

TITLE XV: LAND USAGE

Chapter

- 150. BUILDING REGULATIONS**
- 151. UNSAFE BUILDINGS**
- 152. SUBDIVISION CODE**
- 153. ZONING CODE**
- 154. COMPREHENSIVE PLAN**

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

- 150.01 Fees for use of Planning Commission, Board of Zoning Appeals and the like
- 150.02 Reflective symbol on structures using engineered lumber

Building Code

- 150.10 Title of subchapter
- 150.11 Purpose
- 150.12 Authority
- 150.13 Scope
- 150.14 Adoption of regulations by reference
- 150.15 Applications for permits
- 150.16 Permit required
- 150.17 Other ordinances
- 150.18 Fees and required inspections
- 150.19 Review of application
- 150.20 Inspections
- 150.21 Inspection assistance
- 150.22 Entry
- 150.23 Stop order
- 150.24 Certificate of occupancy
- 150.25 Workmanship
- 150.26 Violations
- 150.27 Right to appeal
- 150.28 Remedies

Fire Prevention Code

- 150.50 Adoption of and conformity with National Fire Code
- 150.51 Enforcement
- 150.52 Appeal
- 150.53 Violations

Contractor Licensing and Registration

- 150.65 Plumber's registration
- 150.66 Electrician's license
- 150.67 Procedure for issuance of electrician's license; denial, records and the like
- 150.68 Petition for electrician's license

Garrett - Land Usage

- 150.69 Insurance requirements for electrician's license
- 150.70 Issuance of electrician's license; fee
- 150.71 Transfer of electrician's license

- 150.99 Penalty

GENERAL PROVISIONS**§ 150.01 FEES FOR USE OF PLANNING COMMISSION, BOARD OF ZONING APPEALS AND THE LIKE.**

Effective September 1, 1982, and thereafter until revised, fees to be charged for services of the Planning Commission and Board of Zoning Appeals, the Planning Director and Zoning Administrator shall be as follows:

- (A) Late filing charge (application for improvement location permit is not timely made), \$25.
- (B) Application for rezoning, application for variance, or application for special exception, \$50.
- (C) Improvement location for business and/or industrial permit, \$10.
- (D) Calling of a special Planning Commission meeting or any Board of Zoning Appeals meeting, \$25.
- (E) Subdivision plat approval, \$50.
- (F) Certification of occupancy, \$10.
(‘79 Code, § 7-2) (Ord. passed 8-3-82)

§ 150.02 REFLECTIVE SYMBOL ON STRUCTURES USING ENGINEERED LUMBER.

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

ENGINEERED LUMBER. Prefabricated I-joints, truss joints, truss rafters, laminated beams and studs.

STRUCTURE. Primary, secondary and accessory structures as defined in the Garrett Zoning Code that have electrical meters that serve the structure.

(B) *Effective date and symbol.* All structures constructed with engineered lumber after the effective date of this section must have a reflective symbol affixed to each electrical meter serving the structure.

(C) *Reflective symbol.* The reflective symbol shall be in the form of a sticker, issued by the city that states that the structure is constructed with engineered lumber.

(D) *Structures prior to effective date.* The owner of any structure that was constructed with engineered lumber prior to the effective date of this section is requested to place the reflective symbol on the electrical meter serving the structure on a voluntary basis.
(Ord. 2010-07, passed 4-6-10)

BUILDING CODE

§ 150.10 TITLE OF SUBCHAPTER.

This subchapter, and all ordinances supplemental or amendatory hereto, shall be known as the “Building Code of the City of Garrett, Indiana”, may be cited as such, and will be referred to herein as “this code”.
(Ord. 62188-2, passed 6-21-88)

§ 150.11 PURPOSE.

The purpose of this subchapter is to provide minimum standards for the protection of life, limb, health, environment, public safety and welfare, and for the conservation of energy in the design and construction of buildings and structures.
(Ord. 62188-2, passed 6-21-88)

§ 150.12 AUTHORITY.

The Building Inspector or Zoning Administrator is hereby authorized and directed to administer and enforce all of the provisions of this code. Whenever in the building regulations, it is provided that anything must be done to the approval of or subject to the direction of the

Building Inspector or Zoning Administrator, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what such regulations, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce ordinance provisions in an arbitrary or discriminatory manner. Any variances from adopted building rules are subject to approval under IC 22-13-2-7 (b).

(Ord. 62188-2, passed 6-21-88)

§ 150.13 SCOPE.

The provisions of this code apply to the construction, alterations, use, occupancy, maintenance and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4, in the City of Garrett.

(Ord. 62188-2, passed 6-21-88)

§ 150.14 ADOPTION OF REGULATIONS BY REFERENCE.

