-03, passed 6-16-2003)

§ 7-11 GENERAL AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.

(A) All construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.

(B) The Building Commissioner may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this article or to the rules of the Fire Prevention and Building Safety Commission is located for the purposes of inspection and investigation of the structure. The inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this article and the rules of the Fire Prevention and Building Safety Commission. (Ord. 2003-03, passed 6-16-2003)

§ 7-12 INSPECTIONS BY FIRE DEPARTMENT.

The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws. The Fire Department has independent authority to conduct inspections and take enforcement actions under I.C. 36-8-17. (Ord. 2003-03, passed 6-16-2003)

§ 7-13 WITHHOLD ISSUANCE OF PERMITS.

(A) Whenever a person who is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to the town code, or inspection fees owed pursuant to the town code) to the Building Commissioner, the Building Commissioner may withhold the issuance of subsequently requested permits until a time that the debt is satisfied.

(B) Whenever a person applies for a building permit for a structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold the issuance of requested permits until a time that the property is brought into conformance with applicable ordinances. (Ord. 2003-03, passed 6-16-2003)

§ 7-14 PERMIT REVOCATION.

The Building Commissioner may revoke a building permit when any of the following are applicable:

(A) The application, plans, or supporting documents contain a false statement or misrepresentation as to a material fact;

(B) The application, plans, or supporting documents reflect a lack of compliance with building standards and procedures;

(C) There is failure to comply with this article; and/or

(D) The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use. (Ord. 2003-03, passed 6-16-2003)

§ 7-15 STOP-WORK ORDER.

(A) The Building Commissioner may issue an order requiring suspension of the pertinent construction (stop-work order) in accordance with this section.

(B) The stop-work order shall:

(1) Be in writing;

(2) State with specificity the construction to which it is applicable and the reason for its issuance;

- (3) Be posted on the property in a conspicuous place;
- (4) If practicable, be given to:
 - (a) The person doing the construction; and
 - (b) To the owner of the property or the owner's agent.
- (5) The stop-work order shall state the conditions under which construction may be resumed.

(C) The Building Commissioner may issue a stop-work order if:

- (1) Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this article or any state law pertaining to safety during construction.
- (2) Construction is occurring in violation of this article or in a manner that if construction is allowed to proceed, there is a reasonable probability that it will be substantially difficult to correct the violation.
- (3) Construction for which a building permit is required is proceeding without a building permit being in force.

(D) The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this article.
(Ord. 2003-03, passed 6-16-2003)

§ 7-16 CIVIL ACTION.

Pursuant to I.C. 36-1-6-4, the town may initiate a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this article.
(Ord. 2003-03, passed 6-16-2003)

§ 7-17 MONETARY PENALTY.

Any person violating any provision of this article may be subject to a fine in any sum not exceeding \$2,500. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this article.
(Ord. 2003-03, passed 6-16-2003)

§ 7-18 RIGHT OF APPEAL.

Any person aggrieved by an order issued under this article shall have the right to petition for review of any order of the Building Commissioner. The person may file a petition using either, or both, of the following procedures.

(A) Appeal to the Fire Prevention and Building Safety Commission.

(1) A person aggrieved by an order issued under this article may submit a petition for review to the Fire Prevention and Building Safety Commission, in accordance with I.C. 22-13-2-7.

(2) The Commission may modify or reverse any order that covers a subject governed by I.C. 22-12, I.C. 22-13, I.C. 22-14, I.C. 22-15, a fire safety rule, or a building rule.

(3) The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 Structure if the person aggrieved by the order petitions for review under I.C. 4-21.5-3-7 within 30 days after the issuance of the order.

(4) The Fire Prevention and Building Safety Commission may review all other orders issued under this article that cover a subject governed by I.C. 22-12, I.C. 22-13, I.C. 22-14, I.C. 22-15, a fire safety rule, or a building rule.

(5) The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

(B) Appeal to an established local administrative body or court. If, pursuant to I.C. 36-1-6-9, the city has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with the ordinance. If no such administrative body exists, then the person may petition a court for judicial review of the order.

(Ord. 2003-03, passed 6-16-2003)

§ 7-19 ADOPTION OF RULES BY REFERENCE.

(A) Pursuant to I.C. 22-13-2-3(b), the rules of the State 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 code and shall include any later amendments to those rules:

(1) Article 13 - Building Codes:

(a) Fire and Building Safety Standards; and

(b) State Building Code.

- (2) Article 14 - State Residential Code;
- (3) Article 16 - State Plumbing Code;
- (4) Article 17 - State Electrical Code;
- (5) Article 18 - State Mechanical Code;
- (6) Article 19 - State Energy Conservation Code;
- (7) Article 20 - State Swimming Pool Code; and
- (8) Article 22 - State Fire Code.

(B) Two copies of the above building rules incorporated by reference are on file in the office of the clerk-treasurer for the legislative body for public inspection as required by I.C. 36-1-5-4.

(C) The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this article. Pursuant to I.C. 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until it has been approved by Fire Prevention and Building Safety Commission.

(Ord. 2003-03, passed 6-16-2003)

§ 7-20 LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE.

(A) Pursuant to I.C. 22-12-1 -22(b)(12), lifting devices, such as elevators and wheelchair lifts, located within a private residence are not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:

(1) Part 5.3, Private Residence Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016;

(2) Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A17.1-2000, Safety Code for Elevators and Escalators published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York, 10016;

(3) Section 5, Private Residence Vertical Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016;

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(4) Section 6, Private Residence Inclined Platform Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016; and

(5) Section 7, Private Inclined Stairway Lifts, ASME A18.1a, 2001 (Addenda to ASME 18.1-1999), Safety Standard for Platform and Stairway Chair Lifts, published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(B) Two copies of the above lifting device standards incorporated by reference are on file in the office of the clerk-treasurer for the legislative body for public inspection as required by I.C. 36-1-5-4. (Ord. 2003-03, passed 6-16-2003)

§ 7-21 EFFECTIVE DATE.

