

COMMON COUNCIL
CITY OF TIPTON, INDIANA
ORDINANCE NO. 2020-11

AN ORDINANCE CREATING HOUSING AND PROPERTY MAINTENANCE
STANDARDS FOR THE CITY OF TIPTON, INDIANA

WHEREAS, the Common Council of the City of Tipton is aware of and recognizes the potential dangers and hazards to persons that can result from the improper maintenance and upkeep of existing buildings and property; and,

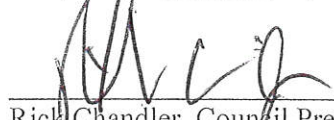
WHEREAS, such potential dangers and hazards require the City to adopt reasonable regulations governing the condition and maintenance of property and the interior of existing buildings, in order to preserve and secure the general health, safety, and welfare of persons and property therein; and,

THEREFORE, BE IT ORDAINED by the Common Council of the City of Tipton as follows:


1. Appendix A, as set forth below, is hereby adopted to establish certain standards as to interior building maintenance and Appendix B, as set forth below, is hereby adopted to establish certain standards as to exterior building maintenance.
2. This Ordinance shall be in full force and effective upon passage by the Common Council of the City of Tipton and its publication as provided by law.

Passed on the 9 day of NOVEMBER, 2020 on the first reading; and

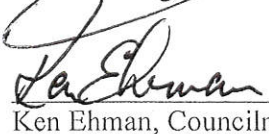
Adopted this 23 day of NOVEMBER, 2020 on the second and final reading.


Rick Chandler, Council President

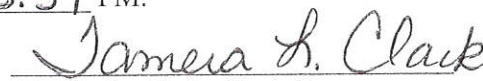

Richard Kippy, Councilman


Nathan Kring, Councilman

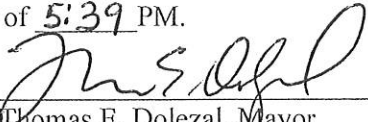

Sophie Hufford, Councilwoman


Ken Ehman, Councilman

Presented by me, Tamera L. Clark to the Mayor of the City of Tipton, on the 23 day of NOVEMBER, 2020 at the hour of 5:39 PM.


Tamera L. Clark, Clerk-Treasurer

This ordinance is hereby APPROVED by me, Thomas E. Dolezal, on the 23
day of NOVEMBER, 2020 at the hour of 5:39 PM.


Thomas E. Dolezal, Mayor

Attest:


Tamera Clark, Clerk-Treasurer

This Instrument Was Prepared By:
Matthew B. Quigley
City of Tipton, Attorney
117 North Main Street
Tipton, Indiana 46072
Attorney, No. 23099-49

APPENDIX A

INTERIOR BUILDING PROPERTY MAINTENANCE CODE

Article 1. Title Purpose, Applications, and Definitions

Section 1: General

This ordinance shall be known as "Interior Building Property Maintenance Code of the City of Tipton and Its Planning Jurisdiction" for all residential and non-residential structures and properties (also known as Class I and Class II structures) and is herein referred to as the Property Maintenance Code. If there is any conflict between the Property Maintenance Code and the Rules of the Fire Prevention and Building Safety Commission, the Rules of the Fire Prevention and Building Safety Commission shall apply. If the Rules are silent as to what is required, the Property Maintenance Code shall control.

Section 2: Purpose

The purpose of this chapter is to protect the public health, safety, and welfare in all existing structures and on all existing premises as hereafter by establishing minimum standards for basic equipment and facilities for light, ventilation, space heating, sanitation, protection from the elements, safety from fire, safe and sanitary maintenance; fixing the responsibilities of owners, operators, and occupants of all structures; and providing administration, enforcement, and penalties.

Section 3: Applicability

Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this chapter shall be done in accordance with applicable Rules of the Fire Prevention and Building Safety Commission. No owner, occupant, or tenant of a building shall be required to alter, remediate, repair, or rehabilitate a building to conform with the following provisions of this ordinance if at the time the building was constructed, or later altered as permitted and inspected by the City, said building met all applicable Rules of the Fire Prevention and Building Safety Commission in effect at the time of construction or approved alteration, and maintained to that standard, unless alteration, remediation, or repair is necessary to:

1. Maintain safety, soundness, and support actual designed loads of the building as required by the Rules of the Fire Prevention and Building Safety Commission;
2. Maintain fire safety for exiting, smoke detectors, wiring, and HVAC as required by the Rules of the Fire Prevention and Building Safety Commission.