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

(1) Article 13 - Building Codes

- (a) Fire and Building Safety Standards (675 IAC 13-1)
- (b) Indiana Building Code (675 IAC 13-2)
- (c) Indiana Building Code Standards (675 13-3)
- (d) Indiana Handicapped Accessibility Code (675 IAC 13-4)

(2) Article 14 - One and Two Family Dwelling Codes

- (a) Council of American Building Officials One and Two Family Dwelling Code (675 IAC 14-1)
- (b) CABO One and Two Family Dwelling Code; Amendments (675 IAC 14-2.1)
- (c) Standard for Permanent Installation of Manufactured Homes (675 IAC 14-3)

(3) Article 16 - Plumbing Codes

- (a) Indiana Plumbing Code (675 IAC 16-1)

Garrett - Land Usage

(4) Article 17 - Electrical Codes

- (a) Indiana Electrical Code (675 IAC 17-1.1)
- (b) Safety Code for Health Care Facilities (675 IAC 17-2)

(5) Article 18 - Mechanical Codes

- (a) Indiana Mechanical Code (675 IAC 18-1)

(6) Article 19 - Energy Conservation Codes

- (a) Indiana Energy Conservation Code (675 IAC 19-1)
- (b) Modifications to the Model Energy Code (675 IAC 19-2)

(7) Article 20 - Swimming Pool Codes

- (a) Indiana Swimming Pool Code (675 IAC 20-1)

(B) Copies of adopted building rules, codes and standards are on file in the office of the Building Inspector or Zoning Administrator.
(Ord. 62188-2, passed 6-21-88)

§ 150.15 APPLICATIONS FOR PERMITS.

No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. All plans for building construction under the authority of the Fire Prevention and Building Safety Commission of the State of Indiana must also be filed with the State Building Commissioner. No local permit shall be issued hereunder until a copy of a Design Release from the State Building Commissioner is received by the Building Inspector or Zoning Administrator.
(Ord. 62188-2, passed 6-21-88)

§ 150.16 PERMIT REQUIRED.

A permit shall be obtained before beginning construction or alteration of any building or structure, the cost of such construction or alteration of which exceeds \$100 using forms furnished by the Building Inspector or Zoning Administrator. All permits shall be issued by the Building Inspector or Zoning Administrator, and all fees provided for herein shall be paid to the City Clerk-Treasurer.
(Ord. 62188-2, passed 6-21-88)

§ 150.17 OTHER ORDINANCES.

All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in such ordinances.
(Ord. 62188-2, passed 6-21-88)

§ 150.18 FEES AND REQUIRED INSPECTIONS.

Permits required by § 150.06 shall be issued upon prior payment of inspection fees according to the following schedule:

One, Two, and Multiple Family Dwellings:

New Construction	\$.05 per square foot of floor space and finished basement and attached garage Minimum \$15.00 Maximum \$500.00
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Commercial

New Construction	.05 per square foot of gross space Minimum \$15.00 Maximum \$1000.00
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Industrial

New Construction	.04 per square foot of gross space Minimum \$15.00 Minimum \$1500.00
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Foundation Only Permits

15.00 Residential
25.00 Commercial and Industrial

Carport/Garage

15.00 Carport
25.00 One car garage
30.00 Two car garage
35.00 Three car garage

Residential Swimming Pool

20.00

Plumbing System

10.00 partial replacement and/or update
20.00 complete replacement and/or update

Excavation Permit:

25.00 plus \$1000.00 bond

Application to Excavate in Public Street, Application to Cut Curb:

Contractors or homeowners must provide a \$1,000.00 corporate surety bond in favor of the city with all applications to cut curb.

\$25.00 Administrative and Inspection Fee.

Application to Move or Raze Buildings:

Contractors or homeowners must provide a \$1,000 corporate surety bond in favor of the city with all applications to move buildings. In addition, they shall show proof of insurance in the minimum amount of \$100,000 property damage and \$50,000 for individual personal injury.

- \$15.00 Garages or Accessory Building
- \$25.00 Residential Structure
- \$50.00 Commercial or Industrial Structure

For unusually large or complex buildings or structures, the Building Inspector or Zoning Administrator shall have the power to increase the number of required inspections by 50%. The Building Inspector or Zoning Administrator shall in all cases designate the stage of construction when each required inspection must be requested by the permit holder. No concrete shall be placed for foundation without prior inspection. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection. Where additional inspections are required due to failure of permit holder to have work ready for inspection at a designated stage of construction, the Building Inspector or Zoning Administrator shall have the power to assess a reinspection fee of \$20 for each such additional inspection. Reinspection fees shall be paid to the Clerk/Treasurer prior to the issuance of a certificate of occupancy. The Building Inspector or Zoning Administrator shall submit an annual report to the Board of Public Works and Safety which shall include an analysis of inspections performed, permit fees collected, cost of inspection operations and recommendations for adjustment of required inspections and single inspection fees as necessary.

(Ord. 62188-2, passed 6-21-88)

§ 150.19 REVIEW OF APPLICATION.

Prior to the issuance of any building permit hereunder, the Building Inspector or Zoning Administrator shall review all building permit applications to determine full compliance with the provisions of this subchapter.

(Ord. 62188-2, passed 6-21-88)

§ 150.20 INSPECTIONS.

After the issuance of any building permit hereunder, the Building Inspector or Zoning Administrator shall make or shall cause to be made, such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this chapter and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this Code.

(Ord. 62188-2, passed 6-21-88)

§ 150.21 INSPECTION ASSISTANCE.

The Chief of the City of Garrett Fire Department, the Chiefs of any volunteer fire departments or the Chiefs of any fire district fire departments or their designated representatives, may, upon request of the Building Inspector or Zoning Administrator, assist the Building Inspector or Zoning

Administrator in the inspection of fire suppression detection and alarm systems, and shall provide reports of such inspection or inspections to the Building Inspector or Zoning Administrator.
(Ord. 62188-2, passed 6-21-88)

§ 150.22 ENTRY.