This article shall be in full force and effect beginning on the date on which both of the following have occurred:

(A) The Town Council has adopted this article; and

(B) The Fire Prevention and Building Safety Commission has approved of this article as required by I.C. 22-13-2-5.
(Ord. 2003-03, passed 6-16-2003)

ARTICLE 2: UNIFORM NUMBERING OF HOUSES AND BUILDINGS

Section

- 7-40 Numbering system adopted
- 7-41 Procedure to assign numbers
- 7-42 Minimum number size
- 7-43 Role of Clerk-Treasurer
- 7-44 Compliance required

§ 7-40 NUMBERING SYSTEM ADOPTED.

(A) All the houses and buildings in the town shall be numbered according to the following system: commencing at South Street in the town and continuing north to the town boundary as the basis from which to number all houses and buildings situated and fronting on the streets running north and south, and commencing at Hawcreek and continuing east to the town boundary as a basis from which to number all houses and buildings situated and fronting on the streets running east and west.

(B) Numbers shall be assigned to each square, odd numbers on the south side and even numbers on the north side on all streets running east and west, and odd numbers on the east side and even numbers on the west side of streets running north and south, proceeding from the above-named basis, northward, southward, eastward, and westward. Consecutive numbers shall be assigned to each square east and west from the base, also north and south from the base and in this same manner, 100 numbers to be assigned to each successive square until all squares have each had 100 numbers assigned to them. (1995 Code, § 7-40) (Ord. 1957-1, passed 6-3-1957)

§ 7-41 PROCEDURE TO ASSIGN NUMBERS.

The whole front line of lots or parts of lots of every square bordering on any street (alley crossings omitted) shall be divided into spaces of 15 feet each and numbers assigned to each space or subdivision, whether the same is improved or vacant, commencing with the lowest number of the 100 assigned to any square and number consecutively upward, the particular number or numbers which any house shall have it to be determined by the space or subdivision on which the front door or doors of the houses are situated.

(1995 Code, § 7-41) (Ord. 1957-1, passed 6-3-1957)

§ 7-42 MINIMUM NUMBER SIZE.

All numbers assigned as provided herein shall be neatly painted on tin, zinc, or glass or other suitable material and of size not less than one and one-half inches by three inches; provided that any person shall have the right to number his or her house or building in an ornamental manner, if so desired, but the number shall not be smaller or less conspicuous than above provided.

(1995 Code, § 7-42) (Ord. 1957-1, passed 6-3-1957)

§ 7-43 ROLE OF CLERK-TREASURER.

The Town Clerk-Treasurer, on being informed of the exact present or intended location, shall designate to the owner or occupant of any building now erected or in process of construction or hereafter to be erected, the correct number of the house.

(1995 Code, § 7-43) (Ord. 1957-1, passed 6-3-1957)

§ 7-44 COMPLIANCE REQUIRED.

All owners of houses or buildings within the town are required to cause to be placed in some public or conspicuous place on the entrance thereof, above or over the front entrance thereof, a proper number, plainly indicating by appropriate figures the number of each house or building; the number to be made under and in accordance with the provisions of this article.

(1995 Code, § 7-44) (Ord. 1957-1, passed 6-3-1957)

ARTICLE 3: MANUFACTURED HOUSES AND MOBILE HOMES

Section

- 7-48 Intent
- 7-49 Definitions
- 7-50 Standards
- 7-51 Approved siding materials list
- 7-52 Temporary use and permit fee
- 7-53 Appeal
- 7-54 Penalty for violation

Statutory reference:

Definition of manufactured home, see I.C. 36-7-4-1106

§ 7-48 INTENT.

It is the intent of this article to encourage provision of alternative modest income housing in general residential areas by permitting the use of certain manufactured homes, as defined herein, in all districts in which similar dwellings constructed on site are permitted, subject to the requirements set forth herein to assure acceptable similarity in exterior appearance between the manufactured homes and dwellings that have been or might be construed under these and other lawful regulations on adjacent or nearby lots in the same district.

(1995 Code, § 7-48)

§ 7-49 DEFINITIONS.

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

EXPANDO ROOM. An expandable manufactured housing unit.

MANUFACTURED HOME. A dwelling unit fabricated after January 1, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or State Public Law 360, Acts of 1971, being 42 U.S.C. §§ 5401 et seq., as promulgated by the State Administrative Building Council, and containing more than 950 square feet of occupied space.

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE. Title IV of the 1974 Housing and Community Development Act (42 U.S.C. §§ 5401 et seq.) as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include H.U.D. approved information supplied by the home manufacturer, and regulations and interpretations of the code by the Administrative Building Council.

MOBILE HOME. Transportable factory-built structure that contains less than 951 square feet of occupied space and is not a manufactured home.

ONE AND TWO FAMILY DWELLING CODE, INDIANA. The mandatory statewide building code adopted by the State Administration Building Council for one and two family residential dwellings.

PUBLIC LAW 360, ACTS OF 1971. Enables legislation requiring the State Administrative Building Council to adopt rules and regulations for the construction, repair, or maintenance of one- or two-family residential dwellings.

SPECIAL EXCEPTION PERMIT. A device for permitting a use within a district other than a principally permitted use.
(1995 Code, § 7-49)

§ 7-50 STANDARDS.

(A) *Permitted placement of manufactured homes.* The establishment, location, and use of manufactured homes as scattered-site residences shall be permitted in any zone permitting installation of a dwelling unit subject to requirements and limitations applying generally to the residential use in the district and provided the homes shall meet the following requirements and limitations.

(1) The home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement location, building, and occupancy permits, and other certifications required by the code.

(2) The home shall be larger than 950 square feet of occupied space or meet the minimum square footage requirements for the appropriate zone.

(3) The home shall be attached and anchored to a permanent foundation in conformance with the regulations in the State One and Two Family Dwelling Code and with manufacturer's installation specifications.

(4) The house shall be covered with an exterior material customarily used on site-built residential dwellings, and the material shall extend over the top of the foundation (see § 7-51 for approved materials).