Nothing in this chapter shall permit the conversion or establishment of any dwelling in any zone except where permitted by zoning. In addition, no nonconforming use or structure may be altered unless in conformance with applicable zoning provisions. Except as provided in this section, in any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the city existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this chapter shall prevail, and such other ordinances or codes are hereby declared to be replaced to the extent that they may be found to be in conflict with this chapter.

This ordinance establishes minimum requirements for the initial and continued occupancy or use of all buildings and structures and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this section. Nothing in this ordinance shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

Section 4: Validity

- A. Severability — If any section, subsection, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.
- B. Saving Clause — This chapter shall not affect the violations of any other ordinance, code or regulation of the city existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

Section 5: Definitions

Word Usage

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this Article.
- B. Whenever any words and phrases used herein are defined in the State laws regulating the creation and function of various planning agencies, such definition shall apply to such words and phrases used herein, except when the context requires otherwise.
- C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
 - 1. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
 - 2. The masculine includes the feminine.
 - 3. The present tense includes the past and future tense; the singular number includes the plural.
 - 4. The word "shall" is a mandatory requirement; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.

5. The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied."
6. The words residential and non-residential refer to the terms Class I and Class II structure used in the Rules of the Fire Prevention and Building Safety Commission.

Accessory Use — a secondary use on a property that is incidental and subordinate to a primary use located on the same property, and which does not alter or change the character of the premises.

Approved - Approved by the building commissioner under the provisions of this chapter, or approved by other authority designated by law to give approval in the matter in question.

Basement - The portion of the building that is underground but having at least half its clear height below the average grade of the adjoining ground.

Bathroom - A room containing plumbing fixtures including a water closet, lavatory, bathtub, or shower.

Bedroom - Any room or space used or intended to be used for sleeping purposes in a dwelling unit.

Building - Any structure designed, built, and used for the shelter, protection, or enclosure of persons or property, and which is permanently affixed to the land. This term shall include manufactured and modular homes but shall not include recreational vehicles. A building is also a structure.

Building Code - The Rules adopted by the Fire Prevention and Building Safety Commission for the regulation of construction, alteration, and addition of Class 1 buildings and structures at 675 IAC 13.

Building Commissioner - The official designated by the city to enforce building, zoning, or similar laws and this chapter, or his duly appointed representative.

Deterioration - To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for sleeping, eating, cooking and sanitary purposes. This term shall encompass manufactured and modular homes but shall not include recreational vehicles.

Extermination - The control and elimination of insects, rodents or other vermin by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping or by any other approved vermin elimination methods.

Garbage - Rejected food wastes and shall include every waste, accumulation of animal, fruit, or vegetable matter used or intended for food or used in the preparation, use, cooking, sale, or storage of meat, fish, fowl, vegetable, or fruits.

Habitable Room - Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Infestation - The presence, within or contiguous to, a structure or premises of insects, rats, vermin, or other pests.

Let for Occupancy or Let—To permit, provide, or offer possession or occupancy of a dwelling, dwelling units, building, premises, or structure by a person who is not the legal owner of record thereof,

pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Occupancy-The purpose for which a building or portion thereof is utilized or occupied.

Occupant-Any individual living or sleeping in a building or having possession of a space within a building.

Open Cracks — A hole which permits entry of insects, rodents, vermin, and other pests

Operator - Any person who has charge, care or control of a structure or premises which are let or offered for occupancy or use.

Owner - Any person, firm, association, syndicate, partnership, corporation or any other legal entity having a legal title to or sufficient proprietary interest in the land under these regulations.

Person - An individual, firm, association, company, corporation, organization, partnership, trust, legal representative, trustee, receiver, or any other group acting as a unit.

Plumbing Fixtures — A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water there from; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system on the premises.

Premises - A lot, plot or parcel of land, easement or public way, including any structures therein.

Public Way - Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Residential Code — The Rules adopted by the Fire Prevention and Building Safety Commission for the regulation of construction, alteration, and addition of Class 2 buildings and structures at 675 IAC 14.

Rubbish — useless waste or rejected matter such as ashes, cans, metal ware, broken glass, crockery, foul and filthy substances, dirt, sweepings, boxes, wood, grass, weeds, and waste materials of any kind.

