

Chapter 10 - BUILDINGS AND BUILDING REGULATIONS [4]

(4) **Cross reference**— Environment, ch. 14; subdivisions, ch. 30; zoning, ch. 46; building/remodeling guidelines, app. A.

(4) **State Law reference**— Fire safety, building and equipment laws, IC 22-12-1-1 et seq.; local powers to regulate buildings, structures and other property, IC 22-13-2-1 et seq.; building inspection and regulations, IC 36-7-2-2 et seq.; Unsafe Building Law, IC 36-7-9-1 et seq. (Back)

ARTICLE I. - IN GENERAL

Sec. 10-1. - Requirements of owners, contractors and subcontractors during construction of improvements.

The following requirements shall be in full force and effect throughout the Town during the construction of any and all improvements to real property within the Town, whether or not a building permit is required .

(1) Contracted work may be done only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday (except the holidays of Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas), unless there is an immediate, present danger to the improvement or the habitability thereof caused by fire, flood, wind or other natural hazard.

(2) A portable toilet shall be furnished by the owner or contractor during the construction of any improvements for any period of time that functioning toilet facilities are not accessible to construction personnel within the improvements on the property.

(3) Unless the site is not suitable, on-site parking areas shall be established for construction workers and delivery vehicles of construction materials. Otherwise, vehicle parking shall be permitted at the Security Office, Town Hall or other parking areas within the Town designated by the Building Commissioner. Public roads or other public property shall not be used for parking of construction workers' vehicles or delivery vehicles. See section 34-27 for construction parking permit information.

(4) The use of public roads while delivering building materials shall only be permitted with the approval of the Building Commissioner. In such event, care shall be taken to not block any road for passage of motor vehicles for more than Ten minutes. Exceptions shall be approved by the Building Commissioner.

(5) No staging or storing of building materials on the road, right-of-way or other public property shall be permitted without the approval of the Building Commissioner.

(6) Excess clean sand not to be retained on the building site shall be kept within the Town and deposited at such location as set forth in the narrative submitted to and approved by the Plan Commission pursuant to section 46-89(2)c, or as designated by the Building Commissioner.

(7) Waste materials and construction debris shall be kept in a central place, deposited promptly in dumpsters and periodically removed from the building site. No open burning of these materials is permitted.

(8) Concrete trucks, if cleaned within the Town, shall only be cleaned so that any concrete residue remains on the construction site.

(9) Prior to the issuance of an occupancy permit, the Building Commissioner shall inspect any public property used in connection with the construction of the improvements including public property used for the storage of building materials and Town roads at or adjacent to the construction site to determine what, if any, damage has occurred to the roads and/or other public property by the construction of the improvements to the site. Failure of the owner and/or the contractor to make such repairs to the satisfaction of the Building Commissioner shall permit the Town to cause the repairs to be made. Any costs expended by the Town for this purpose shall be paid from any bond posted by the owner and/or contractor pursuant to section 46-91. However, prior to the expenditure by the Town of any funds to repair any road or public property chargeable to the owner pursuant to this provision, the Town shall comply with the provisions of section 46-91(d).

(10) Any violation of the terms and provisions of subsections (1)—(8) of this section shall constitute an infraction subjecting the owner and/or contractor who committed the infraction to a fine of One Hundred Fifty dollars (\$150.00) per incident. Each day the above terms are violated shall constitute a separate infraction.

(11) The Building Commissioner is authorized to enforce the terms and provisions of this section by commencing a suit in the name of the Town against any owner or contractor who has, in the opinion of the Building Commissioner, violated the terms of any One of the aforesaid subsections (1)—(8) of this section.

(Ord. No. 2004-1, §§ 1—11, 3-16-2004; Ord. No. 2007-6, § I, 12-18-2007)

Secs. 10-2 – 10-20 – Reserved

ARTICLE II. - BUILDING CODE

DIVISION 1. - GENERALLY

Sec. 10-21. - Purpose.