Upon presentation of proper credentials, the Building Inspector or Zoning Administrator or his duly authorized representatives may enter at reasonable times any building, structure or premises in the city to perform any duty imposed upon him by this Code.
(Ord. 62188-2, passed 6-21-88)

§ 150.23 STOP ORDER.

Whenever any work is being done contrary to the provisions of this Code, the Building Inspector or Zoning Administrator may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Inspector or Zoning Administrator to proceed with the work.
(Ord. 62188-2, passed 6-21-88)

§ 150.24 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure erected or altered after the adoption of this chapter shall be issued unless such building or structure was erected or altered in compliance with the provisions of this chapter. Refer to Section 7.2 of the Zoning Code for the procedure in obtaining a certificate of occupancy permit.
(Ord. 62188-2, passed 6-21-88)

§ 150.25 WORKMANSHIP.

All work on the construction and alteration of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.
(Ord. 62188-2, passed 6-21-88)

§ 150.26 VIOLATIONS.

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, improve, convert, equip, use or occupy any building or structure, other than fences, in the city or cause or permit the same to be done, contrary to or in violation of the provisions of IC 22-13-2-7 and IC 4-21.5-3-7.
(Ord. 62188-2, passed 6-21-88)

§ 150.27 RIGHT TO APPEAL.

All persons shall have the right to appeal the Building Inspector or Zoning Administrator's decision first through the City of Garrett and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of IC 22-12-7.
(Ord. 62188-2, passed 6-21-88)

§ 150.28 REMEDIES.

The Building Inspector or Zoning Administrator shall in the name of the City of Garrett bring actions in the Circuit Court of DeKalb County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders, made by the Building Inspector or Zoning Administrator, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this chapter.
(Ord. 62188-2, passed 6-21-88)

FIRE PREVENTION CODE**§ 150.50 ADOPTION OF AND CONFORMITY WITH NATIONAL FIRE CODE.**

(A) The city does hereby adopt, as may be from time to time amended, the 1977 National Fire Codes (hereafter "the fire code"), published annually by the National Fire Protection Association, 60 Batterymarch Street, Boston, Massachusetts 02110, as from time to time amended, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. ('79 Code, § 7-76)

(B) *Definition.* Whenever the word **MUNICIPALITY** appears or is used in the fire code hereby adopted, it shall mean and be defined as the City of Garrett. ('79 Code, § 7-79)
(Ord. passed 4-4-78)

§ 150.51 ENFORCEMENT.

This fire code shall be enforced by the Chief of the Fire Department of the city.
(('79 Code, § 7-77) (Ord. passed 4-4-78)

§ 150.52 APPEAL.

The Fire Chief shall have power to modify any of the provisions of the fire code upon application in writing by the owner, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the fire code, provided that the spirit of the fire code shall be observed, public safety secured, and substantial justice done. The particulars of each modification requested, whether or not granted or allowed, and the decision of the Fire Chief thereon shall be entered upon the records of the Department and signed copies shall be furnished the applicant. Whenever the Fire Chief shall disapprove an application or refuse to grant the modification or permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code shall be misconstrued or wrongly interpreted, the applicant may appeal from

the decision of the Fire Chief to the Board of Public Works and Safety to the city within 30 days from the date of the decision.

('79 Code, § 7-80) (Ord. passed 4-4-78)

§ 150.53 VIOLATIONS.

Any person who shall violate any provision §§ 150.50 or fail, neglect or refuse to comply with any order or request of the Fire Chief or Zoning Administrator in pursuance of and by authority of any of the provisions of said section shall be guilty of a misdemeanor.

('79 Code, § 7-78) (Ord. passed 4-4-78)

CONTRACTOR LICENSING AND REGISTRATION

Editor's note: §§ 52.70 through 52.77 contain registration procedures for Sewer-Excavator Contractors.

§ 150.65 PLUMBER'S REGISTRATION.

(A) *Required.* It shall be unlawful for any plumbing contractor as that term is defined in IC 25-28.5-1-2(2) to conduct the practice of plumbing as that is defined by IC 25-28.5-1-2(1) within the city without first having registered with the Clerk-Treasurer. ('79 Code, § 7-36)

(B) *Form.* In order to register, each plumbing contractor shall complete in full the registration form provided by the Clerk-Treasurer. ('79 Code, § 7-37)

(C) *Approval; issuance; fee.* The registration form as completed should then be submitted to the Common Council for review and official action. If the Common Council determines the registration form to be in order and approves the registration, the Clerk-Treasurer shall be directed to issue to the registrant a registration certificate upon payment by the registrant of a registration fee in the amount of \$50. ('79 Code, § 7-38)

(D) *Transfer.* No registration under this section shall be transferable. ('79 Code, § 7-39)

(E) *Expiration.* The registration under this section shall expire December 31 following. ('79 Code, § 7-40)

(F) *Failure to register.* Failure to register as required by this section shall be certified to the Indiana Plumbing Commission. ('79 Code, § 7-41)
(Ord. passed 2-17-76; Am. Ord. 2014-15, passed 12-16-14)

§ 150.66 ELECTRICIAN'S LICENSE.