(5) The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as asbestos, fiberglass, asphalt, or tile, which shall be installed onto a surface appropriately pitched for the materials used.

(B) *Placement with permit.* Mobile homes shall be permitted within the town only after receiving a special exception permit from the Town Council. No permit for the placing of any mobile home shall be issued by the Town Council unless the proposed lot upon which the mobile home is to be located is at least 40 feet wide by 100 feet in depth. Every applicant for permit must, prior to issuance of a permit, satisfy the Town Council that prior to occupancy, a sewage disposal system will be established according to specifications prescribed by the State Board of Health. Every applicant shall also show in writing that they own or are buying the mobile home and shall live in the mobile home.

(C) *Structural alteration.* Due to its design, any structural alteration or modification of a manufactured or mobile home, after it is placed on the site, must be approved by the authorized Building Administrator of the town.

(D) *Permit fee.* Any permit issued in accordance with this section shall be issued only after payment of the fee of \$10. This is in addition to all other required permits for utilities.
(1995 Code, § 7-50)

§ 7-51 APPROVED SIDING MATERIALS LIST.

The following siding materials are approved for usage on manufactured homes:

- (A) Residential horizontal aluminum siding;
- (B) Residential horizontal vinyl lap siding;
- (C) Cedar or other wood siding;
- (D) Wood grain, weather resistant, press-board siding;
- (E) Stucco siding;
- (F) Brick or stone siding; and

(G) Other siding materials which are aesthetically compatible.
(1995 Code, § 7-51)

§ 7-52 TEMPORARY USE AND PERMIT FEE.

(A) *Circumstances for permit issuance.* Subject to conditions, fees, and standards otherwise required in the zoning ordinance, a temporary use permit shall be issued:

(1) To an applicant in the process of building a site-built dwelling to locate a manufactured or mobile home on a building lot during the course of construction of the dwelling; the permit shall not be issued until after a building permit for the dwelling has been issued;

(2) To an applicant to use a manufactured or mobile home as a caretaker's quarters or construction office at a job site; and

(3) To an applicant whose health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a manufactured home adjacent to the residence of one who is able to provide such care or in need of the care.

(B) *Length of permit.* A temporary use permit may be issued, at the discretion of the Plan Commission or its designated administrator, for a period not to exceed two years. The temporary permit may be renewed for an additional one-year period upon showing of good cause, and with permission to do so. However, at the discretion of the Plan Commission or its designated administrator, a temporary use permit may be issued to an applicant for a health- or age-related circumstance for a period coterminous with the health- or age-related circumstance.

(C) *Permit expiration.* At the time the temporary permit expires, the manufactured or mobile home and all appurtenances shall be removed from the property within 90 days.

(D) *Utility requirements.* Manufactured or mobile homes used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections, where appropriate and at the discretion of the Plan Commission or its designated administrator.

(E) *Permit fee.* A temporary use permit shall be issued by the Plan Commission's designated administrator. The fee shall be \$15 and is in addition to all other required permits for utilities and sewage disposal systems.

(1995 Code, § 7-52)

§ 7-53 APPEAL.

An action to review any order, requirement, decision, or determination made by an administrative official or board charged with enforcement of this article shall be pursuant to I.C. 36-7-4-919.

(1995 Code, § 7-53)

§ 7-54 PENALTY FOR VIOLATION.

(A) *Failure to comply.* Each day of noncompliance with the provisions of this article constitutes a separate and distinct ordinance violation. Judgment of up to \$50 per day may be entered for a violation of this article.

(B) *Failure to own or live in mobile home.* Whenever the applicant for a permit to place a mobile home no longer owns or lives in the mobile home in violation of his or her written statement, the permit shall become void. Upon the permit becoming void, the mobile home shall be removed within 30 days from the time he or she is given notice by the Town Council that the permits is void.

(C) *Subject to removal.* A home, sited upon property in violation of this article, shall be subject to removal from the property; however, the homeowner must be given a reasonable opportunity to bring the property into compliance before action for removal can be taken. If action finally is taken by the appropriate authority to bring compliance, the expenses involved may be made a lien against the property.

(D) *Removal method.* The Plan Commission or its designated administrator may institute a suit in an appropriate court for injunctive relief to cause the violation to be prevented, abated, or removed.
(1995 Code, § 7-54)

ARTICLE 4: MINIMUM HOUSING REGULATIONS

Section

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DIVISION I: GENERAL PROVISIONS

§ 7-60 PURPOSE.

(A) For a community to develop a high quality environment, it is essential that all the owners and tenants within the community maintain their property, buildings, and dwellings to a minimum standard. When property, structures, and dwellings are not maintained at that minimum level, it is necessary to provide the legal procedures to assure that the health and welfare of the residents of the community are not adversely affected.

(B) Housing regulations describe the minimum standards for basic equipment and facilities that are needed to protect the health and welfare of the citizens, and are designed to permit condemnation of unfit dwellings according to prescribed procedures. In contrast to a Building Code which sets forth standards and regulations for new construction and major rehabilitation, housing regulations are prepared and adopted to assure that existing structures and the adjacent premises are properly maintained and cared for by the owner and/or tenant. The housing regulations, if properly administered, assist the community, property owners, and tenants by maintaining the property values.
(1995 Code, § 7-60)

§ 7-61 TITLE.

This article shall be known and may be cited and referred to as the “minimum housing regulations” for the town.
(1995 Code, § 7-61)

§ 7-62 SHORT TITLE.

This article may be known as the “Housing Regulations for the Town of Hope, Indiana”.
(1995 Code, § 7-62)

§ 7-63 TERRITORIAL LIMITS OF REGULATIONS.

The housing regulations shall apply within the incorporated areas of the town.
(1995 Code, § 7-63)

§ 7-64 DEFINITIONS.

(A) For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASEMENT. A portion of a building located partly underground but having not more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CELLAR. 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. Any building or portion thereof used or intended to be used for living or sleeping by human occupants, including rental units, except that temporary housing as hereafter defined shall not be defined as a ***DWELLING***.