The purpose of this article is to preserve the residential character of the Town and the natural beauty of the Dunes, and to provide minimum standards to safeguard the health, safety, and public welfare by regulating the design, construction, quality of materials, maintenance of all buildings and structures within the Town and certain equipment specifically regulated herein.

(Ord. No. 91, § 101, 7-18-1960)

Sec. 10-22. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition means any construction which increases the cubic content of any existing building or structure.

Alteration means any work on a building or structure which changes the position or structural characteristics of any wall, ceiling, roof, foundation or opening.

Auxiliary use building means any building not attached to the dwelling, the use of which is incidental to the dwelling, such as a garage or carport, and is located on the same site.

Building means any structure built for support, shelter, or enclosure of persons, chattels or property of any kind.

Dwelling means a building which is to be occupied exclusively for living purposes only.

Existing building means a building erected prior to the effective date of the ordinance from which this section is derived, or One for which a legal building permit exists.

Nonstructural alterations or repairs means alterations or repairs which do not affect the ability of the structure to carry loads.

Owner means the fee title owner of record.

Remodel means any work involving structural changes or additions to an existing building or structure.

Repairs means any work to place in good condition a part or parts of an existing building or structure without changing the size, design or utility of materials of such part or parts.

Site (residential) means a parcel of land under a single ownership occupied or intended to be occupied by One single-family dwelling and its permitted auxiliary buildings and structures.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Value of a building means the estimated cost to replace the building in kind at the time of valuation as approved by the Town Council.

(Ord. No. 91, § 301, 7-18-1960)

Cross reference— Definitions generally, § 1-2

Sec. 10-23. - Scope.

New buildings and structures erected in the Town after the effective date of the ordinance from which this section is derived, and buildings and structures moved into or within the Town, and any additions, alterations, repairs, changes of use or type of occupancy in all buildings and structures shall comply with the provisions for new buildings and structures of this article.

(Ord. No. 91, § 102, 7-18-1960)

Sec. 10-24. - Maintenance.

All buildings or structures both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this article in a building or structure when erected, altered or repaired, shall be maintained in good working order. The owner or their designated agent shall be responsible for the maintenance of buildings and structures.

(Ord. No. 91, § 103, 7-18-1960)

Sec. 10-25. - Permits generally.

(a) *Permits required.* It shall be unlawful to erect, construct, convert, demolish, remodel, enlarge, move, remove, reroof, reside or repair any building or structure in the Town, or install equipment for the operation of a building or structure, or commence the clearing, grading, excavation, filling, tree removal, or paving any parcel of land, or make improvements required by Chapter 30 (Subdivisions), the total cost of which exceeds three thousand dollars (\$3,000.00) in materials and labor, without first obtaining Building Permit.

(Ord. No. 2014-1, 5-19-2014; Ord. No. 2015-03, 1-20-2015)

(b) *Limitation on issuance.* No Building Permit shall be authorized or issued for the construction of any partial or incomplete dwelling, nor for auxiliary buildings or structures related to the dwelling unless the dwelling is complete or under construction. In the case

of commercial and industrial structures, complete plans shall be submitted prior to the issuance of a Building Permit.

(c) *Application.* To obtain a building permit, the applicant shall first file with the Clerk-Treasurer an application therefor in writing. Every such application shall:

(1) Describe the land on which the proposed work is to be done, by lot, or similar description, that will readily identify and definitely locate the proposed building or work, and other structures, if any; and submit a presentation drawing in perspective, showing how the improved property will look after completion;

(2) Upon receipt of approval of presentation drawing by the Town Council, the applicant will then submit to the Clerk-Treasurer with their permit fee plans and written specifications as required in subsections (d) and (e) of this section. The applicant shall state the cost of the proposed work as estimated by the architect, or contractor, and give the name and residence of the contractor; and give such other information as reasonably may be required by the Town Council.

(d) *Plans and specifications.* Each application for a building permit shall be accompanied by two sets of plans and written specifications which have been prepared or approved by a registered Architect or registered Engineer. For work having an estimated value not exceeding Ten Thousand dollars (\$10,000.00), the Town Council or its designee may waive this requirement.