Structure - An assembly of materials forming a construction for occupancy or use, including among others, buildings, garages, tents, reviewing stands, platforms, staging's, observation towers, radio towers, water tanks, trestles, open sheds, coal bins, shelters, fences and display signs.

Supplied - Installed, furnished or provided by the owner or operator.

Tenant - A person, corporation, partnership or group, whether or not the legal owner on record, occupying a building or portion thereof as a unit.

Toilet Room - A room containing water closet, urinal, and/or lavatory but not a bathtub or shower.

Ventilation - The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Ventilation, Mechanical - The process of supplying and removing air by power-driven devices.

Ventilation, Natural - The process of supplying and removing air by opening to outer air through windows, sky lights, door, louvers or stacks without power driven devices.

Whenever the words "multi-family dwelling," "residence building," "dwelling unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

Article II. Environmental Requirements

The provisions of this chapter shall govern the minimum conditions of property and buildings. Every building or structure, except as exempted by other parts of this ordinance and the premises on which it stands shall comply with the conditions herein prescribed as they may apply thereto.

No person shall occupy as owner-occupant or let to another for occupancy any structure or premises which does not comply with the following requirements. The building commissioner may conduct periodic inspections to be made of all premises to secure compliance with these requirements. It shall be the responsibility of the building commissioner to determine whether correction is needed. The building commissioner shall also look at the extent of the corrections needed and to set a time period for correction unless a time is specifically stated in this ordinance.

Section 1: Interior Structure

- A. General Prohibition** — No person shall occupy as owner-occupant, or let to another for occupancy, any structure or portion thereof which does not comply with the following requirements.
- B. Structural Members**—All structural members of the interior shall be maintained in a structurally sound manner and maintained capable of supporting all imposed loads. Any deficiencies in structural members identified by the building commissioner shall be evaluated by an Engineer licensed in the State of Indiana as directed by the building commissioner at the expense of the property owner.
- C. Interior Stairs and Railings**—Stairs shall be provided in every structure as required by the Building or Residential Code.
 - 1. Maintained In Good Repair**—All interior stairs of every structure shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load.
 - 2. Handrails** — Every handrail or railing shall be firmly fastened and must be maintained in good condition. Properly balustraded railings, capable of bearing normally imposed loads shall be placed on the open portions of stairs, balconies, landings, and stairwells. Where required by the Building or Residential Code, every flight of stairs which is four or more risers high shall have handrails which shall be located as required by the applicable code.
- D. Plumbing Systems and Fixtures** — All plumbing systems and fixtures shall be properly installed, maintained in working order, and kept free from obstructions, leaks, and defects, and be capable of performing the functions for which the fixtures

and systems are designed. All plumbing systems and fixtures shall be maintained in a safe, sanitary, and functional condition.

E. Water and Sewer System—Every kitchen sink, lavatory basin, bathtub or shower, and water closet required under the provisions of part D of this section shall be properly connected to a public water and sewer system or to an approved private water and sewer system. All sinks, lavatories, bathtubs and showers shall be supplied with cold running water and may have hot or tempered running water.

F. Sanitation —The interior of every dwelling and structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Building interiors shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises

G. Insect and Rodent Harborage — Buildings shall be kept free from insect and rodent infestation, and where insects or rodents are found, they shall be promptly exterminated by acceptable processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation. These regulations shall not supersede a lease agreement between an owner and occupant.

1. **Extermination From Building** — Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin or other pests whenever infestation exists in two or more of the dwelling units, or in the shared or public parts of the structure.
2. **Extermination From Single Dwelling Units** — The occupant of a one family dwelling or of a single tenant non-residential structure shall be responsible for such extermination within the unit after taking possession of the property.
3. **Responsibility of Owner** —The owner of any structure shall be responsible for extermination of rodents and insects within the structure prior to renting or leasing the structure, and in the public or shared areas of the structure and exterior property in multi-tenant structures. Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multi-family dwelling in a rodent-proof condition, extermination of such rodents shall be the responsibility of the owner.

H. Interior Walls, Ceilings, and Floors — All interior walls, ceilings, and floors shall be structurally sound, in good repair, free from defect and deteriorated covering materials. The walls, ceilings, and floors shall be maintained in good clean and sanitary condition.

I. Heating Facilities — Every dwelling and multi-family dwelling shall have heating facilities, and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein.

J. Heating Equipment — Every space heating, cooking and water heating device located in a building or structure shall be properly installed, connected and maintained, and shall be capable of performing the function for which it was designed.