DWELLING UNIT. 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, and shall include any rental dwelling unit.

EXTERMINATION. 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, trapping; or by any other recognized and legal pest elimination methods approved by the County Board of Health.

GARBAGE. Animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces.

INFESTATION. The presence, within or around a dwelling, of any insects, rodents, or other pests.

INSPECTOR. Any individual duly authorized to represent the town in the enforcement of these regulations.

MULTIPLE DWELLING. Any dwelling designed for or occupied by three or more families.

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

OWNER. Any person who, alone or jointly or severally with others, shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or shall have 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 to the extent as if he or she were the **OWNER**.

PERSON. Any individual, corporation, association, or partnership.

PLUMBING. All of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

RENTAL DWELLING. Any dwelling which is rented, let, leased, or similar arrangements to someone other than the person holding title to subject property where the owner received either money, services, or other consideration for the use of the dwelling.

RENTAL DWELLING UNIT. Any dwelling which is rented, let, leased, or similar arrangements to someone other than the person holding title to subject property where the owner receives either money, services, or other consideration for the use of the dwelling.

ROOMING HOUSE. 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.

ROOMING UNIT. 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.

RUBBISH. Combustible and non-combustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, old cars that cannot be driven from the premises, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and crockery.

SUPPLIED. Paid for, furnished, or provided by or under the control of the owner or operator.

TEMPORARY HOUSING. Any tent, trailer, 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 utility system on the same premises for more than 30 consecutive days.

(B) Whenever the words “dwelling”, “dwelling unit”, “rental dwelling”, “rental dwelling unit”, “premises” are used in this code, they shall be construed as though they were following by the words “or any part thereof”.
(1995 Code, § 7-64)

§ 7-65 ADMINISTRATIVE PROCEDURES; INSPECTION OF DWELLING, DWELLING UNITS, ROOMING UNITS, AND PREMISES.

(A) The Inspector is authorized and directed to make external inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the town in order that he or she may perform his or her duty of safeguarding the health and safety of the occupants of dwellings and of the general public.

(B) For the purpose of making the inspections, the Inspector is authorized to examine and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises so long as he or she has mailed a notice of the inspection to the owner if he or she is easily discovered and to the property address if there is one at least 24 hours prior to any inspection.
(1995 Code, § 7-65)

§ 7-66 ENFORCEMENT; SERVICE OF NOTICES AND ORDERS; HEARINGS.

(A) Enforcement provisions of this article may be exercised with a given property parcel only after three written and signed complaints are received by the Inspector for that property parcel. A complaint to be valid must be signed by a resident of the town who has attained 21 years of age.

(B) After receiving three or more valid complaints and subject to a determination by the Inspector that there are reasonable grounds to believe that there has been a violation of any provision of this code, he or she shall give notice of the alleged violation to the person or persons responsible therefor, as hereinafter provided.

(C) The notice shall:

- (1) Be put in writing;
- (2) Include a statement of the reasons why it is being issued; and

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(3) Be served upon the owner or his or her agent, or the occupant as the case may require; provided that the notice shall be deemed to be properly served upon the owner or agent, or upon the occupant, if a copy thereof is sent by registered mail to his or her last known address; or if a copy thereof is posted in a conspicuous place on or about the dwelling affected by the notice; or if he or she is served with the notice by any other method authorized or required under the laws of this state.

(D) The notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of these regulations.

(1995 Code, § 7-66)

§ 7-67 REQUEST FOR HEARING.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code may request and shall be granted a hearing on the matter before the Board; provided that the person shall file in the office of the Inspector 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.

(1995 Code, § 7-67)

§ 7-68 HEARING PROCEDURES.

(A) Upon receipt of the petition, the Inspector 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.

(B) The hearing shall be commenced no later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner the Inspector may postpone the date of the hearing for a reasonable time beyond the 30-day period, if in his or her judgment the petitioner has submitted a good and sufficient reason for the postponement.

(C) After the hearing, the Board shall sustain, modify, or withdraw the notice, depending upon their finding as to whether the provisions of the code have been complied with. If the Board sustains or modifies the notice, it shall be deemed to be an order.

(D) Any notice served pursuant to § 7-66 shall automatically become an order if a written petition for a hearing is not filed in the office of the Inspector within ten days after the notice is served.

(1995 Code, § 7-68)

§ 7-69 EMERGENCY PROCEDURES.

(A) Whenever the Inspector finds that an emergency exists which requires immediate action to protect the public health, he or she may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that action be taken as he or she deems necessary to meet the emergency.

(B) Notwithstanding the other provisions of the regulations, the order shall be effective immediately, and the person to whom such an order is directed shall comply therewith immediately, but upon petition to the Board shall be afforded a hearing by the Board within ten days.

(C) After the hearing, depending upon its finding as to whether the provisions of these regulations have been complied with, the Board shall continue the order in effect, or modify it, or revoke it.
(1995 Code, § 7-69)

DIVISION II: MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

§ 7-70 GENERAL.

No person shall design or construct or occupy as tenant or as owner-occupant, or let to another for occupancy a dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the requirements of this section.
(1995 Code, § 7-70)

§ 7-71 PLUMBING FACILITIES.

Plumbing facilities in every dwelling unit shall be in good working condition and properly connected to a water and sewer system.
(1995 Code, § 7-71)

§ 7-72 RUBBISH AND GARBAGE STORAGE.

Every dwelling unit shall be supplied with adequate rubbish and garbage storage facilities, the type and location of which are approved by the County Board of Health.
(1995 Code, § 7-72)

§ 7-73 ACCESS.

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

(1995 Code, § 7-73)

§ 7-74 SAFE AND SANITARY MAINTENANCE OF DWELLINGS AND DWELLING UNITS; BASIC STRUCTURE.

Every foundation, floor, wall, ceiling, and roof shall be structurally sound, reasonably weather-tight, watertight, and rodent-proof and shall be capable of affording privacy, and shall be kept in good repair as set forth below.

(A) The foundation elements shall adequately support the building at all points.