(Ord. No. 2015-03, 1-20-2015)

(e) *Information on plans and specifications.* Plans and written specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show and describe in detail that it will conform to the provisions of this article and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the names and street addresses of the owner and of the person who prepared or approved them. Plans shall include a plot plan showing existing contours and the location of the proposed buildings and of every existing building on the property, and all proposed changes in contours; also all roadways, fences, walls, surface drains, wells, septic tanks, sewage disposal systems and outside fuel tanks. Residential plans shall also show the location of easements, roadways, wells, septic tanks and sewage disposal systems on immediately adjacent lots.

(Ord. No. 91, § 104, 7-18-1960)

Sec. 10-26. - Building permits.

(a) *Issuance of permit.* The Building Commissioner shall check all plans and specifications filed by applicants and shall present them with their comments and recommendations at the next meeting of the Town Council, but shall not be obligated to do so unless such applications together with required fees have been presented in such complete form as required by this article at least Two weeks prior to such meeting.

(1) The power to issue or refuse to issue permits is vested in the Town Council. It is their privilege to refuse to issue permits for new buildings or structures that appear to be unsuitable for the site, incompatible with existing standards of quality

in the immediate neighborhood within the Town, or not in compliance with this article. For work having an estimated value not exceeding Twenty Thousand dollars (\$20,000.00) the Town Council may delegate this power to the Building Commissioner.

(Ord. No. 2015-03, 1-20-2015; Ord. No. 2019-03, 9-20-2019)

(2) When the Town Council has approved the plans, specifications, and plot plan, Two sets of the plans, specifications and plot plan shall be marked "Approved" and signed by a majority of the members of the Town Council, and upon payment of the required fee, if any, the Clerk-Treasurer, thereupon, shall issue a permit and cause notice of the same to be posted in a conspicuous place on the premises. One set of approved plans, specifications and plot plan is to be delivered to the Building Commissioner and One set returned to the applicant. Such approved plans, specifications and plot plan shall not be changed, modified, or altered without authorization from the Town Council and all work shall be done in accordance with the approved plans, specifications and plot plan. After completion of the work, the plans, specifications and plot plan shall be delivered by the applicant to and retained by the Plan Commission Secretary. These plans shall show the outside location and dimensions of the sewerage system, including building drain connections, septic tank, seepage pit and disposal field. The as-built plans shall also show the exact location of the service water connection on the property, with proper identification and location of shut-off valve if connected to the public water system.

(3) A permit for the erection or structural alteration of any structure or building requiring the installation of a private sewage disposal system shall be issued and valid only upon the furnishing of a true copy of a permit from the State or Porter County Health Department approving the design, location, installation and operation of a private septic disposal system.

(b) *Validity of permits.* The issuance or granting of a permit or approval of plans, specifications and plot plan shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this article. No change or cancellations of the provisions of the article will be valid unless authorized in writing by the Town Council. The issuance of a permit based upon plans, specifications and plot plan shall not prevent the Town Council from thereafter requiring the correction of errors in said plans, specifications and plot plan or from preventing building operations being carried on thereunder when in violation of this article or of any other ordinance of the Town.

(c) *Cancellation of permits.* All permits issued under this article shall be cancelled by the Town Council in the event of the failure of the holder of such permit to proceed with the work within six months of the issuance of the permit, or if he or she fails to proceed with the work with reasonable diligence of any continuous period of six months; or failure to complete the same within the time period specified on the building permit or any authorized extension, including all interior work as shown on the approved plans and written specifications. However, the permit may be extended upon approval of extension request by the Town Council and payment of associated fees as specified in Section 10-27 of this chapter.

(Ord. No. 91, § 105, 7-18-1960; Ord. No. 90-4, § 1, 7-28-1990; Ord. No. 2015-05,

9-23-2015)

Sec. 10-27. - Building permit fees.

(a) Before a building permit is issued, a permit fee shall be paid to the clerk-treasurer of the Town of Dune Acres.

