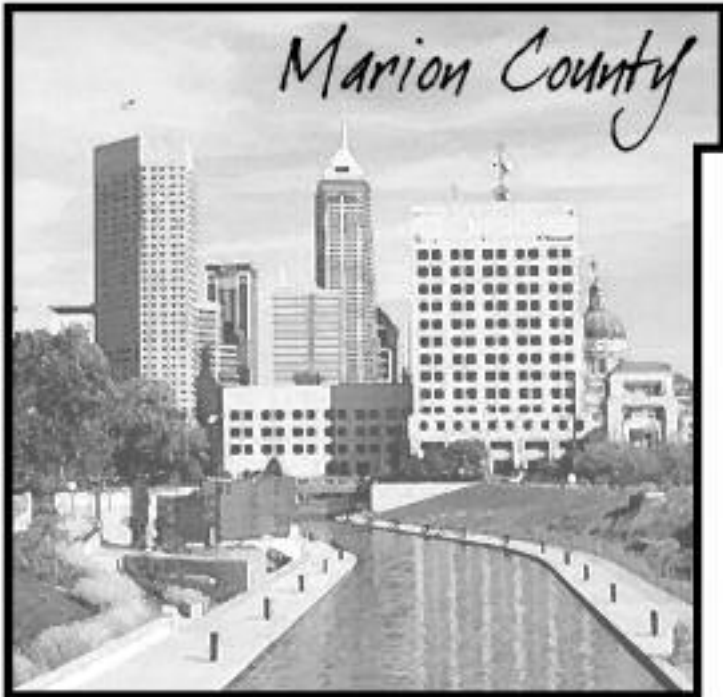


# Housing and Environmental Standards

Health and Hospital Corporation of Marion County  
and the  
Marion County Health Department



Indianapolis, Indiana  
November 2009

**h**  
HEALTH &  
HOSPITAL  
CORPORATION

**MC  
HD**  
MARION COUNTY  
HEALTH DEPARTMENT  
*Healthy is different.*



## INTRODUCTION

The Health and Hospital Corporation of Marion County is a municipal corporation established by Indiana Code § 16-22-8. The Corporation operates a division of public health, the Marion County Health Department, and a division of public hospitals, Wishard Health Services. An appointed seven member board governs the Corporation. The board has the authority to make and adopt appropriate ordinances. The ordinances adopted by the board constitute The Code of The Health and Hospital Corporation of Marion County.

Environmental health specialists assigned to the Department of Housing and Neighborhood Health enforce the code. Orders, citations and administrative notices of violation issued by environmental health specialists may be enforced by the Corporation by filing civil actions in the Marion County Superior Court, Environmental Division.

Code violations fall into the following categories:

- Sanitation violations  
Environmental health specialists enforce sanitation standards by citing properties having weeds and grass over 12 inches, inoperable or unlicensed vehicles, junk, trash, rubbish and garbage.
- Unsafe buildings  
By agreement with the City of Indianapolis, environmental health specialists enforce the Indiana Unsafe Building Law by issuing orders to board, repair or demolish unsafe buildings.
- Minimum standards for residential property  
Environmental health specialists enforce Chapter 10 of The Code of the Health and Hospital Corporation of Marion County by setting minimum standards for residential property and housing.
- Minimum standards for nonresidential property  
Environmental health specialists enforce Chapter 19 of The Code of the Health and Hospital Corporation of Marion County by setting minimum standards for nonresidential premises.

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CHAPTER 4  
DEFINITIONS

Article 1. Definitions.

Sec. 4-101.

- a) Words and phrases defined in this or any chapter of The Code shall be applicable and shall have the same meaning throughout The Code.
- b) Undefined terms shall be assigned their plain and ordinary meaning.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-102.

- a) "Accessory building or accessory structure" means an uninhabited detached building or structure secondary to the main structure on a premises.
- b) "Approved" means authorized by the Director of Public Health or the director's designated representative.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-103.

- a) "Business day" means any day other than a Saturday, a Sunday or a public holiday for the Division of Public Health

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-104.

- a) "The Code" means ordinances adopted by the board constituting The Code of the Health and Hospital Corporation of Marion County.
- b) "Commercial" means of or relating to the manufacture, storage, distribution, provision or sale of commodities or services, regardless of whether the entity intends to realize a profit.
- c) "Corporation" means the Health and Hospital Corporation of Marion County.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-105.

- a) "Division" means the Division of Public Health of the Corporation.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-106.

- a) "Emergency" means situations when a failure to act immediately could lead to serious harm to public health or safety.

[Gen.Ord. 3-1996(C) Passed 9/18/96 Effective Date 9/18/96]

Sec. 4-108.

- a) "Garbage" shall have the meaning contained in Indiana Code § 13-11-2-88 and means dead animals, parts of dead animals and all other putrescible materials.

[Gen.Ord. 3-2006 Passed 6/20/06 Effective Date 7/1/06]

Sec. 4-109.

- a) "Hazardous material" means any material present in large enough quantity to pose a significant physical or health hazard to public health, public safety or the environment due to its chemical composition. For the purpose of this ordinance, a hazardous material can be a pure chemical substance or a mixture, a raw material, a product or a waste material.
- b) "Health Officer" means the Director of Public Health, the director's authorized representative, a supervisor in the division or an environmental health specialist.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-111.

- a) "Junk vehicle" means:

- (1) A motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle from which has been removed engine, transmission or differential parts or that is otherwise partially dismantled or mechanically inoperable;
- (2) Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, which cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate; or
- (3) An abandoned vehicle as defined by Indiana Code § 9-13-2-1.

[Gen.Ord. 1-2008 Passed 3/18/08 Effective Date 3/18/08]

Sec. 4-113.

- a) "Law" means statutes, ordinances, regulations, and administrative rules.
- b) "Litter" means any post-consumer solid waste not deposited in an

authorized storage, transfer, processing or land disposal facility.  
[Gen.Ord. 3-2006 Passed 6/20/06 Effective Date 7/1/06]

Sec. 4-114.

- a) "Marion County" means Marion County, Indiana.
- b) "Multi-unit" means a dwelling with more than two individual apartments or living units.

Sec. 4-116.

- a) "Owner", unless otherwise indicated, means ownership of real property which ownership may take any one or more of the following forms:
  - (1) A person holding an interest in fee simple, life estate, joint tenancy, tenancy by the entireties and/or life estate.
  - (2) The title holder as recorded in the Office of the Marion County Recorder.
  - (3) The purchaser of real property under a contract for its conditional sale.
  - (4) The person in control of the property as executor, executrix, trustee, receiver, successor, assignee or guardian of the person specified in 1, 2 or 3.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-117.