(A) *Required.* It shall be unlawful for any person not having received from the Clerk-Treasurer a license as electrician so to do, to wire any public or private building for lighting

or heating by electricity or for use of electrical power or for repairing or changing any electrical wire in any public or private building in the city. ('79 Code, § 7-48) (Ord. passed 2-3-76)

§ 150.67 PROCEDURE FOR ISSUANCE OF ELECTRICIAN'S LICENSE; DENIAL, RECORDS AND THE LIKE.

(A) *Petition for license.* In order to obtain a license to perform electrical work, as described in § 150.66, the applicant shall submit a petition to the Common Council as provided in § 150.68 as provided hereafter on the application form prescribed by the Superintendent of the Electrical Department of the County or the county equivalent of this office (hereafter "Superintendent").

(B) *Review of application and general investigation.* The Common Council shall review the application in open meeting and refer it to the Superintendent who shall commence a general investigation of the training and experience of the applicant. Such application shall be received only from individuals in their own name, and shall not be accepted in the name of any firm, corporation, partnership or other business entity.

(C) *Probationary permit; inspection for workmanship.* Applicants possessing a college degree in electrical engineering or possessing a license previously issued by the city shall be granted a license immediately and all others on first application shall be granted a probationary permit by the Superintendent for six months during which time all work performed by the applicant within the confines of the city shall be subject to careful inspection for workmanship in the electrical field of endeavor. If no work is performed by the applicant within said probationary period the application shall be resubmitted and a second probationary permit shall be issued and such shall be the rule for each six-month period thereafter until workmanship can be properly inspected.

(D) *Report to Council.* At the conclusion of the probationary period wherein the Superintendent has had an opportunity to inspect the work of the applicant, the Superintendent shall make a full report in writing to the Common Council recommending the approval or disapproval of a permanent license. The Common Council shall then in open meeting review the recommendation, and hear such evidence as the applicant may desire to present and then by proper action elect to grant or deny the license for good cause shown

(E) *Denial of license.* In the event that the license is denied, the applicant shall be notified in writing by the Superintendent of the reason for denial and the applicant shall have 30 days to request in writing that the matter be reviewed by the Common Council in open hearing at which time the Council may affirm its previous denial of the license or upon good cause shown renew the probationary permit.

(F) *Records.* In all cases where a probationary permit or permanent license is issued, the Superintendent shall keep accurate records of the name and address and type of permit or license issued and the date thereof.

(G) *Expiration of license.* All permanent licenses shall expire on the December 31 each year unless renewed as per the provision of § 150.32. All such licenses renewed shall be reported by the city Clerk-Treasurer to the Superintendent who shall update his records.

(H) *Performing work without permit or license.* Any person found by the Superintendent to be performing electrical work without a permit or license shall be ordered to cease and desist from the performance of such electrical work until a permit or license is issued; and in the event that such person refuses to cease and desist as ordered, the Superintendent shall, in the name of the city, apply immediately to a proper court of law for legal process in the form of an injunction and should it be found by such court that the person in violation did so knowingly and willfully after being notified to cease and desist from the performance of electrical work without a lawful permit or license, the court may fine the violator in a sum not to exceed \$500 and all of the court costs for the action taken.

(I) *Revocation.* Any license or permit issued pursuant to the provision of this section may be revoked by the Common Council for good cause shown.
(‘79 Code, § 7-49) (Ord. passed 2-8-76; Am. Ord. passed 2-19-80)

§ 150.68 PETITION FOR ELECTRICIAN’S LICENSE.

The person applying for an electrician’s license shall present to the Common Council his written petition for the license which must contain his name, the name of the firm if any, to which he belongs or by which he is employed, and a request to be permitted to do electrical work of the kind mentioned, which shall contain a statement that he will comply with all of the bylaws enacted or which may be enacted by the Common Council or any rule adopted by it which may describe a course of conduct for the performance of electrical work at the time of making such application and accompany the same.
(‘79 Code, § 7-50) (Ord. passed 2-3-76)

§ 150.69 INSURANCE REQUIREMENTS FOR ELECTRICIAN’S LICENSE.

Before any electrician’s license is granted, the applicant shall provide to the Clerk-Treasurer of the city proof of general liability insurance coverage in an amount not less than \$100,000 property damage and \$50,000 personal injury. This insurance coverage shall be for the benefit of any person for whom the licensee is doing wiring and for the city and all city departments.
(‘79 Code, § 7-51) (Ord. passed 2-3-76; Am. Ord. passed 10-18-88)

§ 150.70 ISSUANCE OF ELECTRICIAN’S LICENSE; FEE.

If the Common Council grants an applicant’s request for an electrician’s license and approves the bond the Clerk-Treasurer shall upon payment by the licensee of the sum of \$50 issue to the applicant a license to do electrical work in the city.
(‘79 Code, § 7-52) (Ord. passed 2-3-76; Am. Ord. 2014-15, passed 12-16-14)

§ 150.71 TRANSFER OF ELECTRICIAN’S LICENSE.

No electrician’s license granted by the Common Council shall be transferable.
(‘79 Code, § 7-53) (Ord. passed 2-3-76)

§ 150.72 RENEWAL OF ELECTRICIAN'S LICENSE.

Each electrician's license granted by the Common Council may be renewed by the licensee from year to year thereafter upon the payment to the Clerk-Treasurer in the sum of \$50 and re-approval of the standing bond.