(b) New Home Construction. The building permit fee for new home construction shall be based on square feet of floor area as defined in Section 46-4 of the Town Code according to the following schedule:

18 month permit \$1.25 per square foot
24 month permit \$1.50 per square foot
32 month permit \$1.75 per square foot
Each six month extension \$0.50 per square foot

(c) Other Construction. For all other work requiring a building permit, the fee shall be ten dollars (\$10.00) per one thousand dollars of the final cost, with a minimum of fifty dollars (\$50.00).

(Ord. No. 91, § 106, 7-18-1960; Ord. No. 2004-2, § 106 4-14-2004, Ord. No. 2009-5; Ord. No. 2015-05, 9-23-2015)

Sec. 10-28. - Inspections.

(a) *General.* All construction or work for which a permit is required shall be subject to inspection by the Building Commissioner or/and by the Town Council at any reasonable time during the period for which the permit is in force.

(b) *Periods of inspection.* The Building Commissioner shall make periodic inspections during construction of all residential and commercial structures. The minimum number of inspections shall be as follows:

(1) *Foundation inspections.* Foundation inspections are to be made after trenches are excavated and forms erected and before footings are poured.

(2) *Frame inspections.* Frame inspections are to be made after the roof, all framing and bracing are in place, all pipes, chimneys and vents are completed, and prior to the installation of insulation and drywall.

(3) *Final inspection.* Final inspections are to be made after the building is completed and final grading is done. The owner and/or contractor shall notify the Building Commissioner when the completed building is ready for final inspection.

(4) *Occupancy permit.* Upon satisfactory completion of the final inspection, the owner shall obtain a certificate of occupancy as set forth in section 46-276

(Ord. No. 91, § 107, 7-18-1960)

Sec. 10-29. - Permits for alterations, additions and changes.

A permit shall be required for all additions, alterations or changes in location of any building or structure in accordance with section 10-25. All such additions, alterations or

changes in location shall meet all of the requirements of this Code and be inspected by the Building Commissioner and be recorded with the Clerk-Treasurer.

(Ord. No. 91, § 108, 7-18-1960)

Sec. 10-30. Contractor/Tradesperson Registration

(A) *Registration.* Any person, firm, partnership, or other entity whose construction, repair or alteration of a building, structure or within the Town of Dune Acres requires a building permit per Section 10-25 of the Town code, must first be registered with the Town.

(B) *Initial Registration and Registration Renewal.* Each person, firm, partnership, or other entity subject to the provisions of this ordinance submit an application for initial registration; an application fee in the amount of \$100; proof of insurance and bonding as specified in subsection (C); and proof of being licensed as specified in subsection (D). The registration shall expire annually on December 31. Annual renewal is \$25 payable by January 31st of each year; \$100 if paid after January 31st of each year.

Any contractor lawfully registered with the Town on December 31, 2014 may renew their registration for \$25 on or before February 29, 2015.

(C) *Insurance and Bond.* Building contractors, general contractors, subcontractors and tradespersons working on projects exceeding \$25,000 in value, including all goods and services, shall furnish proof of insurance and bonding prior to being granted registration with the Town. Coverage must include a minimum:

(1) Certificate of liability insurance written by an insurance company licensed to do business in the State of Indiana with the limits of liability no less than one hundred thousand dollars (\$100,000) for damages to a single person, and three hundred thousand dollars (\$300,000) for one (1) occurrence.

(2) Unified License Bond in an amount equal to \$5,000. This bond must be recorded and filed with the Porter County Recorder.

(3) Proof of Worker's Compensation Insurance coverage for all employees, with coverage in an amount no less than that required by Indiana law.

(D) *Licensing.* Plumbing, mechanical, and electrical contractors must provide proof of being licensed in an Indiana municipality or county that tests these disciplines prior to issuances of a license. In addition, any other discipline or trade that requires a state license must provide proof of such license at the time of registration.