- a) "Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint-stock company, trust, estate or any other legal entity or his or its successors, assigns, agents or legal representatives.
- b) "Plumbing" means and includes all of the following facilities and equipment: natural gas pipes, equipment fueled by natural gas or oil, water pipes, garbage disposal units, waste pipes, water closets, sinks, dishwashers, lavatories, bathtubs, showers, clothes washing machines, catch basins, drains, vents, and any other similar installed fixtures together with all connections to water, sewer and gas lines.
- c) "Premises" shall mean a platted or unplatted lot, plat or parcel of land either occupied or unoccupied by any dwelling or other structure, and includes any such building, other structure, adjoining alley, easement and drainage way.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-119.

- a) "Rubbish" means non-putrescible solid waste including combustible waste such as paper, cardboard, plastic containers, yard clippings and wood and noncombustible waste such as cans, glass, metal and bottles.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-120.

- a) "Solid waste" shall have the meaning contained in Indiana Code § 13-11-2-205 (c).
- b) "Solid waste storage container" means a receptacle used for the temporary storage of solid waste while awaiting collection. A refuse bin is considered to be a solid waste storage container.

[Gen.Ord. 3-2006 Passed 6/20/06 Effective Date 7/1/06]

Sec. 4-123.

- a) "Vector" means any rodents, mosquitoes or other animals including insects capable of harboring and transmitting micro-organisms and disease to humans and other animals.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-124.

- (a) "Waste tire" shall have the meaning contained in Indiana Code § 13-11-2-250.

[Gen.Ord. 1-2007 Passed 7/24/07 Effective Date 7/17/07]

Sec. 4-125.

- (a) "Weeds" means vegetation twelve inches or more in height. The term does not include trees, shrubs, cultivated flowers or plants, or crops.

[Gen.Ord. 1-2007 Passed 7/24/07 Effective Date 7/17/07]

CHAPTER 10  
MINIMUM STANDARDS FOR RESIDENTIAL PROPERTY  
AND HOUSING

Article 1. Interpretation And Enforcement.

The following general provisions apply in the interpretation and enforcement of this Chapter:

Sec. 10-101.

The Board finds that the structure, equipment, sanitation, maintenance, use or occupancy of residential property, dwellings and rooming houses may cause a hazard to the public health and safety. These properties, dwellings and rooming houses may now exist or may exist in the future. Establishment and enforcement of minimum housing standards are required to correct and prevent the existence of these public health and safety hazards.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-102.

The purpose of this Chapter is to

- a) protect, preserve and promote the physical and mental health of the people,
- b) prevent and control the incidence of communicable diseases,
- c) reduce environmental hazards to health,
- d) regulate privately- and publicly-owned dwellings for the purpose of maintaining adequate sanitation and public health,
- e) protect the safety of the people,
- f) insure that the quality of housing is adequate for protection of public health, safety and general welfare,
- g) establish minimum standards for basic equipment and facilities for light, ventilation and thermal conditions,
- h) establish minimum standards for fire and accident safety,
- i) establish minimum standards for the use and location and amount of space for human occupancy,
- j) establish minimum standards for an adequate level of maintenance, and
- k) determine the responsibilities of owners and occupants of dwellings.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-103.

This chapter applies uniformly to the maintenance, use and occupancy of all residential buildings and structures. In addition, this chapter applies uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all residential buildings and structures irrespective of when or under what code or codes the building or structure was originally constructed or rehabilitated.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Article 2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Sec. 10-201. "Basement" means a portion of a building located partly underground with not more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Sec. 10-202. "Bathroom" means a room with a toilet and a lavatory sink in or near that room, with or without a bathtub or shower.

Sec. 10-203. "Cellar" means a portion of a building located partly or entirely underground with more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Sec. 10-204. "Dwelling" means any building and/or each individual unit within a building or a pre-manufactured, modular or mobile building used or intended to be used for living, sleeping, cooking and eating.

Sec. 10-205. "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating. The following types of rooms are not habitable rooms: bathroom, laundry room, furnace room, pantry, kitchenette, utility room with less than fifty square feet of floor space, foyer, connecting corridor, stairway, closet, storage space, workshop or hobby and recreation area.

Sec. 10-206. For definitions related to lead hazards, 326 IAC 23 and 410 IAC 29 apply in this chapter.

Sec. 10-207. "Occupant" means any individual over one year of age living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit.

Sec. 10-208. "Ordinary summer conditions" means a temperature 10°F.

below the highest recorded temperature in Marion County for the prior ten-year period.

Sec. 10-209. "Ordinary winter conditions" means a temperature 15°F. above the lowest recorded temperature in Marion County for prior ten-year period.

Sec. 10-210. "Rooming house" means any building used for living and sleeping in which a person or persons are housed with no individual kitchen facilities provided.

[Gen.Ord. 5-2007 Passed 8/21/07 Effective Date 9/1/07]

### Article 3. Responsibilities Of Owners And Occupants.

Sec. 10-301. Owner Responsibilities For Sanitation Maintenance.

- a) An owner may not allow occupancy of a dwelling unless the premises are clean, safe, sanitary and fit for human occupancy.
- b) When a dwelling contains more than two dwelling units, the owner shall:
  - 1) cut and dispose of weeds in a clean and sanitary manner;
  - 2) provide solid waste storage containers for garbage and rubbish generated by occupants; and
  - 3) maintain the common areas in a clean and safe condition and dispose of rubbish, garbage, waste tires, or junk vehicles in a clean, safe and sanitary manner.
- c) When a premises have a vacant building or structure or is a vacant lot, the owner shall:
  - 1) cut and dispose of weeds;
  - 2) maintain the premises in a clean and safe condition; and
  - 3) dispose of rubbish, garbage and junk vehicles.

Sec. 10-302. Occupant Responsibilities For Sanitation Maintenance.

- a) An occupant must keep the dwelling and premises that the occupant controls in clean, safe, and sanitary condition.
- b) An occupant shall keep the premises free from accumulations of rubbish, garbage, waste tires, and junk vehicles.
- c) An occupant shall clean fixtures and facilities on the property and use fixtures and facilities with reasonable care.
- d) An occupant must cut and dispose of weeds on the part of the property controlled by the occupant.
- e) An occupant must dispose of garbage, rubbish, waste tires, and junk vehicles in a clean, safe and sanitary manner when vacating the property.

Sec 10-303.

- a) An owner or occupant may not allow the condition of any property to cause or produce any health or safety hazard.
- b) An owner or occupant shall maintain the interior of a dwelling in a safe manner allowing a person ingress and egress into the dwelling and between rooms of the dwelling.
- c) An owner or occupant may not allow the condition of any property to cause conditions in which rodents, mosquitoes and vectors have food, shelter, or a breeding place.
- d) An owner or occupant shall store usable items in a safe manner at least eighteen (18) inches above the ground.