K. Mechanical Appliances and Duct Systems—All mechanical appliances, duct systems, fireplaces, solid fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and capable of performing the intended function.

L. Facilities and Equipment — All required equipment and all building space and parts in every building or structure shall be constructed and maintained so as to properly and safely perform their intended function.

M. Electric Outlets Required — All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe manner.

N. Correction of Defective System— Where it is found, in the opinion of the commissioner, that the electrical system in a building constitutes a hazard to the occupants of the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage or for similar reasons, he shall require the defects to be corrected to eliminate the hazard.

O. Means of Egress —A safe, continuous, and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of Egress shall comply with the Indiana Fire Code (675 IAC 22) and the City of Tipton's Fire Prevention Ordinance.

P. Light in Common Halls and Stairways — Every common hall and inside stairway in every building other than one-family dwellings, shall be adequately lighted at all times.

Q. Adequate Ventilation — Every habitable room shall have at least one window which can be easily opened to provide a means of natural ventilation or be equipped with a mechanical ventilation system that will adequately ventilate the room. Any mechanical ventilation system shall comply with the Rules of the Fire Prevention and Building Safety Commission.

Article III: Responsibilities of Occupants

Occupants of structures and/or premises shall be responsible for maintenance thereof as provided in this article.

- A. Cleanliness** — Every occupant of a building or part thereof shall keep that part of the building or premises thereof which he occupies, controls or uses in a clean and sanitary condition.
- B. Disposal of Rubbish** — Every occupant of a building or part thereof shall dispose of all his rubbish in a clean and sanitary manner.
- C. Disposal of Garbage** — Every occupant of a building or part thereof shall dispose of all his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities, or if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in fly tight containers or by such other disposal method as may be required by applicable laws or ordinances of the city.

- D. Use and Operation of Supplied Plumbing Fixtures**— Every occupant of a building or part thereof shall keep the supplied plumbing fixtures clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.
- E. Installation and Care of Plumbing Fixtures Furnished by Occupant** — Every plumbing fixture furnished by the occupant of a building or structure shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

Article IV: Enforcement and Correction

Section 1: Enforcement

- A. Enforcement** — It shall be the duty and responsibility of the building commissioner of the city to enforce the provisions of this chapter as herein provided to determine, in his sound discretion, violations, with or without internal inspections and to issue a notice of violation when in such judgment he determines and reasonably believes a violation to exist.
- B. Coordination of Enforcement** — Inspection of premises and the issuing of orders in connection therewith under the provisions of this chapter shall be the exclusive responsibility of the Planning Department of the city. Wherever, in the opinion of the building commissioner it is necessary and desirable to have inspections of any condition by any other department, he shall be responsible for coordinating inspections so the occupant and/or owner is not unreasonably subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for correction of any violation under this chapter shall be issued without the approval of the building commissioner.

Inspections — The building commissioner shall make or cause to be made inspections to determine the conditions of all structures and premises in order to safeguard the public health, safety, and welfare under the provisions of this chapter. If the building commissioner has developed probable cause that the Property Maintenance Code has been violated, the building commissioner may obtain an administrative search warrant or other authorization from a court of law to enter the premises and conduct the necessary and authorized search. Such search warrant shall be requested from a court upon the submission of any photographs obtained from public property or neighboring property, an affidavit supporting a reason to believe a violation exists of this Property Maintenance Code or Building or Residential Code, and/or any other supporting evidence justifying the issuance of the search warrant in compliance with Fourth Amendment requirements. If an owner, tenant, or other person in control of the property voluntarily allows entry in to the property, no such warrant shall be necessary. The inspection shall be limited to areas and purposes authorized by the person in control of the premises or the administrative search warrant. This chapter shall not be construed to require or authorize inspections where there is no cause to believe a violation exists.

Abandoned structure (defined how) and lots shall be subject to unrestricted, complete and thorough code inspections, including legal right of entry into those structures found unsecured.

Section 2: Violations

- A. Service of Notice** — Whenever the building commissioner determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice of such violation or

alleged violation. Notice of violation shall be served upon the owner of record by certified mail, return receipt requested, or personal service upon the landowner and/or tenant if he is a resident of the city, or by posting a copy thereof in a conspicuous place in or about the structure affected by the notice. Such notice shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Specify the violation which exists and the remedial action request.
4. Allow a reasonable time for the performance of any act it requires.