(B) Every floor shall be free of holes and wide cracks which might admit rodents, or which constitute a possible accident hazard.

(C) Every floor shall be free of loose, protruding, and rotting floor boards.

(D) Every exterior wall shall be free of loose or rotting boards and timbers, and any other conditions which might admit rodents or rain to the interior portions of the walls or to the interior spaces of the dwelling.

(E) The roof shall be tight and shall have no defects which directly admit rain.

(1995 Code, § 7-74)

§ 7-75 WINDOWS AND DOORS.

Every window, exterior door, and basement hatchway shall be reasonably weather-tight, rodent-proof when closed, and shall be kept in sound working condition and good repair.

(1995 Code, § 7-75)

§ 7-76 STAIRWAYS.

Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe and capable of supporting the load that normal use may cause to the place thereon; and shall be kept in sound condition and good repair as set forth below.

(A) Every flight of stairs and porch shall be free of holes and cracks which are large enough to constitute accident hazards.

(B) Every stairwell, and every flight of stairs which is more than two risers high shall have rails not less than two feet, six inches measured vertically from the nose of the treads to the top of the rail, and every porch which is more than two risers high shall have rails not less than three feet, six inches above the platform.

(C) Every rail and balustrade shall be firmly fastened and shall be maintained in good condition.

(D) No flight of stairs shall have settled more than one inch out of its intended position or shall have pulled away from supporting or adjacent structures more than one inch.

(E) The treads of every flight of stairs shall be approximately uniform in height.

(F) Every stair tread shall be sound and shall be securely fastened in position.

(G) Every stair tread shall be strong enough to bear a concentrated load of at least 400 pounds without danger of breaking through.

(1995 Code, § 7-76)

§ 7-77 DISCONTINUANCE OF NORMAL SERVICES NOT PERMITTED.

No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under these regulations to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him or her, except for temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies when discontinuance of service is approved by the Inspector; provided, however, that this section shall not be construed to require a landlord to supply facilities, services, or utilities to a tenant who is in arrears in the payment of rent.

(1995 Code, § 7-77)

§ 7-78 GARBAGE AND RUBBISH STORAGE AND DISPOSAL.

Garbage shall be 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 fly-tight and watertight metal or plastic garbage storage containers equipped with tightly fitting metal or plastic 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.

(1995 Code, § 7-78)

§ 7-79 GENERAL SANITATION.

Stagnant water shall not be allowed to accumulate or stand anywhere about the premises.
(1995 Code, § 7-79)

§ 7-80 CONTROL OF INSECTS AND RODENTS.

(A) *Debris*. No debris shall be stocked, piled, or strewn so as to cause a harborage for insects, rodents, or other pests.

(B) *Screening and mesh*.

(1) During the period beginning on May 1 and ending on September 30 in each year, every door opening directly from a dwelling unit to outdoor spaces shall be supplied with a screen of not less than 16 mesh per inch and a self-closing device in good operating condition; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall be supplied with a screen of not less than 16 mesh per inch.

(2) In addition, every basement or cellar window shall be supplied with a heavy wire screen not larger than one-fourth inch mesh which fits tightly and is securely fastened.
(1995 Code, § 7-80)

DIVISION III: RESPONSIBILITY OF OWNERS AND OCCUPANTS**§ 7-81 OWNERS' RESPONSIBILITY; MAINTENANCE OF CLEAN AND SANITARY CONDITIONS.**

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

(A) The owner shall supply facilities or containers for rubbish or garbage for all dwelling units in a dwelling containing more than three dwelling units.

(B) (1) Infestation caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition shall be the responsibility of the owner.

(2) 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 thereof shall be the responsibility of the owner.
(1995 Code, § 7-81)

§ 7-82 OCCUPANTS' RESPONSIBILITY; MAINTENANCE OF CLEAN AND SANITARY CONDITIONS.

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

(A) Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish in a clean and sanitary manner placing it in the rubbish containers required by § 7-78 of these regulations.

(B) Every occupant of a dwelling or dwelling unit shall dispose of all his or her garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner placing it in the garbage disposal facilities or garbage storage containers required by § 7-78 of these regulations.

(C) Every occupant of a dwelling or dwelling unit in a dwelling containing less than four units shall furnish his or her own rubbish and garbage facilities and containers if not otherwise provided by the owner.

(D) Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screens whenever required by these regulations except where the owner has agreed to supply the service.

(E) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination whenever his or her dwelling unit is the only one infested.
(1995 Code, § 7-82)

§ 7-83 ROOMING HOUSES, RENTAL DWELLINGS, AND RENTAL DWELLING UNITS.

Every owner shall operate a rooming house, a rental dwelling, a rental dwelling unit, or shall occupy or let to another for occupancy any room unit, rental dwelling, or rental dwelling unit, in compliance with the provisions of these regulations, except that in lieu of the provisions of § 7-70 the requirements of this section must be met.
(1995 Code, § 7-83)

§ 7-84 OWNERS' RESPONSIBILITY.

The operator of every rooming house shall be responsible for the sanitary maintenance of the entire premises where the entire structure of the building is leased or occupied by the operator.
(1995 Code, § 7-84)

§ 7-85 EQUAL APPLICATION TO HOTELS, MOTELS, AND THE LIKE.

Every provision of these regulations which applies to rooming houses shall apply equally to hotels, motels, tourist homes, and similar places.
(1995 Code, § 7-85)

§ 7-86 CONDEMNATION OF UNFIT DWELLINGS.

The designation of dwellings, dwelling units, or rooming units, or rooming houses as unfit for human habitation, and the procedure for the condemnation and placarding thereof shall be carried out in compliance with the following requirements.
(1995 Code, § 7-86)

§ 7-87 DESIGNATION OF UNFIT DWELLINGS.

Any premises which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated by the Inspector and as soon as practical thereafter shall be so placarded by the Inspector:

(A) One which is so damaged, 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; and/or

(B) 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.
(1995 Code, § 7-87)

§ 7-88 VACATION OF UNFIT DWELLINGS.