Sec. 10-307. An owner shall remediate deteriorated lead based paint, dust-lead hazards, paint-lead hazards, and soil-lead hazards.

Sec. 10-309. An owner or occupant may not apply lead-containing paint to any surface in or on any dwelling, rooming house, fence or accessory building or structure.

Sec. 10-310. Except in a camping area designated by another government agency, a person may not occupy for more than fifteen (15) consecutive days a tent, trailer or any other structure designed to be transportable which is not:

- a) affixed to a foundation and
- b) permanently connected to a utility system.

Sec. 10-311. A person may not throw, run, drain, seep, or otherwise dispose into any surface waters or groundwaters, or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into such waters, any organic or inorganic matter that would cause or contribute to a polluted condition of such waters unless a permit for such disposal has been obtained.

[Gen.Ord. 5-2007 Passed 8/21/07 Effective Date 9/1/07]

Article 4. Minimum Standards For Basic Equipment, Facilities and Exits.

Sec. 10-400.

No dwelling may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-401.

Every dwelling shall have a room or area in which food may be prepared and cooked equipped with the following:

- a) A kitchen sink in good working condition and properly connected to an approved water supply and sewer system. The sink must provide an adequate amount of water under pressure, both unheated and heated to no more than 120°F.
- b) Cabinets, shelves, counters or tables used for the storage of food, eating, drinking or cooking equipment and utensils shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any harmful effect to food.
- c) The owner shall provide a stove, oven or microwave oven for cooking food and a refrigerator for the safe storage of food at temperatures less than 45° F. unless a lease agreement requires the lessee to provide any or all of these appliances. These appliances shall be properly installed with all necessary connections for safe, sanitary and efficient operation and shall be maintained in good working condition. When the occupant is expected to provide these appliances, adequate space and connections for the safe and efficient installation and operation shall be provided by the owner.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-402. Every dwelling shall have a flush toilet. The toilet shall be:

- a) in good working condition;
- b) equipped with easily cleanable surfaces;
- c) properly connected to an approved water system that provides an adequate amount of running water under pressure to cause the toilet to be operated properly; and
- d) properly connected to an approved sewer system.

[Gen.Ord. 5-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 10-403. Every dwelling shall have a lavatory sink.

The lavatory sink may be in the same room as the flush toilet; however, the sink may be located in another room if the sink is located close to the door leading directly from the toilet room. The sink shall be:

- a) in good working condition;
- b) properly connected to an approved water system that provides an adequate amount of water under pressure both unheated and heated to no more than 120°F so that the sink operates properly; and
- c) properly connected to an approved sewer system.
- d) The water inlets shall be located at least one inch above the overflow rim or otherwise designed to prevent cross-connections.

[Gen.Ord. 5-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 10-404. Every dwelling shall have a bathtub or shower.

The bathtub or shower shall be:

- a) in good working condition;
- b) properly connected to an approved water system that provides an adequate amount of unheated water and water heated to no more than 120°F under pressure for proper operation of the bathtub or shower; and
- c) properly connected to an approved sewer system.
- d) The water inlets shall be located at least one inch above the overflow rim or otherwise designed to prevent cross-connections.

[Gen.Ord. 5-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 10-405.

Plumbing shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-406.

No person shall cause or allow any utility service to be discontinued for any inhabited dwelling except for such temporary interruptions as may be necessary while repairs or replacement is in process or during temporary emergencies when discontinuance of service is approved.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-407.

- a) Structurally sound handrails shall be installed on any stairs containing four or more risers.
- b) Structurally sound protective guard rails or handrails shall be installed on porches, patios and balconies located more than three feet higher than the adjacent area.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-408.

In dwellings occupied by a person other than the owner, the following shall be provided by the owner:

- a) exterior doors shall be equipped with functioning locking devices; and
- b) exterior windows shall be equipped with functioning locking devices. Until September 30, 1997, when the Health Officer determines that a dwelling does not comply with this subsection (b), he shall give thirty days advance notice to an owner prior to initiating an enforcement action.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-409.

Building openings, including windows and doors, shall exclude mosquitoes, flies and other flying insects during times of the year when insect protection is needed.

- a) Screen doors opening directly to the outdoors shall be supplied with properly fitting screens and with a self-closing device.
- b) Windows used for ventilation shall be supplied with screens; however, screens are not required in rooms located high enough above ground level to be free from such insects.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-410.

Every dwelling shall have at least two means of exit leading to safe and open space at ground level. At least one means of exit must have a minimum head room of six feet-six inches.

- a) Every individual unit in a multi-unit dwelling shall have immediate access to at least two approved means of exit with a minimum headroom of six feet-six inches leading to safe and open space at ground level.
- b) Bedrooms located below the fourth floor shall be provided with an exterior door or window of such dimensions as to be used as a means of emergency exit.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-411.

Access to or exit from each individual unit shall be provided without passing through any other individual unit.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

## Article 5. Minimum Standards For Electrical Service, Light And Ventilation.

Sec. 10-500.

No dwelling may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-501.

At least one outdoor-facing window or skylight shall be installed in every habitable room unless exempted under the building code applicable at the time of construction. If the window or skylight faces a porch or other room or area used seasonally, then adequate daylight must be possible through this inter-connection. The minimum total window or skylight

area for each habitable room is eight percent of the floor area of the room. At least 45 percent of the window or skylight area must be openable for ventilation purposes except when ventilation is provided by another approved means.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-502.

Bathrooms and kitchens shall comply with the light and ventilation requirement for habitable rooms except that no window or skylight shall be required in such rooms if they are equipped with an approved ventilation system in working condition.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-503.

All parts of public halls and stairways in a multi-unit dwelling shall be adequately lighted to at least six footcandles of light at the tread or floor level at all times. Instead of full-time lighting, the lighting of public halls and stairways in dwellings containing one or two dwelling units may be supplied with conveniently located light switches which may be used as needed.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-504.

Heating and cooling facilities must be maintained and operated in accordance with the design capacity of the equipment. Heating or cooling facilities must be operated continuously in the appropriate season when the operation is under the control of a person other than the occupant. During times when the equipment is inoperative because of power or mechanical failure, alternative provisions for fresh air ventilation of each dwelling must be provided. Humidity control facilities, if present, must be maintained and operated in accordance with manufacturer's instructions.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-505.

