

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING CODE**
- 151. BUILDING REGULATIONS; CONSTRUCTION**
- 152. COMPREHENSIVE PLAN**
- 153. SUBDIVISION CONTROL**
- 154. ZONING**

CHAPTER 150: BUILDING CODE

Section

General Provisions

- 150.01 Title
- 150.02 Purpose
- 150.03 Definitions
- 150.04 Scope
- 150.05 Authority
- 150.06 Severability
- 150.07 Effect of adoption on prior ordinance
- 150.08 Effective date

Building Permits

- 150.20 Building permit required
- 150.21 Application for building permit
- 150.22 Issuance of building permit
- 150.23 Certificate of occupancy

Investigations and Inspections of Construction Activities

- 150.35 General authority to make inspections and investigations
- 150.36 Inspections by Fire Department

Enforcement

- 150.50 Withhold issuance of permits
- 150.51 Permit revocation
- 150.52 Stop-work order
- 150.53 Right of appeal
- 150.54 Authority; implementation

Dillsboro - Land Usage***Minimum Construction Standards***

- 150.65 Adoption of rules by reference
- 150.66 Lifting devices located within a private residence

- 150.99 Penalty

GENERAL PROVISIONS**§ 150.01 TITLE.**

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

(Prior Code, § 150.01) (Ord. 2008-, passed 7-23-2008)

§ 150.02 PURPOSE.

The purpose of this chapter is to protect the life, public safety, health and general welfare of the citizens of the town and shall be construed in a manner to effectuate this purpose.

(Prior Code, § 150.02) (Ord. 2008-, passed 7-23-2008)

§ 150.03 DEFINITIONS.

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

BUILDING COMMISSIONER. 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, has the following definition.

(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; and

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); and

(c) Any class of buildings or structures that the Commission determines by rules to affect a building or structure described in division (1), except buildings or structures described in divisions (3) through (6) 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) above 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) above does not include a Class 2 structure.

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

(6) Division (1)(a) above does not include a structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:

(a) The structure; or

(b) Mechanical or electrical equipment located within and affixed to the structure.

(7) Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

CLASS 2 STRUCTURE. Pursuant to I.C. 22-12-1-5, has the following definition.

(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

Dillsboro - Land Usage

(b) An outbuilding for a structure described in division (1) 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, means 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

(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, means 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 1-1-2003. This definition is as follows: 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 such term shall include any structure which meets all the requirements of this definition, 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 42 U.S.C. §§ 5401 et seq. and except that such term shall not include any self-propelled recreational vehicle.

MOBILE STRUCTURE. Pursuant to I.C. 22-12-1-17, has the following definition:

(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, means 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; and

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

(Prior Code, § 150.03) (Ord. 2008-, passed 7-23-2008)

§ 150.04 SCOPE.

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

(B) Pursuant to I.C. 22-13-2-6, this chapter shall not apply to industrialized building systems or mobile structures certified under I.C. 22-15-4; however, the provisions of this chapter 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 chapter is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels or regulated lifting devices.

(Prior Code, § 150.04) (Ord. 2008-, passed 7-23-2008)

§ 150.05 AUTHORITY.

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

(A) All of the provisions of this chapter;

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

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

(Prior Code, § 150.05) (Ord. 2008-, passed 7-23-2008)

§ 150.06 SEVERABILITY.

Should any provision (section, clause, phrase, word or any other portion) of this chapter be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if the remaining provisions can, without the invalid provision or provisions be given the effect intended in adopting this chapter. To this end, the provisions of this chapter are severable. (Prior Code, § 150.06) (Ord. 2008-, passed 7-23-2008)

§ 150.07 EFFECT OF ADOPTION ON PRIOR ORDINANCE.

The expressed or implied repeal of amendment by this chapter 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 chapter. These rights, liabilities and other proceedings are continued and penalties shall be imposed and enforced under the repealed or amended ordinance as if this chapter had not been adopted.

(Prior Code, § 150.07) (Ord. 2008-, passed 7-23-2008)

§ 150.08 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after the date on which both of the following have occurred:

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

(B) The Fire Prevention and Building Safety Commission of the state has approved this chapter, as required by I.C. 36-3-4-14 (authentication of enactment according to local style).

(Prior Code, § 150.08) (Ord. 2008-, passed 7-23-2008)

BUILDING PERMITS

§ 150.20 BUILDING PERMIT REQUIRED.

Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commissioner prior to commencement of construction.
(Prior Code, § 150.20) (Ord. 2008-, passed 7-23-2008)

§ 150.21 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; provided, however, the plot plan shall not be required in the instance where all construction is to occur entirely within an existing structure. 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 an employee or agent provide written authority to apply for a permit.
(Prior Code, § 150.21) (Ord. 2008-, passed 7-23-2008)

§ 150.22 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. (Prior Code, § 150.22) (Ord. 2008-, passed 7-23-2008)

§ 150.23 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 chapter. It shall be unlawful to occupy any building or structure unless a full, partial or temporary certificate of occupancy has been issued by the Building Commissioner.

(Prior Code, § 150.23) (Ord. 2008-, passed 7-23-2008) Penalty, see § 150.99

INVESTIGATIONS AND INSPECTIONS OF CONSTRUCTION ACTIVITIES**§ 150.35 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 chapter 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 chapter and the rules of the Fire Prevention and Building Safety Commission. (Prior Code, § 150.35) (Ord. 2008-, passed 7-23-2008)

§ 150.36 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.) (Prior Code, § 150.36) (Ord. 2008-, passed 7-23-2008)

ENFORCEMENT

§ 150.50 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 or inspection fees owed pursuant to the town) to the Building Commissioner, the Building Commissioner may withhold the issuance of subsequently requested permits until the 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 the time that the property is brought into conformance with applicable ordinances. (Prior Code, § 150.50) (Ord. 2008-, passed 7-23-2008)

§ 150.51 PERMIT REVOCATION.

The Budding 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 chapter; and

(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. (Prior Code, § 150.51) (Ord. 2008-, passed 7-23-2008)

§ 150.52 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 chapter or any state law pertaining to safety during construction;
 - (2) Construction is occurring in violation of this chapter or in a manner that if construction is allowed to proceed, there is a reasonable probability that it will substantially difficult to correct the violation; or
 - (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 chapter.
(Prior Code, § 150.52) (Ord. 2008-, passed 7-23-2008)

§ 150.53 RIGHT OF APPEAL.

Any person aggrieved by an order issued under this chapter shall have the right to petition for review of any order of the Building Commissioner. A 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 chapter may appeal 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 issued by the town that covers a subject governed by I.C. 22-12, 22-13, 22-14 or 22-15, a fire safety 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 chapter.

(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 town 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 administrative body exists, then the person may petition a court for judicial review of the order.

(Prior Code, § 150.53) (Ord. 2008-, passed 7-23-2008)

§ 150.54 AUTHORITY; IMPLEMENTATION.

The County Building Department and the County Building Inspector are hereby designated to administer and enforce building codes and standards within the town limits and the jurisdictional limit of the Plan Commission, to accept and issue all necessary building permits, and to perform all other actions necessary to implement this chapter of the town, adopting the State Building Codes within its jurisdiction; provided, however, that this designation shall be effective only upon the acceptance of the County Board of Commissioners.

(Prior Code, § 150.54) (Res. passed 9-8-2008; Res. 2011-7, passed 7-11-2011)

MINIMUM CONSTRUCTION STANDARDS

§ 150.65 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 Title 675 of the Indiana Administrative Code 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) Indiana Building Code.
- (2) Article 14, Indiana Residential Code;
- (3) Article 16, Indiana Plumbing Code;

- (4) Article 17, Indiana Electrical Code;
- (5) Article 18, Indiana Mechanical Code;
- (6) Article 19, Indiana Energy Conservation Code;
- (7) Article 20, Indiana Swimming Pool Code;
- (8) Article 22, Indiana Fire Code;
- (9) Article 24, Migrant Day Care Nursery Fire Safety Code; and
- (10) Article 25, Indiana Fuel Gas Code.

(B) Two copies of the above building rules incorporated by reference are on file in the office of the Clerk-Treasurer 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 chapter. 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.
(Prior Code, § 150.65) (Ord. 2008-, passed 7-23-2008)

§ 150.66 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;

(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 public inspection as required by I.C. 36-1-5-4. (Prior Code, § 150.66) (Ord. 2008-, passed 7-23-2008)

§ 150.99 PENALTY.

(A) 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 chapter.

(B) Any person violating any provision of this chapter 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 chapter. (Ord. 2008-, passed 7-23-2008)

CHAPTER 151: BUILDING REGULATIONS; CONSTRUCTION

Section

Unsafe Buildings

- 151.01 Definitions
- 151.02 Title
- 151.03 Public nuisance
- 151.04 Adoption of state law by reference
- 151.05 Authority
- 151.06 Order and notice
- 151.07 Hearing and review
- 151.08 Emergency orders
- 151.09 Manners of performance
- 151.10 Costs
- 151.11 Unsafe Building Fund
- 151.12 No work without permission
- 151.13 Inspection warrants
- 151.14 Violations

- 151.99 Penalty

UNSAFE BUILDINGS

§ 151.01 DEFINITIONS.