B. Prosecution of Violation — In case any violation order is not promptly complied with, the building commissioner may institute an appropriate enforcement action against the person responsible for the violation, ordering him:

1. To restrain, correct or remove the violation or refrain from any further execution to work;
2. To restrain or correct the erection, installation, or alteration of such building;
3. To require the removal of work in violation;
4. To prevent the occupation or use of the building, structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this chapter, or in violation of a plan or specification under which an approval, permit or certificate was issued; or
5. To enforce the penalty provisions of this chapter.

C. Penalty for Violations — Any person, firm, or corporation, who shall violate any provision of this ordinance shall, upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Every day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Section 4: Right of Appeal

A. Time for Appeal — Any owner or person who is aggrieved with the ruling or decision of the building commissioner in any matter relative to the interpretation or enforcement of the provisions of this chapter may appeal the decision or interpretation. This appeal must be filed with the Department of Planning in writing, within ten days of the rendition of the decision or interpretation.

B. Time for Hearing — Upon receipt of such appeal the Director of Planning shall fix a reasonable time, not to exceed thirty days, for the hearing of the appeal before the Board of Public Works and Safety, give due notice thereof to the parties and decide the same within a reasonable time.

C. Determination — The Director may recommend in writing the modification of the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all powers of the officer from whom the appeal was taken.

EXTERIOR BUILDING PROPERTY MAINTENANCE CODE

Article 1. Title Purpose, Applications, and Definitions

Section 1: General

This ordinance shall be known as "Exterior Building Property Maintenance Code of the City of Tipton and Its Planning Jurisdiction" for all residential and non-residential structures and properties (also known as Class I and Class II structures) and is herein referred to as the Property Maintenance Code. If there is any conflict between the Property Maintenance Code and the Rules of the Fire Prevention and Building Safety Commission, the Rules of the Fire Prevention and Building Safety Commission shall apply. If the Rules are silent as to what is required, the Property Maintenance Code shall control.

Section 2: Purpose

The purpose of this chapter is to protect the public health, safety, and welfare in all existing structures and on all existing premises as hereafter by establishing minimum standards for basic equipment and facilities for light, ventilation, space heating, sanitation, protection from the elements, safety from fire, safe and sanitary maintenance; setting the responsibilities of owners, operators, **and** occupants of **all** structures; and providing administration, enforcement, and penalties.

Section 3: Applicability

Any alterations to buildings, or changes of use therein, which may be caused directly or indirectly by the enforcement of this chapter shall be done in accordance with applicable Rules of the Fire Prevention and Building Safety Commission. No owner, occupant, or tenant of a building shall be required to alter, remediate, repair, or rehabilitate a building to conform with the following provisions of this ordinance if at the time the building was constructed, or later altered as permitted and inspected by the City, said building met all applicable Rules of the Fire Prevention and Building Safety Commission in effect at the time of construction or approved alteration, and maintained to that standard, unless alteration, remediation, or repair is necessary to:

1. Maintain safety, soundness, and support actual designed loads of the building as required by the Rules of the Fire Prevention and Building Safety Commission;
2. Maintain fire safety for exiting, smoke detectors, wiring, and HVAC as required by the Rules of the Fire Prevention and Building Safety Commission.

Nothing in this chapter shall permit the conversion or establishment of any dwelling in any zone except where permitted by zoning. In addition, no nonconforming use or structure may be altered unless in conformance with applicable zoning provisions. Except as provided in this section, in any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the city existing on the effective date of this chapter which establishes a lower standard for the promotion and protection of the safety and health of the people, the provisions of this chapter shall prevail, and such other ordinances or codes are hereby declared to be replaced to the extent that they may be found to be in conflict with this chapter. This ordinance establishes minimum requirements for the initial and continued occupancy or use of all buildings and structures and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided

in this section. Nothing in this ordinance shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, or unsanitary.

Section 4: Validity

- A. **Severability** — If any section, subsection, paragraph, sentence, clause or phrase of this chapter shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter which shall continue in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.
- B. **Saving Clause** — This chapter shall not affect the violations of any other ordinance, code or regulation of the city existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

Section 5: Definitions

Word Usage

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this Article.
- B. Whenever any words and phrases used herein are defined in the State laws regulating the creation and function of various planning agencies, such definition shall apply to such words and phrases used herein, except when the context requires otherwise.
- C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
 - 1. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
 - 2. The masculine includes the feminine.
 - 3. The present tense includes the past and future tense; the singular number includes the plural.
 - 4. The word "shall" is a mandatory requirement; the word "may" is a permissive requirement; and the word "should" is a preferred requirement.
 - 5. The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied."
 - 6. The words residential and non-residential refer to the terms Class I and Class II structure used in the Rules of the Fire Prevention and Building Safety Commission.