- a) Each dwelling shall be connected to a source of electrical power in a safe and lawful manner.
- b) Every dwelling shall be supplied with at least one 60-ampere circuit. An individual unit's circuits may not be shared with another unit.
- c) Electrical protection devices must be of the proper ampacity.
- d) Tamper-resistant fuses must be used in fuse panels with oversized Edison base fuses.
- e) Every habitable room shall contain at least two separate wall duplex electric outlets or one such duplex convenience outlet and one supplied wall or ceiling type electric light fixture. No duplex

- outlet shall serve more than two fixtures or appliances. Wiring devices must be compatible with the existing wiring system.
- f) Extension cords or temporary wiring shall not be used as permanent wiring.
  - g) Each non-habitable room, public hall and public stairway shall contain at least one installed electric light fixture.
  - h) All electric light fixtures and outlets in bathrooms shall be installed, maintained and controlled by switches designed to minimize electric shock.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

## Article 6. Minimum Thermal Standards.

### Sec. 10-600.

No dwelling may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

### Sec. 10-601.

Every dwelling shall have heating equipment and appurtenances which are properly installed, maintained in safe and good working condition and capable of safely and adequately heating all habitable rooms and bathrooms to a temperature of at least 68°F measured at a distance of thirty-six inches above floor level under ordinary winter conditions.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

### Sec. 10-602.

- a) All heating devices shall be constructed, installed and operated in such a manner to minimize accidental burns.
- b) Non-electric heating devices, including hot water heating units, must be vented to the outside of the structure in an approved manner and must be supplied with adequate combustion air.
- c) Non-electric unvented portable heaters must be supplied with adequate combustion air and may not cause hazardous levels of elevated carbon monoxide or other hazardous combustion by-products inside the dwelling.

- d) Permanently-installed unvented non-electric room heaters must be equipped with oxygen depletion sensors and otherwise comply with state law. These heaters must be supplied with adequate combustion air and may not cause hazardous levels of elevated carbon monoxide or other hazardous combustion by-products inside the dwelling.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

## Article 7. General Requirements Relating To Maintenance Of Dwellings and Accessory Buildings.

### Sec. 10-700.

No dwelling may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

### Sec. 10-701.

Every bathroom and kitchen floor surface shall be constructed and maintained in a clean and sanitary condition, easily cleanable and reasonably impervious to water. This provision does not prevent the use of carpeting so long as the carpeting is maintained in a clean and sanitary condition.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

### Sec. 10-702.

Every foundation, roof, floor, exterior and interior wall, ceiling, stair and porch, and their appurtenances, shall be maintained in safe and sound condition capable of supporting reasonably-expected weights. Every stair or step shall have uniform risers and uniform treads.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

### Sec. 10-703.

Every foundation, roof, exterior wall, door, skylight and window shall be reasonably weather- and water-tight, capable of preventing dampness. These building components must be kept in sound condition and good repair.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

### Sec. 10-704.

All exterior wood surfaces, other than decay resistant wood, shall be protected from the elements and decay by paint or by other protective covering or treatment. Lead-containing paint may not be applied.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-705.

Stormwater must be properly drained from the roof of a dwelling by either:

- a) gutters, leaders and down-spouts that are maintained in good working condition, or
- b) other provisions for controlled water disposal of roof drainage to an approved drainage system or to the ground surface at least five feet from foundation walls.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-706.

No property may have standing water which causes a public health hazard.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-707.

Accessory structures shall be structurally sound, maintained in good repair and be free of insects, rats, and hazardous materials. The exterior of such structures shall be made weather-resistant through the use of decay-resistant materials or the use of nonlead-containing paint or other preservative material.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-708.

All fences shall be maintained in sound condition and shall not create a harborage for rats.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-709.

Every dwelling and accessory structure and the property on which the structures are located shall be maintained in a rat-free and rat-proof condition in those areas of Marion County which historically have had rat infestations.

- a) All openings in the exterior of a dwelling or accessory structure which have an opening a half-inch or more in diameter shall be rat-proofed in an approved manner if the opening is within forty-eight inches of the exterior ground level, or if the opening may be reached by rats from the ground by burrowing or climbing unguarded pipes, wires, cornices, stairs, roofs, trees or vines.
- b) Exterior doorways and windows or other openings located at or near ground level which might provide an entry for rats shall be supplied with adequate screens or such other devices that will effectively prevent the entrance of rats into the structure.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

- c) All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the entrance of rats.
- d) Interior floors of basements, cellars and other areas in contact with the soil shall be rat-proofed in an approved manner.
- e) Approved rat-proofing materials must be used.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

## Article 8. Density And Space, Use And Location Requirements.

### Sec. 10-800.

No dwelling may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

### Sec. 10-801.

- a) At least one hundred fifty square feet of floor space shall be provided for the first occupant. An additional one hundred square feet of floor space shall be provided for each additional occupant. Floor space is calculated in habitable rooms in which ceiling height is more than five feet.
- b) A room to be used for sleeping shall have at least seventy square feet of floor space for the first occupant. An additional fifty square feet of floor space shall be provided for sleeping area for each additional occupant. Floor space is calculated in habitable rooms in which ceiling height is more than five feet.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

### Sec. 10-802.

The ceiling height of habitable rooms must be at least seven feet; however, any habitable room under a sloping ceiling must have a ceiling height of at least seven feet in at least one half of the floor area.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

### Sec. 10-803.

- a) Sole access to any sleeping room or bathroom may not be through another sleeping room. A bathroom or toilet room shall not be used as the only passageway to any habitable room, hall, basement, cellar or exterior.
- b) However, this subsection does not apply to a room adjacent to a bedroom that is intended to be used as a nursery nor will it apply

to a dwelling which was constructed under a building code which at the time of construction allowed these configurations.  
[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-804. No basement may be used as a habitable room unless:

- a) The room meets all requirements in this Code for habitable rooms, and
- b) The floors and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-805. No cellar may be used as a habitable room.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

## Article 9. Standards For Rooming Houses, Dormitories, Hotels And Motels.

Sec. 10-900.

No rooming house, dormitory, hotel or motel may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-901.

At least one toilet, one lavatory basin and one bathtub or one shower shall be provided for each group of six persons or less. Members of the rooming house or dormitory operator's family shall be included in this count when they share the use of these facilities.

- a) If rooms are let only to males, flush urinals may be substituted for up to one-half the required toilets so long as at least one toilet is provided.
- b) The bathroom facilities must be located to be reasonably accessible from a common hall or passageway for all persons sharing the facilities. The facilities may not be located more than one floor above or below the rooming or dormitory unit served.
- c) If a rooming house or dormitory has only one bathroom, the bathroom may not be located below grade.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-902.

- a) Cooking in dormitory rooms and individual units of rooming houses is prohibited.

- b) Communal cooking and dining facilities in a rooming house or dormitory are prohibited, except when licensed by the Health Officer.
- c) All food service and dining facilities provided in a rooming house or dormitory shall comply with the food service provisions of this Code.
- d) Access doors to individual units of rooming houses and dormitories shall have operating locks to insure privacy.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-903.

The operator of a rooming house or dormitory shall change supplied bed linen and towels prior to letting a room and at least once a week thereafter. The operator shall maintain supplied bedding in a clean and sanitary manner.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-904.