Any premises condemned as unfit for human habitation and so designated and placarded by the Inspector shall be vacated within a reasonable time as ordered by the Inspector.
(1995 Code, § 7-88)

§ 7-89 REHABILITATION OF CONDEMNED DWELLING.

No premises which have 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 Inspector.

(1995 Code, § 7-89)

§ 7-90 UNAUTHORIZED REMOVAL OF 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 § 7-89.

(1995 Code, § 7-90)

§ 7-91 RIGHT OF PUBLIC HEARING.

Any person affected by any notice or order relating to the condemning and placarding of a premises as unfit for human habitation may request and shall be granted a hearing on the matter before the Board under the procedures set forth in § 7-68.

(1995 Code, § 7-91)

§ 7-92 BOARD OF HOUSING APPEALS.

There is established a Board of Housing Appeals, the hours and offices of which shall be the same as the Town Board of Zoning Appeals. This Board shall have the authority to modify, rescind, or extend the time for compliance of any order issued under the authority of this article which is found after hearing to be unreasonable.

(1995 Code, § 7-92)

§ 7-93 COMPLAINTS REGARDING VIOLATION.

Whenever a violation of this article occurs, or is alleged to have occurred, any person may file a written complaint. The complaint stating fully the causes and basis thereof shall be filed with the Building Commissioner. He or she shall record properly the complaint, immediately investigate, and take action thereon as provided by this article.

(1995 Code, § 7-93)

ARTICLE 5: STREET EXCAVATIONS

Section

7-96	Permit required for excavations; fees
7-97	Surety bond required
7-98	Copies of permits; work stoppage; reporting violations
7-99	Penalty
7-100	Effect of approval of permit
7-101	Forms and instructions; keeping bonds current
7-102	Inapplicability of article to town officers and employees
7-103	Repairs by permittee in lieu of fees
7-104	Town to perform neglected work

§ 7-96 PERMIT REQUIRED FOR EXCAVATIONS; FEES.

(A) (1) It shall be unlawful for any person to cut, dig, or excavate in any part of any street or alley right-of-way within the town, except for the purpose of making installations therein under contract with the town, without first filing with the Utility Superintendent a written application for a permit to make the cut or excavation at least three days in advance of the time of beginning the work to be done under the permit, except that when an emergency exists, the applicant may secure the permit in less than the three-day period by stating in his or her application the exact emergency.

(2) All permits shall be submitted to and be approved by the Utility Superintendent prior to being filed with the Clerk-Treasurer.

(3) The application shall particularly describe the exact location, kind, dimension by feet and inches, type of road surface to be cut or excavated, nature of the opening to be made and the exact purpose of the proposed work.

(B) All applicants must pay a \$10 permit and inspection fee at the time the permit is filed. The permit shall be valid for 90 days after approval is given by the Utility Superintendent.

(C) Any and all work performed within the street or alley right-of-way in connection with the excavations, such as forcing pipe under pavement, trenches between the curb and sidewalks or trenches outside the paved macadam, oiled or stone surfaces of a street or alley are covered by this article and shall require a permit.

(1995 Code, § 7-96) (Ord. 88-2, passed 3-7-1988)

§ 7-97 SURETY BOND REQUIRED.

As a part of the written application, the applicant shall have on file in the office of the Clerk-Treasurer an approved undertaking and surety bond in the amount of \$750 wherein the applicant agrees to do the following:

(A) Maintain the road surface which has been disturbed in a smooth and uniform condition for a period of one year after traffic is again permitted to pass over the filled trench or maintain the area cut outside the pavement surface but within the right-of-way to a condition similar to the immediate surrounding area for a period of one year, the maintenance to meet the approval of the Utility Superintendent;

(B) Erect and maintain all necessary barricades, detour signs, warning signals, and lights by night (in conformance with the State Manual on Uniform Traffic Control Devices, latest edition) required to direct traffic safely over or around the place where the work is being done, so long as the work in any way interferes with traffic;

(C) Take all responsibility for any injury or damages resulting to persons or property because of the work;

(D) Conspicuously display at the site of the street opening the name and address of the person to whom the permit has been issued, so long as the hole is open or barricades are in place; and

(E) Give notice to the Utility Superintendent prior to every day that the excavations are being opened in the rights-of-way.

(1995 Code, § 7-97) (Ord. 88-2, passed 3-7-1988)

§ 7-98 COPIES OF PERMITS; WORK STOPPAGE; REPORTING VIOLATIONS.

One copy of each permit shall be issued to the following individuals: the applicant, the Clerk-Treasurer and the Utility Superintendent. It shall be the specific duty of the Utility Superintendent or his or her designee to stop any work which is being performed when it does not comply with the term of this article or the conditions stipulated on the permit, and report the noncompliance to the Town Council for further action.

(1995 Code, § 7-98) (Ord. 88-2, passed 3-7-1988)

§ 7-99 PENALTY.

It shall be the duty of the Town Council to direct the Clerk-Treasurer to assess penalties as set herein in those cases which are not performed in compliance with this article. The penalty for noncompliance of the provisions of this article shall be double the permit fee per day of noncompliance. (1995 Code, § 7-99) (Ord. 88-2, passed 3-7-1988)

§ 7-100 EFFECT OF APPROVAL OF PERMIT.

The approval of a permit to cut into a street or alley does not authorize entry into a public sewer or drain or prejudice the town's right to require the removal or relocations of structures, wire, pipes, or appurtenances installed in connection with the permit. (1995 Code, § 7-100) (Ord. 88-2, passed 3-7-1988)

§ 7-101 FORMS AND INSTRUCTIONS; KEEPING BONDS CURRENT.

It shall be the duty of the Town Council to have printed forms and instructions as are required for the administration of this article. It shall be the duty of the Clerk-Treasurer to require all persons making application for permit under the terms of this article to post and keep current the bonds required herein. (1995 Code, § 7-101) (Ord. 88-2, passed 3-7-1988)

§ 7-102 INAPPLICABILITY OF ARTICLE TO TOWN OFFICERS AND EMPLOYEES.