Abandoned structure — deserted or vacant structure where any of the following conditions exist: 1) is open to casual entry or trespass; 2) is damaged by fire, flood, weather, or vandalism to an extent which prohibits safe human occupancy; 3) is the site of loitering or vagrancy; 4) has been secured or boarded up for at least twenty-eight (28) days; or 5) has utilities disconnected or not in use.

Accessory Structure or Building — a structure or building that is located on the same parcel of property as the principal structure and the use of which is incidental and subordinate to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal impact on adjoining

properties. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, hay sheds, and lean-tos.

Accessory Use — a secondary use on a property that is incidental and subordinate to a primary use located on the same property, and which does not alter or change the character of the premises.

Approved - Approved by the building commissioner under the provisions of this chapter, or approved by other authority designated by law to give approval in the matter in question.

Building - Any structure designed, built, and used for the shelter, protection, or enclosure of persons or property, and which is permanently affixed to the land. This term shall include manufactured and modular homes but shall not include recreational vehicles. A building is also a structure.

Building Code - The Rules adopted by the Fire Prevention and Building Safety Commission for the regulation of construction, alteration, and addition of Class 1 buildings and structures at 675.

IAC 13. Building Commissioner- The official designated by the city to enforce building, zoning, or similar laws and this chapter, or his duly appointed representative.

Deterioration -To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for sleeping, eating, cooking and sanitary purposes. This term shall encompass manufactured and modular homes but shall not include recreational vehicles.

Exterior Property Areas - The open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination - The control and elimination of insects, rodents or other vermin by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping or by any other approved vermin elimination methods.

Garbage - Rejected food wastes and shall include every waste, accumulation of animal, fruit, or vegetable matter used or intended for food or used in the preparation, use, cooking, sale, or storage of meat, fish, fowl, vegetable, or fruits.

Infestation -The presence, within or contiguous to, a structure or premises of insects, rats, vermin, or other pests.

Let for Occupancy or Let—To permit, provide, or offer possession or occupancy of a dwelling, dwelling units, building, premises, or structure by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

Occupancy - The purpose for which a building or portion thereof is utilized or occupied.

Occupant - Any individual living or sleeping in a building or having possession of a space within a building.

Open Cracks —A hole which permits entry of insects, rodents, vermin, and other pests

Operator - Any person who has charge, care or control of a structure or premises which are let or offered for occupancy or use.

Owner - Any person, firm, association, syndicate, partnership, corporation or any other legal entity having a legal title to or sufficient proprietary interest in the land under these regulations.

Person - An individual, firm, association, company, corporation, organization, partnership, trust, legal representative, trustee, receiver, or any other group acting as a unit.

Plumbing Fixtures — A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water there from; or discharges waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system on the premises.

Premises - A lot, plot or parcel of land, easement or public way, including any structures therein.

Public Way - Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Residential Code — The Rules adopted by the Fire Prevention and Building Safety Commission for the regulation of construction, alteration, and addition of Class 2 buildings and structures at 675 IAC 14.

Rubbish—useless waste or rejected matter such as ashes, cans, metal ware, broken glass, crockery, foul and filthy substances, dirt, sweepings, boxes, wood, grass, weeds, and waste materials of any kind.

Structure - An assembly of materials forming a construction for occupancy or use, including among others, buildings, garages, tents, reviewing stands, platforms, staging's, observation towers, radio towers, water tanks, trestles, open sheds, coal bins, shelters, fences and display signs.

Supplied - Installed, furnished or provided by the owner or operator.

Tenant - A person, corporation, partnership or group, whether or not the legal owner on record, occupying a building or portion thereof as a unit.

Toilet Room - A room containing water closet, urinal, and/or lavatory but not a bathtub or shower.

Ventilation - The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Ventilation, Mechanical - The process of supplying and removing air by power-driven devices.

Ventilation, Natural - The process of supplying and removing air by opening to outer air through windows, sky lights, door, louvers or stacks without power driven devices.