Every individual unit of a rooming house or dormitory shall contain at least eighty square feet of floor space for its first occupant and an additional sixty square feet for each additional occupant of that unit.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-905.

Every rooming unit shall have immediate access to two appropriately marked approved means of exit, each with a minimum head room of six feet-six inches, which lead to safe and open space at ground level.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-906.

Access to or exit from each individual unit of a rooming house or dormitory shall be provided without passing through any other individual unit.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-907.

- a) This Article applies to hotels and motels. However, when any provision of this Article conflicts with other applicable state or local law, the other state or local law shall apply.
- b) The provisions of this Article may be waived when public health will not be adversely affected.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

CHAPTER 12  
SOLID WASTE

Article 1. Solid Waste Storage and Disposal.

Sec. 12-101. Open dumps are prohibited in Marion County.

Sec. 12-102. A person may not deposit any garbage, rubbish, junk vehicle or hazardous materials:

- a) upon property owned by another without the approval of the owner of the property; or
- b) in or adjacent to any road, street, alley, or other public place unless it is in proper containers for collection.

Sec. 12-103. An owner or occupant may not store solid waste in a manner as to:

- a) constitute a fire, health, or safety hazard;
- b) provide food or harborage for vectors; or
- c) create a litter problem.

Sec. 12-104. An owner or occupant may not store solid waste outside a solid waste container.

[Gen.Ord. 1-2006 Passed 3/21/06 Effective Date 4/1/06]

CHAPTER 19  
MINIMUM STANDARDS FOR NON-RESIDENTIAL PREMISES

Article 1. Interpretation And Enforcement.

The following general provisions shall apply in the interpretation and enforcement of this Chapter:

Sec. 19-101.

The Board finds that the structure, equipment, sanitation, maintenance, use or occupancy of non-residential premises may cause a hazard to the public health and safety. These premises may now exist or may exist in the future. Establishment and enforcement of minimum standards for non-residential premises are required to correct and prevent the existence of these public health and safety hazards.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-102. The purpose of this chapter is to

- a) protect, preserve and promote the physical and mental health of the people,
- b) prevent and control the incidence of communicable diseases,
- c) reduce environmental hazards to human health,
- d) regulate privately- and publicly-owned premises for the purpose of maintaining adequate sanitation and public health,
- e) establish minimum standards for an adequate level of maintenance; and
- f) determine the responsibilities of owners and occupants to maintain minimum standards.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-103.

This chapter applies uniformly to the maintenance, use and occupancy of all non-residential premises, buildings and structures. In addition, this chapter applies uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all nonresidential buildings and structures irrespective of when or under what code or codes the building or structure was originally constructed or rehabilitated.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

## Article 2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

### Sec. 19-201.

“Lagoon” shall mean a surface impoundment constructed after September 17, 1986 and used or intended to be used for the treatment, storage or disposal of wastewater.

"Lagoon" shall include but not in limitation thereof, wastewater lagoons and ponds and wastewater pits. "Lagoon" shall not mean

- a) a structure, device, or impoundment used solely to separate soil particles or other settleable solids which lack a potential for contaminating groundwater,
- b) a structure used only for recreational, flood control, non-contact cooling, fire protection and/or drinking water supply purposes, or
- c) secondary containment used only for the purpose of control of spills. In the determination of whether a given impoundment receives wastewater, tests of influent, standing water, effluent and sludge may be considered.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

### Sec. 19-202.

“Monitoring well” shall mean a well drilled to determine the extent to which contaminants from a lagoon threaten the groundwater of other property and/or property 600 feet or more from the waste site in question.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

### Sec. 19-203.

“Occupant”, for purposes of this Chapter only, shall mean any person, having possession of all or part of a premises used for commercial or non-residential purposes.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

### Sec. 19-204.

“Test well” shall mean a well drilled to determine if a lagoon is losing contaminants to groundwater.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

### Article 3. General Requirements.

#### Sec. 19-301. Owner Responsibilities - Sanitation Maintenance.

- a) An owner may not allow occupancy of a premises unless the premises are clean, safe, sanitary and fit for human occupancy.
- b) When a premises contains more than two individual units, the owner shall:
  - (1) cut and dispose of weeds in a clean and sanitary manner; and
  - (2) maintain the common areas in a clean and safe condition and dispose of rubbish, garbage, waste tires, hazardous material, or junk vehicles in a clean, safe and sanitary manner.
- (c) When a premises has a vacant building or structure or is a vacant lot, the owner shall:
  - (1) cut and dispose of weeds;
  - (2) maintain the premises in a clean and safe condition; and
  - (3) dispose of rubbish, garbage, waste tires, hazardous material, and junk vehicles.

#### Sec. 19-302. Occupant Responsibilities -- Sanitation Maintenance.

- (a) An occupant must keep the premises that the occupant controls in a clean, safe, and sanitary condition. An occupant shall keep the premises free from accumulations of rubbish, garbage, and junk vehicles.
- (b) An occupant shall maintain all fixtures and facilities on the premises in a clean, safe and sanitary condition.
- (c) An occupant must cut and dispose of weeds on the part of the premises controlled by the occupant.
- (d) An occupant must dispose of garbage, rubbish, waste tires, hazardous material, and junk vehicles in a clean, safe and sanitary manner when vacating the premises.

#### Sec 19-304.

- (a) An owner or occupant may not allow the condition of any inhabited or unoccupied premises to cause or produce any health or safety hazard.
- (b) An owner or occupant may not allow the condition of any inhabited or unoccupied premises to cause or produce conditions in which rodents, mosquitoes, and vectors have food, shelter, or a breeding place.
- (c) An owner or occupant shall store usable items in a safe manner at least eighteen (18) inches above the ground.

Sec. 19-306.

Indoor air contaminants may not present a health and safety hazard.

Sec. 19-307.

A person may not throw, run, drain, seep, or otherwise dispose into any surface waters or groundwaters, or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into such waters, any organic or inorganic matter that would cause or contribute to a polluted condition of such waters unless a permit for such disposal has been obtained.

[Gen.Ord. 3-2008 Passed 12/16/08 Effective Date 1/1/09]

Article 4. Maintenance Of Structures And Facilities.

Sec. 19-401.

Any structure and premises which are to be used for non-residential purposes must meet the requirements of this Article. The property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-402.

- a) Every foundation, roof, floor, exterior and interior wall, ceiling, and stair, and their appurtenances, shall be maintained in safe and sound condition capable of supporting reasonably-expected loads.
- b) All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or by other protective covering or treatment.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-403.

Electric service equipment, outlets and fixtures shall be properly installed and maintained in good and safe working condition in accordance with applicable law.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-404.

Accessory structures shall be structurally sound, maintained in good repair and be free of insects and rats.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-405.