('79 Code, § 7-55) (Ord. passed 2-3-76; Am. Ord. 2014-15, passed 12-16-14)

§ 150.73 MISUSE OF ELECTRICIAN'S LICENSE.

No electrician shall allow his name to be used by any person or party either for the purpose of obtaining permits or doing any work under his license.

('79 Code, § 7-56) (Ord. passed 2-3-76)

§ 150.99 PENALTY.

(A) *General.* If any person, firm or corporation shall violate any of the provisions of this ordinance, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Inspector or Zoning Administrator, or shall fail, neglect or refuse to obey any lawful order given by the Building Inspector or Zoning Administrator in connection with the provisions of this chapter for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than \$10, nor more than \$500. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

(Ord. 62188-2, passed 6-21-88)

(B) *Reflective symbol on structures using engineered lumber.* Any person violating § 150.02 by refusing to use the reflective symbol or by removing the reflective symbol shall be subject to a fine in the amount of \$25 per violation. Each day that a violation occurs shall constitute a separate violation, subject to a separate fine.

(Ord. 2010-07, passed 4-6-10)

CHAPTER 151: UNSAFE BUILDINGS

Section

Unsafe Building Code

- 151.01 Title
- 151.02 Purpose and scope
- 151.03 Definitions
- 151.04 Repairs, rehabilitation, alterations or additions
- 151.05 Enforcement authority
- 151.06 Hearing authority
- 151.07 Unsafe building
- 151.08 Conduct of hearing
- 151.09 Amendments to Indiana Code
- 151.10 Unsafe Building Fund
- 151.11 Attorney fees

Demolition

- 151.30 Permit required
- 151.31 Application for permit
- 151.32 Fees, inspections and evidence of insurance
- 151.33 Issuance of permit
- 151.34 Inspection of property after demolition
- 151.35 Care and protection during demolition
- 151.36 Excavation and filling
- 151.37 Supervision by authorized representative of the City of Garrett
- 151.38 Enforcement

- 151.99 Penalty

UNSAFE BUILDING CODE

§ 151.01 TITLE.

This subchapter shall be known as the “Garrett Unsafe Building Law” and hereby adopts by reference the provisions of IC 36-7-9-1 et seq. in its entirety, as may be amended from time to time, as the Garrett Unsafe Building Law. For the sake of brevity, the “Garrett Unsafe Building Law” shall be referred to in the balance of this subchapter by the acronym GUBL. (Ord. 2002-1, passed 1-22-02))

§ 151.02 PURPOSE AND SCOPE.

(A) It is the purpose of the GUBL to provide a just, equitable, and practical method whereby buildings or structures which from any cause may endanger or impair life, limb, health, morals, property, safety or welfare of the general public or the occupants of such buildings and structures may be required to be repaired, vacated or demolished. The provisions of the GUBL are not exclusive but are cumulative and in addition to any other remedy provided by the City Building Code, other provisions of the Garrett City Code or are otherwise available by any state or local law, rule or ordinance.

(B) The provisions of the GUBL shall apply to all unsafe or dangerous buildings, as defined herein, which are now in existence or which may hereafter become dangerous or unsafe in the jurisdiction of the city.

(C) All buildings or structures that are required to be repaired shall comply with the provisions of the City Building Code and all applicable regulations and building codes of the county.

(Ord. 2002-1, passed 1-22-02)

§ 151.03 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning or as specified in the City's Building Code.

BUILDING CODE. The City Building Code promulgated by the Common Council on June 21, 1988, pursuant to Ordinance 62188-2.

DEPARTMENT. The Office of the Mayor is the department that is authorized to administer the GUBL.

ENFORCEMENT AUTHORITY. The Enforcement Authority shall be the City Planning Director who may act through the Code Enforcement and Safety Officer or any other designee of the City Planning Director.

HEARING AUTHORITY. The Board of Public Works and Safety shall be the Hearing Authority.

SUBSTANTIAL PROPERTY INTEREST. The definition of substantial property interest as found in IC 36-7-9-2, as may be amended from time to time, is incorporated herein by reference.

UNSAFE BUILDING. Any building or structure deemed to be unsafe under the provisions of the GUBL or otherwise in violation of the terms of this Chapter, the City Building Code or other applicable local, county, or state building codes or regulations. An unsafe building may also be referred to for purposes of this code as a dangerous building.

(Ord. 2002-1, passed 1-22-02)

§ 151.04 REPAIRS, REHABILITATION, ALTERATIONS OR ADDITIONS.

All buildings or structures which are required to be repaired, rehabilitated, altered or are subject to an addition under the provisions of the GUBL shall be so done according to the requirements of the building codes adopted by the city and all other applicable building codes, state, county, local or otherwise.

(Ord. 2002-1, passed 1-22-02)

§ 151.05 ENFORCEMENT AUTHORITY.

(A) The Enforcement Authority, defined herein as the City Planning Director or the Code Enforcement Safety Officer acting under the direction of the City Planning Director, or any other person designated by the City Planning Director is authorized to enforce the provision of the GUBL. The City Planning Director shall have the power to render the interpretations of the GUBL and to adopt and enforce rules and regulations supplemental to the GUBL as he or she may deem necessary in order to clarify the application of its provisions. Such interpretations, rules and regulations shall conform with the intent and purpose of the GUBL.