Whenever the words "multi-family dwelling," "residence building," "dwelling unit," or "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

Article II. Environmental Requirements

The provisions of this chapter shall govern the minimum conditions of property and buildings. Every building or structure, except as exempted by other parts of this ordinance and the premises on which it stands shall comply with the conditions herein prescribed as they may apply thereto.

No person shall occupy as owner-occupant or let to another for occupancy any structure or premises which does not comply with the following requirements. The building commissioner may conduct periodic inspections to be made of all premises to secure compliance with these requirements. It shall be the responsibility of the building commissioner to determine whether correction is needed. The building commissioner shall also look at the extent of the corrections needed and to set a time period for correction unless a time is specifically stated in this ordinance.

Section 1: Exterior Property Areas

- A. Sanitation**—All exterior property areas shall be maintained in a clean and sanitary condition. For further regulations see Chapter 11 Public Nuisances of the City of Tipton Municipal Ordinance.
- B. Grading and Drainage**—All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.
- C. Noxious Weeds** — All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health. For further information see Chapter 11, Section 36 Weeds, Grass and Debris of the City of Tipton Municipal Code.
- D. Accessory Structures** —All accessory structures, including detached garages, shall be maintained, structurally sound, and in good repair.

Section 2: Exterior Structure

- A. Foundation Walls**—The foundation elements shall adequately support the building at all points. All foundation walls shall be maintained and free from open cracks, breaks, tears and holes and shall be kept in such condition as to prevent the entry of rodents and other pests.
- B. Exterior Walls** — Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior walls will have some type of water-resistant exterior finish such as siding or masonry. Exterior weather wrap and treated plywood shall not be sufficient. All exterior walls shall be kept in such condition as to exclude rodent or insect infestation. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to

rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

C. Roofs and Overhanging Extensions—The roof and flashing shall be kept maintained in a sound and tight manner as not to admit rain or water. Roof drainage shall be adequate to prevent dampness or deterioration within the walls or interior portions of the structure. All overhanging extensions including but not limited to canopies, marquees, signs, metal awnings, and porch roofs shall be maintained and kept in sound condition. Temporary tarps placed upon a roof shall be limited to sixty (60) days.

D. Stairs, Porches, and Railings —All exterior stairways, decks, porches and balconies and all appurtenances attached thereto, shall be maintained in a structurally sound condition and be kept in good repair, with proper anchorage and capable of supporting any imposed loads.

1. **Structural Safety**— Every outside stair, porch, and appurtenance to every structure shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair.
2. **Handrails and Guardrails**—Where required by the Building or Residential Code, every flight of stairs which is four or more risers high shall have handrails which shall be located as required by the applicable code. Every porch which is four or more risers high shall have handrails so located and of such design as required by the Building or Residential Code. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

E. Windows, Doors, and Hatchways — All glazing and windows shall be maintained free from cracks and holes. All windows, other than fixed windows, shall be easily openable from the inside of the structure.

1. **Windows to be glazed** — Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.
2. **Windows to be tight**— Every window sash shall be in good condition and fit reasonably tight within its window frame.
3. **Windows to be openable**—Every window other than a fixed window, shall be capable of being easily opened and shall be held in position by window hardware.
4. **Door hardware** Every exterior door, door hinge, and door latch shall be maintained in good condition.
5. **Doors to fit frame** — Every exterior door, when closed, shall fit reasonably well within its frame.
6. **Window and door frames to fit well** — Every window, door, and frame shall be maintained in such relation to the adjacent wall construction so as to exclude precipitation as completely as possible, and to substantially exclude wind and drafts from entering the dwelling or structure.

7. **Basement hatchways**—Every basement hatchway shall be so constructed and maintained as to prevent the entrance of rodents, insect infestation, rain and surface drainage water into the dwelling or structure.
8. **Exit doors** — Every door available as an exit shall be capable of being opened from the inside easily.
9. **Vacant properties** — all vacant properties shall have all windows and doors secured from unauthorized entry. If windows, doors, and other openings are not capable of being locked, the owner shall be responsible for boarding or otherwise securing the opening.

F. Gutters — Every gutter shall be maintained and kept in a functional, sound, and safe state of maintenance and repair, so as to effectively carry off water without blockage or leakage.

G. Structural Members —All structural members of the exterior shall be maintained in a structurally sound manner and be capable of supporting all imposed loads. Any deficiencies in structural members identified by the building commissioner shall be evaluated by an Engineer licensed in the State of Indiana as directed by the building commissioner at the expense of the property owner.