Heating, ventilation, air conditioning and other mechanical equipment must be installed, operated and maintained according to manufacturer

instructions and the applicable state law in effect at the time of installation.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-406.

Plumbing shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.

Water supply systems must be safe and approved by the Health Officer.

[Gen.Ord. 5-2004 Passed 8/24/04 Effective Date 9/1/04]

## Article 5. Minimum Standards for the Prevention of Communicable Disease Transmission.

Sec. 19-500.

- a) No non-residential premises may be occupied or let for occupancy unless the provisions of this Article are met. The property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.
- b) This Article does not apply to a validly-operating hotel, motel, apartment, apartment complex or condominium.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-501.

No portion of a commercial premises, building or structure, including partitions and supplied facilities and fixtures, shall be so constructed, used or operated to allow the occurrence of high-risk sexual activities which can transmit dangerous communicable disease. No portion of a commercial premises, building or structure including partitions and supplied facilities and fixtures may be designed for or used to promote high-risk sexual activity.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-502.

In exercising powers conferred by this or any other section of The Code relating to communicable disease, the Health Officer shall be guided by the most recent instructions, opinions and guidelines of the Centers for Disease Control (United States Department of Health and Human Services) and any regulations which may be adopted by the Corporation which relate to controlling the spread of infectious diseases.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-503.

For the prevention of the spread of sexually transmitted diseases, no partitions between subdivisions of a room, portion or part of a premises, building or structure may have an aperture which is designed or otherwise constructed to encourage sexual activity between persons on either side of the partition.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-504.

Booths, stalls or partitioned portions of a room, or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions with at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms ; however, such lighting need not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Article 6. Minimum standards for groundwater protection.

Sec. 19-601.

- a) Before use of a site for salt pile or salt-sand pile storage, written application, plans and specifications shall be submitted for approval by the Health Officer.
- b) Salt and salt-sand storage piles shall either be
  - (1) contained within a permanent structure that excludes natural precipitation and which has an impermeable base or
  - (2) provided with a temporary cover and with a curbed, impermeable base that is drained to an approved sanitary or combined sewer system or to a wastewater treatment facility. The sewer system or wastewater treatment facility must be permitted by the Indiana Department of Environmental Management and approved by the Health Officer.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-602-1.

Lagoons shall be provided with double liners and a leachate collection system with monitoring wells or another installation which provides equivalent protection to public health and safety except when the Health

Officer determines that the contents of the lagoon are not potential groundwater contaminants based on their toxicity, mobility and persistence and on the hydrogeologic conditions at the site . The owner shall provide any data requested by the Health Officer to enable the Health Officer to determine the appropriate installation based on toxicity, mobility and persistence of the potential contaminants plus the hydrogeologic conditions at the site. During the active life of the lagoon, and after the lagoon is closed until three consecutive years of testing indicate that the lagoon poses no threat to groundwater, the owner shall maintain the leachate collection system and shall check regularly, as required by the Health Officer, for the presence of leachate in the system. Whenever leachate depth above the bottom liner exceeds one foot, the owner shall remove, analyze, and properly dispose of the leachate in a manner approved by the Health Officer. Lagoons shall be a minimum distance of 1320 feet from any well used or intended to be used for human drinking or bathing, livestock watering, or agricultural irrigation.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

#### Sec. 19-602-2.

Groundwater test wells required by Sec. 19-602-1 shall be provided along the outer edge of each lagoon at locations and depths approved by the Health Officer after such hydrologic studies as the Health Officer may require. Such wells shall be sampled not less frequently than once every three months throughout the active life of the lagoon, and, after the lagoon is closed, until three consecutive years of testing indicate the lagoon is not leaking in such a manner as to threaten to contaminate groundwater. Tests to be conducted shall be approved by the Health Officer and the results submitted to him within 90 days of the date of sampling. A period of longer than three years for post closure test well studies may be required by the Health Officer, if soil borings and knowledge of the waste indicate a potential for significant contaminant migration. Testing pursued under this section may be discontinued when corrective action has been carried out under this Article.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

#### Sec. 19-602-3.

If at any time it is evident that contamination of groundwater has occurred or is threatened by a lagoon corrective action shall be taken by the lagoon owner so as to abate this condition. Corrective action may consist of any one or more of the following:

- a) Closure of the lagoon
- b) groundwater withdrawal and treatment
- c) installation of monitoring wells and tests that indicate, according to the criteria of this Article, that no contamination of

groundwater leaving the lagoon property or a point of 600 feet from the lagoon (whichever is nearer the lagoon) is occurring or is threatening to occur, or

d) other corrective measures approved by the Health Officer.

Plans for use of any of these measures shall be submitted to the Health Officer for approval prior to implementation. Monitoring wells installed according to (c) of this section shall be sampled and tested as long as the lagoon poses a threat to contaminate the groundwater.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

#### Sec. 19-602-4.

Evidence of non-contamination of groundwater shall meet the following criteria:

- a) No substance in the monitoring wells exceeds the concentration limit set in the National Drinking Water Regulations and revisions.
- b) No single organic compound detected in a monitoring well exceeds a concentration of 10ug/l, and the total of detected organic compounds does not exceed 50ug/l. If substantial scientific evidence exists that the organic compounds found in the sample do not pose a significant human health risk at the concentration found in the samples from the monitoring wells, the concentrations of these compounds are not to be included in the limitations set in this section.
- c) Where it is possible to determine background levels of substances covered in the National Drinking Water Regulations, no significant increase above these levels is detected in a monitoring well downgradient hydrologically from the lagoon.
- d) No significant increase in the concentration of any of the substances referred to in (a) or (b) above has occurred over time during the period of testing.

Notwithstanding the requirements set forth in this section, if it is made evident by the lagoon owner that excess levels noted under items (a) through (d) above, have resulted from natural or off-site conditions, appropriate adjustments shall be made in interpreting the monitoring well results. Other evidence may be substituted for the criteria above at the discretion of the Health Officer, provided it is determined that public health is protected.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

#### Sec. 19-602-5.

Construction of test and monitoring wells and the procedures used in sampling and testing such wells shall be approved by the Health Officer. Where applicable, methods found in 40 CFR 136 shall be followed. All samples shall be analyzed by a laboratory whose results have been

accepted by the Indiana Department of Environmental Management and which uses approved methods for sample analysis.  
[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-602-6.

No lagoon shall be constructed unless the owner first obtains a permit from the Health Officer. The owner must submit an application, plans, specifications and any other information requested by the Health Officer, plus a permit fee of Twenty Dollars.  
[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

## Article 7. Minimum Standards for Tattoo and Body Piercing Facilities

Sec. 19-701.

Definitions in 410 IAC 1-5 apply in this article. A facility shall be operated in accordance with this article and 410 IAC 1-5.

