

155. BUILDING REGULATIONS**155.01. BUILDING CODE****155.01.01 Adoption Of Rules 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 subchapter 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 12 - Administration**2. Article 13 - Building Codes**

- a. Fire and Building Safety Standards 1991 S-3
- b. Indiana Building Code
- c. Indiana Building Code Standards
- d. Indiana Handicapped Accessibility Code

3. Article 14 - One and Two Family Dwelling Codes

- a. Council of American Building Officials One and Two Family Dwelling Code
- b. CABO One and Two Family Dwelling Code Amendments
- c. Standard for Permanent Installation of Manufactured Homes

4. Article 16 - Plumbing Codes

- a. Indiana Plumbing Code
- b. International Plumbing Code

5. Article 17 - Electrical Codes

- a. Indiana Electrical Code
- b. National Electrical Code (NEC)

6. Article 18 - Mechanical Code

- a. Indiana Mechanical Code
- b. International Mechanical Code

7. Article 19 - Energy Conservation

- a. Indiana Energy Conservation Code
- b. Modifications to the Model Energy Code

8. Article 20 - Swimming Pool Code

- a. Indiana Swimming Pool Code

9. Article 22 - Fire Code

B. Copies of adopted building rules, codes and standards are on file in the office of the Planning Department.

155.02. UNSAFE BUILDING LAW**155.02.01 Establishment**

Under the provisions of IC 36-7-9-4, there is hereby established the Unsafe Building Law.

155.02.02 Adoption Of State Law; Modifications

A. IC 36-7-9-4 through 36-7-9-10, 36-7-9-11 and 36-7-9-12 as modified in this subchapter, and IC 36-7-9-13 through 36-7-9-28 are hereby adopted by reference as the Unsafe Building Law together with any and all amendments are made thereto. All proceedings in the town for inspections repair, and removal of unsafe buildings shall be governed by said law and the provisions of this subchapter.

B. Modifications

1. In any instance where the word "DIRECTOR" is used in the provisions of the state code as adopted herein the same shall be construed to apply to the Planning Director for the town.
2. Where the words "CONTRACTOR" or "CONTRACTOR LICENSED AND QUALIFIED UNDER LAW" are used in IC 36-7-9-11, 36-7-9-12, or any other Sections of the statutes as adopted herein, requirements are modified in that any contractor approved by the Planning Director may perform any work that is required in complying with the orders of the Planning Director.

155.02.03 Unsafe Buildings Prohibited As Nuisances; Abatement

All buildings or portions thereof within the town which are determined, after inspection by the Planning Director, 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 in accordance with the procedures specified in this subchapter.

155.02.04 Planning Director To Administer Orders For Repair Or Removal

The Planning Director is hereby authorized to administer and proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as defined by state law adopted in this subchapter and the definition as set forth in Section 155.02.

155.02.05 Authority To Determine Rules And Standards; Review Of Actions

Wherever the building regulations of the town or the Unsafe Building Law provide that anything must be done to the approval or subject to the direction of the Planning Director, or any other officer acting for and on behalf of the Planning Director, then this shall be construed to give such officer the discretion of determining whether the rules and standards established by this subchapter have been complied with. Any aggrieved party may request the Board of Zoning Appeals to review the action of the Planning Director.

155.02.06 Minimal Standards For Building Condition Or Maintenance

- A. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.
- B. The definition of an unsafe building contained in IC 37-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the town, by adding the following to said definition:
 1. Whenever any door, aisle, passageway, or other means of exit is not of a 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 stress in any materials, member, or portion thereof, due to all dead and live loads, is more than 1 1/2 times the working stress or stresses allowed for new buildings of similar structure, purpose, or location;
3. 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 is less than the minimum requirements for new buildings of similar structure, purpose, or location;
4. Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property;
5. 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 for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings;
6. 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 or earthquakes than is required in the case of a similar new construction;
7. Whenever the building or structure, or any portion thereof, becomes unsafe because of dilapidation, deterioration, or decay; faulty construction; the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay, or inadequacy of its foundation; or any other cause is likely to partially or completely collapse;
8. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
9. 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;
10. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings;
11. 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 an attractive nuisance to children, or freely accessible to persons for the purpose of committing unlawful acts;
12. 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 Town, or of any law or ordinance of this state or Town relating to the condition, location, or structure of buildings;
13. 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 percent, or in any supporting part, member, or portion less than 66 percent 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;
14. Whenever a building or structure, 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, is

determined by the Planning Director to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease;

15. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistant construction, faulty electrical wiring, gas connections, or heating apparatus, or other cause, is determined by the Planning Director to be a fire hazard; or
16. Whenever any portion of a 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 hazard to the public.

155.02.07 Good Workmanship Required For Reconstruction, Repair, Or Demolition; Standard Acceptable Practices

All work for the reconstruction, alteration, 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 rules and regulations pertaining to construction, plumbing, electrical, mechanical, and one-and two-family dwellings, promulgated by the State Administrative Building Council, shall be considered standard acceptable practice for all matters covered by this subchapter or orders issued pursuant to this subchapter by the Planning Director of the town.

155.02.08 Unsafe Building Fund

An Unsafe Building Fund is hereby established in the operating budget of the office of the Planning Director in accordance with the provisions of IC 36-7-9-14 and pursuant to the provisions contained therein any balance remaining at the end of a fiscal year shall be carried over in the Fund for the following year and does not revert to the General Fund.

155.03. MANUFACTURED HOMES

155.03.01 Conformance With State Law

No manufactured housing, mobile home, or trailer home with or without wheels shall be placed or affixed on any land, for use as a temporary or permanent residence or place of business by any owner thereof, within the jurisdictional area of the zoning code covering the town and contiguous unincorporated territory over which it exercises planning and zoning jurisdiction, unless said land or area is rezoned and is designated as a mobile home park, or unless the said manufactured housing, mobile home, or trailer home conforms to or exceeds the specifications defined and set forth in Section 155.03.02 and pursuant to IC 36-7-4-1106.

155.03.02 Specifications to be Met

Manufactured housing, mobile homes, or trailer homes will be allowed in the zoning jurisdiction of the town, when such housing, mobile home, or trailer home meets or exceeds the following specifications:

- A. The home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement location, building and occupancy permits, and other certifications as required by code.
- B. The home shall be attached and anchored to a permanent foundation in conformance with the regulations in the Indiana One and Two Family Dwelling Code and with manufacturers installation specifications.
- C. The home shall be covered with an exterior material customarily used on site built residential dwellings, and such material shall extend as an under floor space enclosure.
- D. The home shall have a roof with a minimum of 3/12-pitch composed of a shingle material customarily used on site built residential dwellings such as asbestos, fiberglass, shale,

asphalt, or tile, which shall be installed onto a surface appropriately pitched for the materials used as herein before set out.

- E.** Such a dwelling unit shall have been fabricated on or after July 15, 1976, in an offsite manufacturing facility for installation or assembly at the dwelling site, and shall bear a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code, or Indiana Public Law 360, Acts of 1971, as promulgated by the Indiana Administrative Building Council.