(E) *Exemptions.* The following individuals and firms shall be exempt from the provisions of this section:

- (1) The owner or authorized tenant of a single family dwelling shall be exempt from registration as long as the homeowner or tenant personally performs the work upon the premises.
- (2) An architect, professional engineer, designer or any other such person who is required by the Indiana Code to attain standards of competency or experience is considered a professional service provider. When such an individual is acting exclusively within the scope of the profession for which

they are either licensed or registered, they are exempted from registration as a contractor.

- (3) A materialman, manufacturer or retailer who furnishes finished products, materials or articles of merchandise and who does not install or attach such items.
- (4) Any authorized representative of the United States government, the State of Indiana, Porter County, or the Town of Dune Acres.
- (5) Any authorized representative of a public utilities regulated by the State of Indiana, including natural gas, electricity, telephone, cable or satellite television, and Internet.
- (6) Minors doing yard work, snow removal or other casual chores in and about a one-family, owner-occupied residence. Casual means occasionally, without regularity, without foresight, plan or method.

(G) *Proof of Registration.* Upon approval of registration application, each contractor will be issued a proof of registration document. This document shall be made available for inspection upon request by the building commissioner or his authorized agent. The annual registration fee includes one proof of registration document. Additional copies may be obtained upon payment of \$10 for each copy.

(H) *Penalties.* Whoever violates any provision of this section will be subject to a series of penalties with the first violation being a written citation that carries a \$250.00 fine. This first citation can be appealed through the administrative hearing process where the contractor will be given the option to become registered and have the fine reduced to \$125. A second violation of the ordinance will result in a \$500 fine and the contractor will be ineligible to register under this chapter for a period of one year from the date of the violation.

Each day a violation of this Section shall continue shall constitute a separate violation. In any prosecution for violation of an ordinance, rule or regulation, it shall be necessary to allege only the first day of violation with respect to which any fine is assessable; and upon judgment, the offender shall be assessed for that day and each subsequent day with respect to which it is proven and found that the person did commit to such violation.

Violating any provision of this chapter shall include but not be limited to:

- (1) Failure to register prior to performing contracting work in the city limits.
- (2) Failure to renew expired registration.
- (3) Allowing insurance or bonding as required by this chapter to expire.

(Ord. No. 2014-06; Ord. No. 2015-01, 1-20-2015)

Secs. 10-31 – 10-46 – Reserved

DIVISION 2. - REQUIREMENTS

Sec. 10-47. - Commercial, industrial, public and institutional buildings.

The applicable building code of the State of Indiana is hereby adopted by reference as the building code of the Town, for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, equipment, area, maintenance, electrical, plumbing, heating, ventilating and air conditioning of all commercial, industrial, public and institutional buildings or structures in the Town; and declaring all rules and regulations as therein provided in said Volumes I, II, III and IV of the Fire Prevention and Building Safety Commission of Indiana, are hereby referred to, adopted and made a part hereof as if fully set out in this division. The Town Council shall not issue a permit for the erection or alteration of any commercial, public or institutional building or structure until the architectural and landscaping plans for such building or structure have been approved by the Plan Commission as required by chapter 46, zoning.

(Ord. No. 91, § 201, 7-18-1960)

Sec. 10-48. - Residential buildings.

(a) *General requirements.* No building shall be erected other than a single-family dwelling designed and constructed exclusively for residential purposes, or a related auxiliary use building. Every residence building to be erected after the effective date of the ordinance from which this section is derived shall contain in addition to any porches, both open and screened, and attached garage, not less than Fifteen Hundred (1,500) square feet total living area, which can be on multiple floors, of which One Thousand (1,000) square feet is to be minimum of ground floor area; and a height from the upper surface of floors to the under surface of the ceiling of the rooms hereinafter required of not less than Seven feet Six inches (7'6"); and shall contain not less than One living room or combination living-dining room, a bedroom, a kitchen or kitchenette, and a bath with toilet, lavatory, and bathing facilities, and a complete heating system. No outside toilets or privies shall be permitted, except temporary facilities may be provided during the construction period, and before occupancy of the building. Dwellings shall be constructed upon a continuous foundation, except where special conditions exist at a specified site in which case these standards may be modified accordingly by the Building Commissioner.