Sec. 19-702.

A facility shall have a sink with an approved running water source supplying hot and cold water, soap, and single use towels at each station. The sink shall be separate from the public restroom.

Sec. 19-703.

A facility shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least one hundred (100) foot candles shall be provided at the level where a procedure is performed and equipment is assembled.

Sec. 19-704.

An operator shall keep disinfection and sterilization equipment in a secure area. A new facility shall have a sink in the room where the autoclave or sterilization equipment is kept.

Sec. 19-705.

A facility shall have a sharps container at each station. Needles shall be single-use only. Needles shall be discarded in sharps containers immediately after use.

Sec. 19-706.

A facility shall place single-use disposable barriers on equipment used during a procedure that cannot be sterilized. Barriers shall be discarded immediately after use.

Sec. 19-707.

An operator shall ensure that a tattoo artist and body piercer prepares the skin area before a procedure by cleaning with germicidal soap, rinsing with water, and disinfecting with antiseptic solution. An operator shall ensure a tattoo artist protects the tattooed area after a procedure by applying germicidal solution, antibacterial ointment, and a sterile bandage. An operator shall ensure that a tattoo artist and body piercer gives written and oral care instructions on proper cleansing, side effects, and activity restrictions after a procedure.

Sec. 19-708.

An operator shall have all disinfection and sterilization equipment tested by an approved, independent laboratory on a monthly basis. An operator shall provide test results to the Health Officer on a monthly basis. An operator shall pay a fifty dollar (\$50) fee if the Health Officer does not receive test results by the 21st day of the following month.

Sec. 19-709.

An operator shall maintain at the facility and make available for inspection by the Health Officer patron records including a copy of photo and age identification for two (2) years.

Sec. 19-710.

An operator shall require a tattoo artist and body piercer to show proof of having received the hepatitis B vaccination or proof of having declined said vaccination by signing a waiver. An operator shall maintain at the facility and make available for inspection by the Health Officer dated waste disposal records, proof of purchase for needles, and other single-use equipment.

Sec. 19-711.

License and License Fees

- a) A person may not operate a facility without a license. The operator shall post the license in a conspicuous place at the facility. The license begins September 1 and expires August 31 of the following year. The operator shall renew the license annually.
- b) The license fee shall be three hundred dollars (\$300) annually. The license fee for a facility not open in the previous licensing year, filing after March 1, shall be one hundred and fifty dollars (\$150).
- c) An additional fee of seventy five dollars (\$75) shall be imposed for license renewal fees submitted after September 1.
- d) An additional fee of seventy five dollars (\$75) shall be imposed when a facility is opened without obtaining a license.

- e) A site survey inspection fee of fifty dollars (\$50) shall be paid in advance by a facility not open in the previous licensing year. An additional fee of one hundred dollars (\$100) shall be imposed for each reinspection.
- f) Payment of fees shall be submitted within thirty (30) days of an invoice date.
- g) A temporary or mobile facility shall be prohibited from obtaining a license.
- h) No license issued under this article may be transferred to another person or another location. No refund will be granted for any unexpired period of the license.

Sec. 19-712.

Closure of Tattoo and Body Piercing Facilities.

The Health Officer may close a facility and suspend a license when any of following occur:

- a) Untimely reporting of test results.
- b) Proper hand-washing sink not provided at each station.
- c) Conditions that present an imminent threat to public health or transmission of communicable disease.
- d) Three (3) or more occurrences of the conditions described in this article within a 12-month period.

The Health Officer may post a sign notifying the public that the facility has been closed. It is a violation of this article for any person other than the Health Officer to remove this sign.

[Gen.Ord. 5-2006 Passed 6/20/06 Effective Date 7/1/06]

CHAPTER 21  
ENFORCEMENT PROCEDURES AND  
ADMINISTRATIVE HEARINGS

Article 1. Applicability.

Sec. 21-101.

This Chapter specifies the procedures applicable to enforcement actions arising from Chapter 7 through Chapter 20 of The Code.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Article 2. Administrative Searches and Notices.

Sec. 21-201. Administrative Searches.

- a) Upon consent of the owner or occupant, the Health Officer, bearing proper identification may enter any property at any reasonable time to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing as may be reasonably necessary to determine compliance with The Code.
- b) If the Health Officer is denied entry, the Corporation may seek an administrative search warrant from a court authorizing the investigation, evaluation, inspection, testing or taking of specimens or samples for testing.
- c) When a condition poses an imminent and serious threat to an individual's or the public's health and the Health Officer believes that delay could result in greater health risk, the Health Officer may enter the affected property without the consent of the owner or occupant and without an administrative search warrant to inspect, investigate and evaluate the conditions on the property.
- d) The Health Officer may enter any public place to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing as may be reasonably necessary to determine compliance with The Code.
- e) Consistent with the terms and conditions of a license, the Health Officer may enter a property at any reasonable time to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing as may be reasonably necessary to determine compliance with The Code and the conditions of the license.

[Gen.Ord. 4-2004 Passed 9/21/04 Effective Date 9/1/04]

### Sec. 21-202. Administrative Notices.

Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of or observes a violation of The Code, the Health Officer shall issue an administrative notice of violation to the person responsible.

An administrative notice of violation shall:

- a) Be in writing;
- b) Include a statement of the reasons why it is being issued;
- c) Allow a reasonable time for the performance of any act it requires; and
- d) Be served upon the person or persons responsible or to any known agent of such person by personal delivery, by first class mail to the last known address, by posting a copy in a conspicuous place in or about the building or dwelling affected by the notice, or by any other method authorized or required under the laws of this state.
- e) Contain an outline of remedial action which if taken will effect compliance with The Code.

[Gen.Ord. 4-2004 Passed 9/21/04 Effective Date 9/1/04]

## Article 3. License Suspensions and Revocations.

### Sec. 21-301. License Suspensions.

- a) The Health Officer may issue an administrative notice of violation to suspend a license for a violation of The Code.
- b) A suspended licensee may, at any time, apply for reinstatement of the license. Within one week after application for reinstatement, the Health Officer shall conduct an inspection. If the Health Officer's inspection indicates compliance with The Code, the license shall be reinstated.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

### Sec. 21-302. License Revocations.

- a) The Corporation may initiate proceedings in a court with jurisdiction to revoke a license for serious or repeated violations of The Code.
- b) A revoked licensee may, sixty days after a revocation order by the Court, apply for a license. Within two weeks after the license application, the Health Officer shall make an inspection. If the Health Officer's inspection indicates compliance with The Code and any court orders, the license shall be issued.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

## Article 4. Emergencies.

### Sec. 21-401.

When an emergency exists which requires immediate action to protect the public health, the Health Officer may issue an emergency administrative notice of violation reciting the existence of the emergency and requiring that action be taken to abate the emergency.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

### Sec. 21-402.

Upon issuance, an emergency notice of violation immediately becomes a judicially-enforceable final order. Any person subject to an emergency notice of violation shall comply immediately.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

## Article 5. Abatement; Recovery of Costs.

### Sec. 21-501.

If a condition violating The Code exists on real property, employees or contractors of the Corporation may enter onto that property and take appropriate action to bring the property into compliance with The Code. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance.