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

ENFORCEMENT AUTHORITY. The Town Manager or authorized designee.

HEARING AUTHORITY. The Circuit or Superior Courts of Dearborn County, Indiana as official hearing officer for disputes from the rules and regulations set forth in this subchapter.

SUBSTANTIAL PROPERTY INTEREST. Any right in real property that may be affected in a substantial way by actions authorized by this subchapter, including a fee interest, a life estate interest, a future interest, a present possessory interest or an equitable interest of a contract purchaser.

UNSAFE BUILDING OR STRUCTURE. Any building or structure or part of a building or structure that is:

- (1) In an impaired structural condition that makes it unsafe to person or property;
- (2) A fire hazard;
- (3) A hazard to public health;
- (4) A public nuisance;
- (5) Dangerous to person or property because of a violation of a statute or ordinance concerning building condition or maintenance;
- (6) Vacant and not maintained in a manner that would allow human habitation, occupancy or use under the requirements of a statute or an ordinance; and/or
- (7) In any of the conditions or possesses any of the defects described below; 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, stairway 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, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;
 - (c) 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 of the Building Code for new buildings of similar structure, purpose or location;
 - (d) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;
 - (e) Whenever any portion of a building, 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;

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

(g) 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.

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

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

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

1. An attractive nuisance to children; or
2. A harbor for trespassers.

(k) 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 applicable to the town, as specified in any law or ordinance of the state or town relating to the condition, location or structure of buildings;

(l) 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 Enforcement Officer to be unsanitary, unfit for human habitation or in a condition that is likely to cause sickness or disease;

(m) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Chief of the Fire Department or the Enforcement Officer to be a fire hazard;

(n) Whenever any building or structure is in a condition as to constitute a public nuisance known to the common law or in equity jurisprudence;

(o) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure; and/or

(p) 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.

UNSAFE PREMISES. Both an unsafe building and tract of real property on which the building is located.

(Prior Code, § 151.01) (Ord. 2008-04, passed 7-14-2008)

§ 151.02 TITLE.

This subchapter, and all ordinances supplemental or amendatory hereto, shall be known as the “Unsafe Building Ordinance of the Town of Dillsboro, Indiana,” may be cited as such and will be referred to herein as “this subchapter.”

(Prior Code, § 151.02) (Ord. 2008-04, passed 7-14-2008)

§ 151.03 PUBLIC NUISANCE.

All buildings or portions thereof within the town which are determined after inspection by the Enforcement Authority 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, § 151.03) (Ord. 2008-04, passed 7-14-2008)

§ 151.04 ADOPTION OF STATE LAW BY REFERENCE.

I.C. 36-7-9-1 through 36-7-9-29, now existing or as hereafter amended, is adopted by reference as a part of this subchapter.

(Prior Code, § 151.04) (Ord. 2008-04, passed 7-14-2008)

§ 151.05 AUTHORITY.

The Enforcement Authority shall be authorized to administer and to proceed under the provisions of this subchapter in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

(Prior Code, § 151.05) (Ord. 2008-04, passed 7-14-2008)

§ 151.06 ORDER AND NOTICE.

(A) The Enforcement Authority is authorized to issue an order relative to any unsafe premises, including:

- (1) Vacating of an unsafe building;
- (2) Sealing an unsafe building against intrusion by unauthorized persons;
- (3) Extermination of vermin in and about the unsafe premises;
- (4) Removal of trash, debris or fire hazardous material in and about the unsafe premises;

(5) Repair or rehabilitation of an unsafe building to bring it into compliance with standards for building condition or maintenance required for human habitation, occupancy or use by a statute, a rule adopted under I.C. 4-22-2, or an ordinance;

- (6) Removal of part of an unsafe building;
- (7) Removal of an unsafe building; and

(8) Requiring, for an unsafe building that will be sealed for a period of more than 90 days:

(a) Sealing against intrusion by unauthorized persons and the effects of weather;

(b) Exterior improvements to make the building compatible in appearance with other buildings in the area; and

(c) Continuing maintenance and upkeep of the building and premises in accordance with standards established by ordinance.

(B) The order shall contain information required by I.C. 36-7-9-5.

(C) An order requiring sealing a building under I.C. 36-7-9-5(a) requires notification to each person holding any fee interest or life estate; for other orders under I.C. 36-7-9-5, each person having a substantial property interest in the unsafe premises must be notified. Notification procedure shall be as stated in I.C. 36-7-9-25.

(Prior Code, § 151.06) (Ord. 2008-04, passed 7-14-2008)

§ 151.07 HEARING AND REVIEW.