(B) The City's Health Officer, Fire Chief, Planning Director, Code Enforcement Safety Officer or any other person designated by the Planning Director are hereby authorized to make inspections and to take such action as may be required to enforce the GUBL, or to determine if applicable codes are being followed or if a building is an unsafe building, the Enforcement Authority may enter the building or premises at reasonable times to inspect the premises and to perform the duties imposed by the GUBL, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Enforcement Authority shall first make a reasonable effort to locate the owner or any other person having charge or control of the building or premises and request entry. If entry is refused, the Enforcement Authority shall have all remedies as provided by law to secure entry.

(Ord. 2002-1, passed 1-22-02)

§ 151.06 HEARING AUTHORITY.

(A) The Garrett Board of Public Works and Safety shall act as the Unsafe Building Hearing Authority. All findings and decisions shall be rendered in writing and furnished to those persons or parties subject to the order.

(B) All hearings shall be held pursuant to the provisions of IC 36-7-9-7 as amended from time to time.

(C) The Board of Public Works and Safety as the hearing authority shall have no discretion relative to the interpretation of the administrative provisions of the GUBL, nor shall the Board of Works as the hearing authority be empowered to waive any of the requirements of the GUBL.

(Ord. 2002-1, passed 1-22-02)

§ 151.07 UNSAFE BUILDING.

(A) For purposes of the GUBL, any building or structure, or part of a building or structure that is:

(1) In an impaired structural condition that makes it unsafe to a person or property;

(2) A fire hazard;

(3) A hazard to the public health;

(4) A public nuisance;

(5) Dangerous to a person or property because of a violation of a statute or ordinance concerning building conditions or maintenance; or

(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.

(B) Any building or structure which has any or all of the following conditions or defects shall be deemed an unsafe building:

(1) 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;

(2) 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;

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

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

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

(6) 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 of one-half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings;

Unsafe Buildings

12A

(7) Whenever any portion thereof has racked, 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 similar new construction;

(8) Whenever the building or structure or any portion thereof, because of dilapidation, deterioration or decay; faulty construction; the removal, movement or instability of any portion of the ground necessary for the purposes of supporting such building; the deterioration, decay or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse;

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

(10) Whenever the exterior walls or other vertical structural members 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;

(11) Whenever the building or structure, 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 wall coverings;

(12) 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:

(a) An attractive nuisance to children;

(b) A harbor for criminals or vagrants; or

(c) As to enable persons to resort thereto for the purpose of committing infractions, felonies or misdemeanors under the laws of the State of Indiana or the United States.

(13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the Building Code, or of any law or ordinance of this state or city relating to the condition, location or structure of the buildings;

(14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50%, or in any supporting part, member or portion less than 66% of the strength, fire-resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;

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

Garrett - Land Usage

(16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damaged or inadequate exits, lack of sufficient fire-resistive construction, faulty electrical wiring, gas connections or heating apparatus or other cause, is determined by the Fire Marshall to be a fire hazard;

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

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

(19) Inadequate or insufficient bath, toilet or kitchen facilities;

(20) Inadequate or insufficient water supply or water supply systems;

(21) Inadequate or insufficient or other deficient air cooling, air heating or water heating equipment; and/or

(22) Any condition or conditions in violation of other applicable ordinances of the city, and/or the building standards or codes of the county or the state.
(Ord. 2002-1, passed 1-22-02)

§ 151.08 CONDUCT OF HEARING.

(A) *Rules.* Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

(B) *Testimony.* Testimony shall be taken only on oath or affirmation.

(C) *Hearsay.* Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence.

(D) *Admissibility of evidence.* Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in a court of competent jurisdiction in this state.

(E) *Exclusion of evidence.* Irrelevant and unduly repetitious evidence shall be excluded.

(F) *Rights of parties.* Each party shall have the rights provided by IC 36-7-9-1 et seq. including:

(1) To call and examine witnesses on any matter relevant to the issue of the hearing.

(2) To introduce documentary and physical evidence.

- (3) To cross exam opposing witnesses on any matter relevant to the issues of the hearing.
- (4) To impeach any witness regardless of which party called the witness to testify.
- (5) To rebut any evidence.
- (6) To represent himself or to be represented by an attorney duly admitted to practice law in the State of Indiana.

(G) *Inspection of premises.* The Board of Works as the Hearing Authority may inspect any building or premises involved in a hearing during the course of the hearing provided that:

- (1) Notice of such inspection shall be given to the parties before the inspection is made;
- (2) The parties are given the opportunity to be present during the inspection; and
- (3) The Board of Works shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom.

(H) *Official notice.*

(1) In reaching a decision, the Board of Works as Hearing Authority may take official notice, either before or after submission of the case for decision, any fact or official record of any board or department of the city, the ordinance of the city, rules and regulations of the Board of Public Works and Safety, and of any notices or inspections issued by or done by the city or any of its agents.

(2) All parties present at a hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein or appended thereto.

(3) Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board of Public Works and Safety.
(Ord. 2002-1, passed 1-22-02)

§ 151.09 AMENDMENTS TO INDIANA CODE.

It is the specific intent of this subchapter to incorporate all future amendments or changes to IC 36-7-9-1, et seq., as amended from time to time, as amendments to the City Unsafe Building Law, as they are enacted and defined in said statute.
(Ord. 2002-1, passed 1-22-02)

§ 151.10 UNSAFE BUILDING FUND.