The sections of this article shall not apply to the officers or employees of the town when prosecuting any work by order of or under the direction of the Town Council. (1995 Code, § 7-102) (Ord. 88-2, passed 3-7-1988)

§ 7-103 REPAIRS BY PERMITTEE IN LIEU OF FEES.

(A) Any person, upon application to and approval by the Town Council may, in lieu of payment of fees to cover street repairs, make the repairs with his or her own forces; provided that the person makes the repairs in accordance with standards prescribed by the Council, and posts and keeps in effect a performance bond in an amount of not less than \$750, but equal to the estimated cost of repairs to be made by the person for the calendar year beginning at the time of application.

(B) The performance bond shall cover a two-year period and shall guarantee the repairs to perform satisfactorily for a period of one year, and be and shall remain in effect for a period of one year after date of last repairs.

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(C) Upon approval of the application, the Council shall issue to the applicant a written permit to make street repairs for a period of one year after date of last repairs.

(D) Upon approval of the application, the Council shall issue to the applicant a written permit to make street repairs for a period not exceeding 12 calendar months.

(E) This permit shall not exempt the permittee from any of the requirements of this article, except payment of street repair charge.

(1995 Code, § 7-103) (Ord. 88-2, passed 3-7-1988)

§ 7-104 TOWN TO PERFORM NEGLECTED WORK.

Failure to backfill properly or maintain surface during the maintenance period shall be sufficient cause without citation for town forces to perform the neglected work and charge the permittee the reasonable cost thereof.

(1995 Code, § 7-104) (Ord. 88-2, passed 3-7-1988)

ARTICLE 6: UNSAFE BUILDINGS

Section

- 7-108 Short title
- 7-109 Purpose
- 7-110 Adoption of state law by reference
- 7-111 Definitions
- 7-112 Reliance upon administrative officers of the town and county
- 7-113 Unsafe Building Fund

§ 7-108 SHORT TITLE.

This chapter, and all ordinances supplemental or amendatory hereto, shall be known as the “Unsafe Buildings Code of the Town of Hope, Indiana”, may be cited as such, and will be referred to herein as “this article”.

(Ord. 2012-02, passed 6-18-2012)

§ 7-109 PURPOSE.

The purpose of this article is to provide for the protection of life, limb, health, property, public safety and welfare of citizens; the abatement of unsafe premises by repair, vacation, sealing or the removal of an unsafe building in or upon unsafe premises; and the extermination of vermin in or about unsafe premises.

(Ord. 2012-02, passed 6-18-2012)

§ 7-110 ADOPTION OF STATE LAW BY REFERENCE.

Indiana Code 36-7-9-1 through 36-7-9-28, now existing or as hereafter amended, is adopted by reference as a part of this article.

(Ord. 2012-02, passed 6-18-2012)

§ 7-111 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The definitions in I.C. 36-7-8-1 through 36-7-9-28, are adopted, and supplemented as follows:

DEPARTMENT. The Code Enforcement Officer of the town.

ENFORCEMENT AUTHORITY. The Code Enforcement Officer of the town. The Chief Code Enforcement Officer is the chief administrative officer of the office of the Department of Code Enforcement of the town.

HEARING AUTHORITY. The Board of Public Works and Safety of the town.

UNSAFE BUILDING, UNSAFE PREMISES. That which is set out in I.C. 36-7-9-1 through 36-7-9-28, supplemented by the following:

(1) Any building or premises which has any or all of the conditions or defects hereinafter described shall be deemed to be unsafe premises, provided that such conditions or defects exist to the extent that life, limb, health, property, public safety or welfare are endangered;

(2) Whenever the stress in any material, 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 any similar new building or premises, purpose or location;

(3) Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse;

(4) Whenever any portion of a building or premises, 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 any similar new building or premises, purpose or location of that specified for any similar new building or premises, purpose or location without exceeding the working stresses permitted for such premises;

(5) Whenever any portion of a building or premises has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of any similar new building or premises;

(6) Whenever a building or premises, or any portion thereof, because of: (a) dilapidation, deterioration or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building or premises; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse;

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

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

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

(10) Whenever a building or premises has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become: (a) an attractive nuisance to children, or (b) freely accessible to persons for the purpose of committing unlawful acts;

(11) Whenever any building or premises has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or premises as provided by this article, this code or the laws of the state;

(12) Whenever any building or premises which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 66% of the (a) strength, (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law in the case of any newly constructed building or premises of like area, height and occupancy in the same locution;

(13) Whenever any building or premises used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resisting construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined to be a fire hazard;

(14) Whenever any portion of a building or premises remain on a site after the demolition or destruction of the building or premises or whenever any building or premises is abandoned for a period in excess of six months so as to constitute an attractive nuisance or hazard to the public.
(Ord. 2012-02, passed 6-18-2012)

§ 7-112 RELIANCE UPON ADMINISTRATIVE OFFICERS OF THE TOWN AND COUNTY.

The town, department, or any of its officers and employees, may rely upon any officer of the Bartholomew County Board of Health, Bartholomew County, Indiana, in making a determination that a building or premises is unsanitary, unfit for human habitation or in such a condition that is likely to

cause sickness or disease. The town, department, or any of its officers and employees, may rely upon the fire chief or assistant fire chief of any fire department in determining that a building or premises is a fire hazard.

(Ord. 2012-02, passed 6-18-2012)

§ 7-113 UNSAFE BUILDING FUND.

There is hereby established a special non-reverting operating fund which shall be known as the "Unsafe Building Fund" into which shall be deposited any amounts collected and all fines that may be assessed under this section. Appropriations from this fund may be used to facilitate the clean-up/removal of uninhabitable/blighted/unsafe properties in the town.