If required, a hearing and review shall be provided as set forth in I.C. 36-7-9-7 and 36-7-9-8. (Prior Code, § 151.07) (Ord. 2008-04, passed 7-14-2008)

§ 151.08 EMERGENCY ORDERS.

Emergency action in order to protect life, safety or property may be taken without issuing an order or giving notice, but shall be taken in accordance with I.C. 36-7-9-9. The action is limited to removal of any immediate danger. The town may recover costs of the action by filing suit in Circuit or Superior Court against persons a holding fee interest or life estate in the premises at the time. As an alternative, the town may bring a civil action under I.C. 36-7-9-17 and 36-7-9-22, alleging the existence of unsafe premises presenting an immediate danger to the community sufficient to warrant emergency action. (Prior Code, § 151.09) (Ord. 2008-04, passed 7-14-2008)

§ 151.09 MANNERS OF PERFORMANCE.

Manners of performance of work, including bids and notification, are to be in accordance with I.C. 36-7-9-11. 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 Enforcement Authority of the town.

(Prior Code, § 151.09) (Ord. 2008-04, passed 7-14-2008)

§ 151.10 COSTS.

Costs for work performed under this subchapter are the responsibility of the fee interest or life estate holders in the unsafe premises. Costs shall be determined on the basis of the factors listed in I.C. 36-7-9-12. Unpaid costs are subject to the procedures in I.C. 36-7-9-13 and 36-7-9-13.5, and may result in a judgment, special tax assessment and/or lien on real or personal property or persons responsible for the costs.

(Prior Code, § 151.10) (Ord. 2008-04, passed 7-14-2008)

§ 151.11 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, § 151.11) (Ord. 2008-04, passed 7-14-2008)

§ 151.12 NO WORK WITHOUT PERMISSION.

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 any of the provisions of this subchapter or any order issued by the Enforcement Authority.
(Prior Code, § 151.12) (Ord. 2008-04, passed 7-14-2008)

§ 151.13 INSPECTION WARRANTS.

The Enforcement Authority may obtain an inspection warrant from the court in cases when the owner or possessors refuse the Enforcement Authority permission to inspect as provided in I.C. 36-7-9-16.
(Prior Code, § 151.13) (Ord. 2008-04, passed 7-14-2008)

§ 151.14 VIOLATIONS.

It shall be a violation of this subchapter for a person to:

(A) Remain in, use or enter a building in violation of this subchapter;

(B) Knowingly interfere with or delay the carrying out of an order made under this section;

(C) Knowingly obstruct, damage, or interfere with persons engaged or property used in performing any work or duty under this subchapter; and/or

(D) Fail to comply with I.C. 36-7-9-27 regarding information on transfers of property interest.
(Prior Code, § 151.14) (Ord. 2008-04, passed 7-14-2008) Penalty, see § 151.99

§ 151.99 PENALTY.

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

(B) Whoever violates any provision of §§ 151.01 through 151.14 for which no other penalty is otherwise specifically provided shall be fined not more than \$5,000. The penalty imposed may not be substantially less than the cost of complying with the order, unless that cost exceeds \$2,500. A separate offense shall be deemed committed on each day that a violation occurs or continues.
(Prior Code, § 151.99) (Ord. 2008-04, passed 7-14-2008)



CHAPTER 152: COMPREHENSIVE PLAN

Section

152.01 Regulations adopted by reference

§ 152.01 REGULATIONS ADOPTED BY REFERENCE.

The Town Council approves and adopts the Comprehensive Plan attached to the resolution codified herein, along with any and all amendments. The Comprehensive Plan is hereby adopted by reference and incorporated herein as if set out in full.

(Prior Code, § 152.01) (Res. passed 3-29-2007; Res. 2007-6, passed 6-11-2007)

CHAPTER 153: SUBDIVISION CONTROL

Section

153.01 Regulations adopted by reference

§ 153.01 REGULATIONS ADOPTED BY REFERENCE.

The subdivision control ordinance is hereby adopted by reference as if set out in full. A full copy of the subdivision control ordinance can be viewed by the public in the Town Hall.
(Ord. 2019-5-1, passed 5-13-2019)

CHAPTER 154: ZONING

Section

154.01 Regulations adopted by reference

§ 154.01 REGULATIONS ADOPTED BY REFERENCE.

The Town Council approves and adopts the zoning ordinance attached to the resolution codified herein, along with any and all amendments. The zoning ordinance is hereby adopted by reference and incorporated herein as if set out in full.

(Prior Code, § 153.01) (Ord. 2019-2-1, passed 2-11-2019; Ord. 2019-5-2, passed 5-13-2019)