There is hereby created an “Unsafe Building Fund” for the deposit of and the disposition of any funds collected pursuant to this chapter.
(Ord. 2002-1, passed 1-22-02)

§ 151.11 ATTORNEY FEES.

In the event that the city is required to bring any action in any court of law to enforce any provision of the GUBL or enforce the orders of the Unsafe Building Committee, the city shall be entitled to recover in addition to any fines and costs as otherwise provided by GUBL, the City Attorney fees from the property owner.

(Ord. 2004-26, passed 10-6-04)

DEMOLITION**§ 151.30 PERMIT REQUIRED.**

It shall be unlawful to wreck or demolish any building or structure in the city without first securing a permit therefor.

('79 Code, § 7-114) (Ord. 4588, passed 4-5-88; Am. Ord. 2004-28, passed 11-2-04) Penalty, see § 151.99

§ 151.31 APPLICATION FOR PERMIT.

(A) An application for a permit to wreck or demolish any building or structure in the city shall be made in writing to the Zoning Administrator. Such application shall give the location of the building or structure, the date when wrecking or demolition is to commence and the approximate time which such wrecking or demolition shall take.

(B) The Zoning Administrator shall notify other parties that may be affected by the proposed demolition (utilities, property owners, governmental entities) as he/she may deem necessary before the start of demolition.

('79 Code, § 7-115) (Ord. 4588, passed 4-5-88; Am. Ord. 2004-28, passed 11-22-04)

§ 151.32 FEES, INSPECTIONS AND EVIDENCE OF INSURANCE.

Before a permit is issued:

(A) The applicant shall pay to the City Clerk/Treasurer a fee as prescribed by § 153.11.8 and Table 23 of the Garret Zoning Ordinance, plus a fee scaled for moving any utility facilities. A later permit fee of \$250 plus fee scale for moving any utility facilities will be charged for any demolition work commenced without a demolition permit.

(B) An authorized representative of the City of Garrett, shall inspect the premises where the wrecking and demolition work is to take place, and ascertain that provision for proper care has been made so as not to endanger any sewer or water connections with the city's sewer and water systems, or any electrical wires or installations, and report to the Zoning Administrator; and

(C) Evidence showing adequate liability insurance has been obtained by the applicant, or the contractor or agent acting on their behalf.
(‘79 Code, § 7-116) (Ord. 4588, passed 4-5-88; Am. Ord., passed 6-6-88; Am. Ord. 2004-28, passed 11-2-04) Penalty, see § 151.99

§ 151.33 ISSUANCE OF PERMIT.

The zoning administrator may issue a permit for such wrecking or demolition upon submittal of an appropriate application and compliance with §§ 151.31 and 151.32.
(‘79 Code, § 7-117) (Ord. 4588, passed 4-5-88; Am. Ord. 2004-28, passed 11-2-04)

§ 151.34 INSPECTION OF PROPERTY AFTER DEMOLITION.

(A) To ensure that the property is in a proper and safe condition after wrecking or demolition, the property will be inspected by an authorized representative of the City of Garrett.

(B) By **PROPER AND SAFE CONDITION** it is meant that all debris is cleared away, and that any excavation is to be used for any purpose within two months of such wrecking or demolition, then adequate barricades, lighted at night, shall be installed around the perimeter of such excavation.
(‘79 Code, § 7-118) (Ord. 4588, passed 4-5-88; Am. Ord., passed 6-6-88; Am. Ord. 2004-28, passed 11-2-04) Penalty, see § 151.99

§ 151.35 CARE AND PROTECTION DURING DEMOLITION.

(A) All work of such wrecking or demolition shall be performed in a workmanlike manner and with the least amount of noise possible. Care shall be taken to protect neighboring structures with adequate shoring and whatever else is needful to protect such structures. Adequate protection shall be provided to prevent injury to any city or public utility or pertinence. It shall be the duty of all persons working on or responsible for such wrecking or demolition to see to it that children are warned away from such premises and are not permitted to play in or on or frequent such structures.

(B) The Zoning Administrator may limit the hours during the day in which demolition activity may occur.
(‘79 Code, § 7-119) (Ord. passed 4-5-88; Am. Ord. 2004-28, passed 11-2-04) Penalty, see § 151.99

§ 151.36 EXCAVATION AND FILLING.

(A) If excavation is necessary from wrecking or demolishing, it is to be filled in and the material to be used for such fill should consist of clay, and/or bank run, gravel (or equivalent), and no appliances, such as stoves, refrigerators, freezers and similar items, shall be used, no wood materials are to be used for filling, and no brick, concrete block, from either the demolished structure, from the demolition site, or from offsite, shall be used to fill the excavation cavity. In the filling of such excavation the provisions contained in § 151.32 shall be adhered to

as it relates to danger to sewer or water connections, or electrical wires or connections. Such filling shall also provide for proper and adequate drainage. Any backfill shall be placed in lifts and properly compacted.

(B) Basement walls, or other subgrade structures, including basement floors, if present on the demolition site, shall be completely removed and the resulting cavity backfilled as prescribed by subchapter § 151.36(A) above.