(b) *Location.* All buildings shall be located on the lot with due consideration of possible interference with ventilation and view from existing dwellings on neighboring lots, and of hazards of fire to adjoining buildings. All yard dimensions shall comply with the requirements of chapter 46, zoning.

(c) *Materials and methods of design and construction.*

(1) Materials and methods of design and construction shall conform to the requirements of currently accepted architectural and engineering practice and of the recognized standards consistent therewith and to conform, where stated in this chapter, to standards as set forth in the Minimum Property Standards for One or

Two Living Units of the Indiana Residential Code. The term "F.H.A. Field Office," for the purposes of this Code, shall be construed to mean "the Town Council of the Town of Dune Acres."

(2) All buildings shall be so constructed and maintained that they shall not be readily flammable or more than normally carry or communicate fires; that there shall be no serious fire hazards from heating plant system, stoves, fireplaces, cooking stoves, or from other building appointments.

(d) *Construction, exterior and interior finishes.* All materials and methods of construction shall conform to the following entire sections unless otherwise noted, of the Minimum Property Standards for One or Two Living Units, of the Indiana Residential Code.

(e) *Mechanical ventilation.* Mechanical ventilation shall be provided for bathrooms and kitchens which are not ventilated by natural means, in accordance with section 1002 of the Minimum Property Standards for One or Two Living Units, of the Indiana Residential Code.

(f) *Heating.* Each living unit shall be provided with heating facilities in accordance with section 1003 of the Minimum Property Standards for One or Two Living Units, of the Indiana Residential Code.

(g) *Domestic hot water heating and storage.* Each living unit shall be provided with adequate facilities for a hot water supply in accordance with section 1005 of the Minimum Property Standards for One or Two Living Units, of the Indiana Residential Code.

(h) *Plumbing.* Each living unit shall be provided with adequate plumbing facilities in accordance with section 1006 of the Minimum Property Standards for One or Two Living Units, of the Indiana Residential Code.

(i) *Electrical.* Each living unit shall be provided with adequate electrical facilities in accordance with section 1007 of the Minimum Property Standards for One or Two Living Units, of the Indiana Residential Code.

(j) *Water supply and sewage disposal systems.* Each living unit shall be provided with a water supply and sewage disposal system in accordance with sections 1100, 1101, 1102, and 1103 of the Minimum Property Standards for One or Two Living Units, of the Indiana Residential Code.

(Ord. No. 91, § 202, 7-18-1960)

Sec. 10-49. - Additions and alterations.

Additions and alterations made to existing buildings and structures shall comply with all the requirements for new buildings and structures.

(Ord. No. 91, § 204, 7-18-1960)

Sec. 10-50. - Utility lines.

All utility service upgrades shall have the utility lines buried under the ground in

conformance with the standards of the National Electrical Code or other applicable national standards pertaining to that utility.

(Ord. No. 118, 10-31-1978)

Sec. 10-51. - House numbers.

All driveways or homes shall have Three-inch high reflective house numbers installed on natural posts at the end of driveways, or on nearby mailboxes, to help promote the health, safety and welfare of the citizens living within the Town. Installation shall be approved by the Town Fire Commissioner.

(Ord. of 5-10-1989; Ord. No. 2007-6, § I, 12-18-2007)

Secs. 10-53 – 10-73 – Reserved

DIVISION 3. - ORGANIZATION AND ENFORCEMENT [5]

⁽⁵⁾ **Cross reference**— Administration, ch. 2

Sec. 10-74. - Adoption of Unsafe Building Law.

(a) The Town Council does hereby adopt IC 36-7-9 as the building standards and enforcement procedures for the Town.