Article III: Responsibilities of Occupants

Occupants of structures and/or premises shall be responsible for maintenance thereof as provided in this article.

- A. Cleanliness**— Every occupant of a building or part thereof shall keep that part of the building or premises thereof which he occupies, controls or uses in a clean and sanitary condition.
- B. Disposal of Rubbish** — Every occupant of a building or part thereof shall dispose of all his rubbish in a clean and sanitary manner.
- C. Disposal of Garbage** — Every occupant of a building or part thereof shall dispose of all his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities, or if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in tight metal storage containers or by such other disposal method as may be required by applicable laws or ordinances of the city.

Article IV: Enforcement and Correction

Section 1: Enforcement

A. Enforcement — It shall be the duty and responsibility of the building commissioner of the city to enforce the provisions of this chapter as herein provided to determine, in his sound discretion, violations, with or without internal inspections and to issue a notice of violation when in such judgment he determines and reasonably believes a violation to exist.

B. Coordination of Enforcement — Inspection of premises and the issuing of orders in connection therewith under the provisions of this chapter shall be the exclusive responsibility of the Planning Department of the city. Wherever, in the opinion of the building commissioner it is necessary and desirable to have inspections of any condition by any other department, he shall be responsible for coordinating inspections so the occupant and/or owner is not unreasonably subjected to visits by numerous inspectors nor to multiple or conflicting orders. No order for

correction of any violation under this chapter shall be issued without the approval of the building commissioner.

C. Inspections — The building commissioner shall make or cause to be made inspections to determine the conditions of all structures and premises in order to safeguard the public health, safety, and welfare under the provisions of this chapter. If the building commissioner has developed probable cause that the Property Maintenance Code has been violated, the building commissioner may obtain an administrative search warrant or other authorization from a court of law to enter the premises and conduct the necessary and authorized search. Such search warrant shall be requested from a court upon the submission of any photographs obtained from public property or neighboring property, an affidavit supporting a reason to believe a violation exists of this Property Maintenance Code or Building or Residential Code, and/or any other supporting evidence justifying the issuance of the search warrant in compliance with Fourth Amendment requirements. If an owner, tenant, or other person in control of the property voluntarily allows entry in to the property, no such warrant shall be necessary. The inspection shall be limited to areas and purposes authorized by the person in control of the premises or the administrative search warrant. This chapter shall not be construed to require or authorize inspections where there is no cause to believe a violation exists.

Abandoned structures and lots shall be subject to unrestricted, complete and thorough code inspections, including legal right of entry into those structures found unsecured.

Section 2: Violations

A. Service of Notice — Whenever the building commissioner determines that there has been or is a violation, or that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice of such violation or alleged violation. Notice of violation shall be served upon the owner of record by certified mail, return receipt requested, or personal service upon the landowner and/or tenant if he is a resident of the city, or by posting a copy thereof in a conspicuous place in or about the structure affected by the notice. Such notice shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Specify the violation which exists and the remedial action request.
4. Allow a reasonable time for the performance of any act it requires.

B. Prosecution of Violation — In case any violation order is not promptly complied with, the building commissioner may institute an appropriate enforcement action against the person responsible for the violation, ordering him:

1. To restrain, correct or remove the violation or refrain from any further execution to work;
2. To restrain or correct the erection, installation, or alteration of such building;
3. To require the removal of work in violation;
4. To prevent the occupation or use of the building, structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, the provisions of this chapter, or in violation of a plan or specification under which an approval, permit or certificate was issued; or
5. To enforce the penalty provisions of this chapter.

- C. **Penalty for Violations** — Any person, firm, or corporation, who shall violate any provision of this ordinance shall, upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Every day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

Section 4: Right of Appeal

- A. **Time for Appeal** — Any owner or person who is aggrieved with the ruling or decision of the building commissioner in any matter relative to the interpretation or enforcement of the provisions of this chapter may appeal the decision or interpretation. This appeal must be filed with the Department of Planning in writing, within ten days of the rendition of the decision or interpretation.
- B. **Time for Hearing** — Upon receipt of such appeal the Director of Planning shall fix a reasonable time, not to exceed thirty days, for the hearing of the appeal before the Board of Public Works and Safety, give due notice thereof to the parties and decide the same within a reasonable time.
- C. **Determination** — The Director may recommend in writing the modification of the order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all powers of the officer from whom the appeal was taken.