(C) The demolition site shall be properly graded and seeded, or properly graded and stoned or paved (if it is to be a parking area. If a new structure is to be built on the demolition site within 30 of the date of the completion of demolition, the site may be allowed to be unseeded. However, if construction does not commence after said period of time, the site shall be seeded. ('79 Code, § 7-120) (Ord. passed 4-5-88; Am. Ord. passed 6-6-88; Am. Ord. 2004-28, passed 11-2-04) Penalty, see § 151.99

§ 151.37 SUPERVISION BY AUTHORIZED REPRESENTATIVE OF THE CITY OF GARRETT.

An authorized representative of the City of Garrett shall supervise such wrecking or demolition or filling and shall inspect such premises as necessary during such wrecking or demolition and filling and the required capping of taps, or abandoned sewer or watch lines. ('79 Code, § 7-121) (Ord. passed 4-5-88; Am. Ord. 2004-28, passed 11-2-04)

§ 151.38 ENFORCEMENT.

(A) Upon completion of demolition, the city shall inspect the property to ensure compliance with the requirements of the chapter. If the demolition work is properly completed, the city shall issue a "Completion Certificate" to the property owner. This certificate shall allow the owner to redevelop the property according the requirements of the City of Garrett Zoning Ordinance and other applicable regulations, or to use the property as a yard.

(B) If the inspection performed by the city determines that the applicant is not in full compliance with the requirements of the demolition permit and this chapter, the Zoning Administrator shall advise the applicant in writing of the terms of non-compliance. The applicant shall have 30 days from the date of the notice to comply and, if full compliance is made, the city shall issue a completion certificate.

(C) In the event that the applicant fails to comply within 30 days of the notice given pursuant to § 151.38(B), the applicant shall be in violation of this ordinance which violation shall be treated as a nuisance subject to abatement and enforcement as all other nuisance violations. (Ord. 2004-28, passed 11-2-04)

§ 151.99 PENALTY.

Any person or firm or corporation violating any provisions of §§ 151.30 through 151.38 shall be fined not less than \$100 nor more than \$500 for each offense, plus court costs and other expenses incurred in the enforcement of the said sections, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
(‘79 Code, § 7-122) (Ord. of 4-5-88; Am. Ord. 2004-28, passed 11-2-04)

CHAPTER 152: SUBDIVISION CODE

Section

152.01 Subdivision Code adopted by reference

§ 152.01 SUBDIVISION CODE ADOPTED BY REFERENCE.

The Subdivision Code is hereby adopted by reference and declared to be a part of this Code as if set out in full herein.

(Ord. 94-11, passed 5-3-94; Am. Ord. 96-20, passed 12-3-96; Am. Ord. 98-19, passed 9-1-98; Am. Ord. 2001-15, passed 10-2-01; Am. Ord. 2005-12, passed 8-2-05; Am. Ord. 2009-16, passed 10-20-09)

CHAPTER 153: ZONING CODE

Section

153.01 Zoning Code adopted by reference

§ 153.01 ZONING CODE ADOPTED BY REFERENCE.

The Zoning Code is hereby adopted by reference and declared to be a part of this Code as if set out in full herein.

(Ord., passed 2-2-93; Am. Ord. 98-2, passed 1-6-98; Am. Ord. 98-20, passed 9-1-98; Am. Ord. 99-4, passed 4-20-99; Am. Ord. 99-9, passed 8-17-99; Am. Ord. 2000-2, passed 2-1-00; Am. Ord. 2000-3 passed 2-1-00; Am. Ord. 2000-11, passed 6-20-00; Am. Ord. 2001-18, passed 11-20-01; Am. Ord. 2001-22, passed 12-27-01; Am. Ord. 2002-7, passed 2-26-02; Am. Ord. 2003-17, passed 10-7-03; Am. Ord. 2004-06, passed 4-6-04; Am. Ord. 2004-17-B, passed 8-17-04; Am. Ord. 2004-28, passed 11-2-04; Am. Ord. 2004-29, passed 11-2-04; Am. Ord. 2004-33, passed 12-22-04; Am. Ord. 2006-8, passed 4-4-06; Am. Ord. 2006-16, passed 8-15-06; Am. Ord. 2006-23, passed 9-19-06; Am. Ord. 2006-24, passed 9-19-06; Am. Ord. 2007-5, passed 7-17-07; Am. Ord. passed 7-24-07; Am. Ord. passed 8-28-07; Am. Ord. 2008-1, passed 2-5-08; Am. Ord. 2008-8, passed 8-19-08; Am. Ord. 2008-10, passed 9-16-08; Am. Ord. 2011-6, passed 7-19-11; Am. Ord. 2012-10, passed 8-21-12; Am. Ord. 2014-04, passed 5-20-14; Am. Ord. 2014-05, passed 7-15-14)

CHAPTER 154: COMPREHENSIVE PLAN

Section

154.01 Comprehensive Plan adopted by reference

§ 154.01 COMPREHENSIVE PLAN ADOPTED BY REFERENCE.

The Comprehensive Plan is hereby adopted by reference and declared to be a part of this Code as if set out in full herein.

(Ord. 94-25, passed 12-6-94; Am. Ord., passed 3-25-97; Am. Ord. 2001-18, passed 11-20-01; Am. Ord. 2008-1, passed 2-5-08; Am. Ord. 2008-8, passed 8-19-08; Am. Ord. 2008-10, passed 9-16-08; Am. Ord. 2009-16, passed 10-20-09)