(b) There is hereby created a commission on the enforcement of building standards for the Town. The members of this commission shall be the then-current President of the Dune Acres Plan Commission, the then-current President of the Town Council, and the then-current Building Commissioner, or the respective designee of those officeholders as they may select from time to time. Said commissioners shall serve until their successors are designated or appointed. Said commission shall be responsible for the full enforcement of this section as set out in IC 36-7-9.

(c) The definition of "substantial property interest" as set forth in IC 36-7-9 is incorporated in this section by reference.

(d) The ordinance from which this section is derived is passed and adopted pursuant to the requirements of IC 36-7-9-3 with the full intent of the Town Council of the Town to establish all of the terms and provisions of IC 36-7-9, as part of the enforceable building standards and enforcement procedure ordinances of the Town.

(e) All of the standards set forth in IC 36-7-9 including, but not limited to, the unsafe buildings standards and the unsafe premises standards set out at IC 36-7-9-4, and the vacant structures standards set out as IC 36-7-9-4.5, are hereby specifically established and confirmed by this section.

(Ord. No. 2003-1, §§ 1—5, 6-17-2003)

Sec. 10-75. - Establishment of officers.

There are hereby established the positions of Town Engineer and Building Commissioner, and the Town Engineer may serve as Building Commissioner. The Town Council may appoint separately a Town Engineer and a Building Commissioner, who shall serve with or without compensation at the pleasure of the Council. In the event there is no appointed Town Engineer or Building Commissioner, the Clerk-Treasurer shall serve in their stead.

(Ord. No. 91, § 401, 7-18-1960)

Sec. 10-76. - Right of entry and stop-work orders.

(a) The Building Commissioner shall keep the Town Council informed of all violations of this article and may enter at reasonable times in the presence of the owner or their representative any building or premises in the Town to perform any duty imposed upon him or her by this article.

(b) Whenever any building work is being done contrary to the provisions of this article, the Building Commissioner may notify the person doing such work, or in charge thereof, and, when authorized by the Town Council, may order the work stopped by notice in writing posted in a conspicuous place on the premises and 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 such notice is rescinded by like authority.

(Ord. No. 91, § 402, 7-18-1960)

Sec. 10-77. - General.

All buildings and structures which are deemed to be structurally unsafe or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this section, hereby declared to be nuisances and shall be corrected by repair, rehabilitation, or demolition in accordance with the procedure of this division.

(Ord. No. 91, § 403, 7-18-1960)

Sec. 10-78. - Notice to owner.

(a) The Building Commissioner shall examine or cause to be examined every building or structure, or portion thereof, reported as dangerous or damaged and, if found to be a nuisance as defined in this section, he or she shall report to and request authorization from the Town Council to serve written notice upon the owner stating the defects thereof. This notice shall require the owner, within Thirty days, to commence either the required repairs or improvements or demolition and removal of the building or portions thereof.

(b) In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure, or portion thereof, the Town Council may order the owner of the building prosecuted as a violator of the provisions of this article.

(Ord. No. 91, § 404, 7-18-1960)

Sec. 10-79. - Posting of signs.

Whenever the terms of this article require that a written notice be served, such notice may be served by any person designated by the Clerk-Treasurer or any member of the Town Council. The posting of such notice in a conspicuous place on the premises and a copy thereof mailed by registered or certified mail to the last known address of the owner involved shall be sufficient, and personal service shall not be required.

(Ord. No. 91, § 405, 7-18-1960)

Sec. 10-80. - Violations and penalties.

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed, continued, or permitted from and after

service or notice thereof has been served pursuant to this article, and upon the conviction of any such violation such person shall be punishable as provided in section 1-10 of this article for each offense.

(Ord. No. 91, § 406, 7-18-1960)

Sec. 10-81. - Enforcement by equity actions.

Whenever they deem it advisable so to do, the Town Council may authorize an action to be brought in the name of the Town in either the Porter Circuit Court or the Porter Superior Court to compel compliance with the terms and provisions of this article and in any such action the Town shall be entitled to mandatory, injunctive or other equitable remedies and relief to enforce and effectuate the terms and provisions of this article.