(Ord. 2014-09, passed 12-1-2014)

Cross-reference:

Funds established and fund procedures, see Ch. 2, Art. 7

ARTICLE 7: RENTAL REGISTRATION PROGRAM

Section

- 7-120 Definitions
- 7-121 Compliance required; application for regulations
- 7-122 Listing of rental units required
- 7-123 Listing procedures
- 7-124 Issuance of listing certificate
- 7-125 Listing certificate terms
- 7-126 Violations
- 7-127 Establishment of the Rental Listing Fund
- 7-128 Revocation of a listing certificate
- 7-129 Enforcement authority
- 7-130 Non-conforming uses
- 7-131 Non-exclusive remedies

§ 7-120 DEFINITIONS.

As used in this article, the following terms are defined as follows:

DWELLING UNIT. A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include travel trailers or recreational vehicles. The term shall include dwellings that are subject to a contract for sale.

LISTING CERTIFICATE. The certificate issued by the town upon listing of the rental structure with the town.

OWNER. Any person, firm, partnership, association, company or corporation having a legal or equitable interest in the rental facility, including, but not limited to, a mortgagee and an assignee of rents. It shall also mean any person who, alone or jointly or severally with others, shall have the charge, care or control of any structure as executor, administrator, trustee or guardian of the estate of the owner. Any person, firm, company, association, or corporation whose name appears on the property tax bills shall be deemed to be owner of the rental property.

PERSON. Any entity, including an individual, firm, corporation, association, or partnership.

PREMISES. A lot, plot or parcel of land including the buildings or structures thereon.

RENTAL COMPLEX. One or more buildings, under common ownership and/or management, with onsite management and/or maintenance.

RENTAL STRUCTURE. A building containing one or more rental units.

RENTAL UNIT. A dwelling unit or rooming unit made available for rent.

ROOMING UNIT. 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.

(Ord. 2014-07, passed 11-3-2014)

§ 7-121 COMPLIANCE REQUIRED; APPLICATION FOR REGULATIONS.

(A) No person shall occupy or maintain a rental unit within the town unless in accordance with the provisions of this section.

(B) This chapter applies to rental units located in the town.

(Ord. 2014-07, passed 11-3-2014)

§ 7-122 LISTING OF RENTAL UNITS REQUIRED.

No owner of real estate in the town shall use said real estate for the purpose of constructing or maintaining a rental unit or rental structure without first listing the rental structure with the town and having received a listing certificate for said rental structure.

(Ord. 2014-07, passed 11-3-2014)

§ 7-123 LISTING PROCEDURES.

(A) *Application.* Listing of rental structures shall be made upon forms furnished by the town and shall require the following information:

(1) The street address of the rental structure;

(2) The number of rental units within each rental structure;

(3) Name, address, telephone number, e-mail address, mobile telephone number and fax number of all property owners of the rental unit(s); and

(4) Name, address, telephone number, e-mail address, mobile telephone number and fax number of any responsible local agent designated by the owner.

(B) *Accurate and complete information.*

(1) The listing form shall be signed by the rental structure owner. Where the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization. Where more than one person has an ownership interest, the required information shall be provided for each such owner.

(2) When information provided on the listing form changes, the owner shall notify the town within 30 days of such change.

(C) Whenever the ownership of a rental unit changes, the seller shall have the responsibility to report the change in ownership to the town in writing within 30 days of the date of transfer. The seller shall notify the new property owner of the requirement to maintain listing certification of rental units.

(D) *Responsible local agent.* If the owner is not a resident of the State of Indiana, the owner shall designate a responsible local agent. The agent will be responsible for operating the listed rental unit in compliance with all applicable city ordinances and being available to respond in case of emergencies involving the listed rental unit and accepting all legal notices with respect to this section.

(E) *Listing deadline.* All rental structures shall be listed with the town no later than August 1 of every year. Listings shall be made on an annual basis.
(Ord. 2014-07, passed 11-3-2014)

§ 7-124 ISSUANCE OF LISTING CERTIFICATE.

(A) It shall be unlawful for any person to allow another person to occupy a rental unit without a current listing certificate.

(B) *Requirement.* A listing certificate shall be issued at the time of listing and after the applicant has completed the listing form.
(Ord. 2014-07, passed 11-3-2014)

§ 7-125 LISTING CERTIFICATE TERMS.

Listing certificates shall be valid until August 1 of the year following the date of issuance or until ownership is transferred.
(Ord. 2014-07, passed 11-3-2014)

§ 7-126 VIOLATIONS.

Any violations of this section shall subject the violator to the following penalties: \$250 for late listing and shall subject the violator to other enforcement provided by the town code of the Town of Hope, Indiana.
(Ord. 2014-07, passed 11-3-2014)

§ 7-127 ESTABLISHMENT OF THE RENTAL LISTING FUND.

There is hereby established a special non-reverting operating fund which shall be known as the "Rental Listing Fund" into which shall be deposited each listing fee collected and all fines assessed under this section. Appropriations from this fund may be used to facilitate the clean up/removal of uninhabitable or blighted properties in the town.

(Ord. 2014-07, passed 11-3-2014)

§ 7-128 REVOCATION OF THE LISTING CERTIFICATE.

A listing certificate may be revoked by the town under one or more of the following conditions:

(A) Whenever the certificate was issued in error on the basis of incorrect information supplied;

(B) When the owner has submitted a false, incomplete, or inaccurate statement as part of the rental listing for; or

(C) If the owner has failed to pay any fees due to the town including unpaid fines.

(Ord. 2014-07, passed 11-3-2014)

§ 7-129 ENFORCEMENT AUTHORITY.

The town shall designate those persons and/or positions who are empowered to issue notices of violations. Further, violations may be pursued in the courts of Bartholomew County, Indiana.

(Ord. 2014-07, passed 11-3-2014)

§ 7-130 NON-CONFORMING USES.

Issuance of a listing certificate by the town does not constitute a certification by the town that the use is a legal non-conforming use.

(Ord. 2014-07, passed 11-3-2014)

§ 7-131 NON-EXCLUSIVE REMEDIES.

The remedies provided in this chapter are not exclusive. They are in addition to, do not supersede or preempt other remedies contained in other ordinances or statutes.

(Ord. 2014-07, passed 11-3-2014)