(Ord. No. 91, § 407, 7-18-1960)

Sec. 10-82 – 10-109 – Reserved

ARTICLE III. - SWIMMING POOLS

Sec. 10-110. - Permit required.

No swimming pool shall be constructed within the Town unless permits have been obtained for such construction under the provisions of the zoning and building ordinances of the Town. Pool construction must conform to the Indiana Code and Indiana Administrative Code article 20.

(Ord. No. 113, § 1, 3-18-1968)

Sec. 10-111. - Inspection and authority to close.

The Building Commissioner or the Town Council of the Town shall have the right and authority to inspect any pool, or to check the operations thereof, during reasonable hours. If it is found on inspection that requirements of this article, or any other ordinance of the Town are not being complied with, the officer making the inspection shall direct that the pool be closed until the requirements are met.

(Ord. No. 113, § 13, 3-18-1968)

Sec. 10-112. - Penalties.

Any person or organization who violates, omits, neglects or refuses to comply with the provisions of this article, shall upon conviction thereof, be fined not less than Fifty dollars (\$50.00), nor more than Twenty-five Hundred dollars (\$2,500.00), for each offense, and every day such violation continues shall be a separate and distinct offense.

(Ord. No. 113, § 15, 3-18-1968)

Secs. 10-113 – 10-137 - Reserved

ARTICLE IV. - EXCAVATING AND FILLING [6]

⁽⁶⁾ **State Law reference**— Local regulation of excavation, mining, etc., IC 36-7-2-6.

Sec. 10-138. - Findings; purpose.

Most of the land in the Town is sand. In most places, the sand is bound by vegetation, though in some areas, it is exposed. Any disturbance of the covering vegetation or change in the contours of exposed sand can result in rapid erosion by wind or water. The erosion may either transport sand to adjacent properties or cause severe erosion of adjacent properties. The purpose of this article is to protect adjacent property from the damage that can result from improper excavation.

(Ord. No. 95, § 1, 3-13-1961)

Sec. 10-139. - Definition.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Excavation means the moving or removing of more than Three cubic yards of sand or dirt, or the addition of more than Ten cubic yards of sand or dirt.

(Ord. No. 95, § 2, 3-13-1961)

Cross reference— Definitions generally, § 1-2

Sec. 10-140. - Permit required.

(a) Before any excavation is done within the Town, an "excavation permit" must be approved by the Building Commissioner and issued by the Town Clerk-Treasurer. No excavation permit is required for excavation in connection with the construction of a building for which a valid building permit has been obtained. All excavations must meet the other requirements of this article.

(b) Application for an excavation permit shall include a legal description of the property upon which the excavating is to be done, a sketch map showing the nature of the property prior to excavating, and a sketch map showing the property after excavation. If the excavation is extensive, the Building Commissioner may require maps produced by a registered engineer showing accurate contour lines before and after excavations.

(Ord. No. 95, § 3, 3-13-1961)

Sec. 10-141. - Fees.

A fee of Fifty dollars (\$50.00) shall accompany an application for an excavation permit.

(Ord. No. 95, § 4, 3-13-1961)

Sec. 10-142. - Requirements.

(a) All slopes produced by excavation or filling shall be less than Thirty degrees above the horizontal.

(b) Excavation shall not interfere with established drainage nor shall it produce a new drainage pattern which will result in erosion.

(c) After considering the particular conditions of a given excavation the Building Commissioner shall set a reasonable date after which all exposed sand shall be covered with straw, dirt, or similar material which will prevent the blowing and/or erosion of sand by water runoff and give a foothold for vegetation.

(Ord. No. 95, § 5, 3-13-1961)

Sec. 10-143. - Penalties.

Any person, firm, or corporation who shall violate or fail to comply with any of the provisions of this article, for each and every violation or noncompliance, shall be charged with a misdemeanor and, upon conviction, shall be punished as provided in section 1-10 et seq., and each day that such violation or noncompliance shall be permitted to continue to exist shall constitute a separate offense.

(Ord. No. 95, § 6, 3-13-1961)