### Sec. 21-502.

If the Corporation takes action to bring compliance, the expenses incurred by the Corporation to bring compliance constitute a lien against the property. The Corporation may issue a bill to the owner of real property for the costs incurred by the Corporation in bringing the property into compliance with The Code, including administrative and removal costs. The Corporation may collect the costs from the owner of the real property in accordance with Indiana Code § 36-1-6-2.

[Gen.Ord. 7-2006 Passed 6/20/06 Effective Date 7/1/06]

## Article 6. Penalties; Enforcement.

### Sec. 21-601.

Failure to comply with the provisions of The Code constitutes an ordinance violation.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21-602.

- a) Any person found to have committed an ordinance violation may be fined by a court in an amount not to exceed Two Thousand Five Hundred Dollars (\$2500.00) for each offense. Each day a violation remains in existence is a distinct and separate offense.
- b) The Corporation may bring a civil action to enforce an ordinance violation in a court with jurisdiction in accordance with Indiana Code § 36-1-6-4.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Article 7. Nonexclusivity.

Sec. 21- 701.

Nothing in this Chapter shall impair the ability of The Corporation to seek any other remedies available at law.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Article 8. Administrative Hearings.

Sec. 21- 801.

- a) A person to whom an administrative notice of violation or a bill issued pursuant to Indiana Code § 36-1-6-2 is entitled to an administrative hearing on that matter upon timely demand for a hearing.
- b) If an applicant is refused an on-site sewage disposal permit or the Health Officer determines that the pre-application / pre-construction requirements for an on-site sewage disposal permit are unfulfilled, the applicant shall be entitled to a hearing pursuant to the provisions of this chapter.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21-802.

- a) The person seeking an administrative hearing must timely demand, in writing, a hearing before the administrative law judge in order to obtain an administrative hearing as a matter of right.
- b) If such persons fail to timely demand an administrative hearing, the Health Officer's notice becomes a final order and may be judicially enforced.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21-803.

A demand for an administrative hearing shall be timely if received by the Corporation within two business days after the receipt of an

administrative notice issued for violations of Chapters 11 and 16, or for administrative notices of violations and bills issued under all other Chapters of The Code, ten business days after the receipt of the administrative notice of violation or bill.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21- 804.

The Corporation may request an administrative hearing.

[Gen.Ord. 11-2003 Passed 1/12/04 Effective Date 1/1/04]

Sec. 21- 805.

The person to whom an administrative notice is directed and the Corporation shall be parties to the hearing proceedings. The parties may participate in the proceedings in person or by an authorized representative, including legal counsel, at the party's own expense.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 806.

The parties are entitled to file documents or submit written statements or affidavits with the administrative law judge for consideration as evidence.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 807.

All testimony of parties and witnesses shall be made under oath or affirmation.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 808.

The administrative law judge retains the power to control the proceedings for the efficient and orderly disposal of the matter, including, but not limited to, imposing reasonable time limitations.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 809.

The administrative law judge shall regulate the course of the proceedings in an informal manner without recourse to the Indiana Rules of Evidence.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21- 810.

The administrative law judge shall afford all parties the opportunity to respond, present evidence and argument, conduct cross-examination and submit rebuttal evidence. However, the administrative law judge may exclude evidence or impose conditions on a party necessary to avoid unreasonably burdensome, irrelevant, immaterial or repetitious

presentations by the party and to promote the efficient, orderly, prompt and just disposition of the proceeding.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 811.

Hearsay evidence may form the basis for the administrative law judge's order unless objected to. If such hearsay does not fall into a generally recognized hearsay exception, the hearsay evidence may not form the sole basis for the order.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 812.

The administrative law judge may give nonparties an opportunity to present written or oral statements.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 813.

The hearing shall be recorded by the Corporation upon request. If a hearing is recorded, the Corporation is not required to prepare a transcript at its own expense. The Corporation shall provide a copy of the hearing tape to the requesting party. Parties may have a transcript of the hearing prepared at their own expense.

[Gen.Ord. 1-2002 Passed 6/18/02 Effective Date 6/18/02]

## Article 9. Ultimate Authority; Final Order.

Sec. 21- 901.

An administrative law judge shall conduct the proceedings of administrative adjudication and shall issue a final order.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 902.

The administrative law judge shall perform in an impartial manner and shall be disqualified from hearing a matter in which the administrative law judge's ability to do so is affected by bias, prejudice, or personal interest in the outcome of a proceeding.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21- 903.

The administrative law judge shall not engage in ex parte communications with the parties to a proceeding.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 904.

The administrative law judge may administer oaths and affirmations and rule on any offer of proof or other motion.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 905.

The administrative law judge is the ultimate authority for the Corporation, and the administrative law judge's order disposing of an adjudicative matter is a final order.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 906.

The final order for an administrative notice of violation shall contain a statement of the applicable facts and law and whether the administrative notice of violation is affirmed, modified or reversed.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21- 907.

The final order for a bill issued pursuant to Indiana Code § 36-1-6-2 shall state whether the bill is reduced or affirmed.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21- 908.

The administrative law judge shall issue the final order in writing within fifteen business days of the hearing and send the final order to the parties.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

CHAPTER 22  
ORDINANCE VIOLATIONS BUREAU

Article 1. Establishment of Ordinance Violations Bureau.

Sec. 22-101.

The Corporation establishes an ordinance violations bureau under Indiana Code § 33-36-2-1.

[Gen.Ord. 3-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 22-102.

The Treasurer is designated as the violations clerk.

[Gen.Ord. 3-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 22-103.

The Corporation or county clerk may accept payment of civil penalties for ordinance violation citations.

[Gen.Ord. 3-2004 Passed 8/24/04 Effective Date 9/1/04]

Article 2. Right to Trial for Ordinance Violation Citations.

Sec. 22-201.

A person issued an ordinance violation citation is entitled to a trial before a court as provided by law.

[Gen.Ord. 3-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 22-202.

If a person issued an ordinance violation citation wants to exercise the right to trial, the person shall enter a written denial with the Corporation.

[Gen.Ord. 3-2004 Passed 8/24/04 Effective Date 9/1/04]

Article 3. Payment of Civil Penalties for Citations.

Sec. 22-301.

Payment of civil penalties for ordinance violation citations may be made by cash, certified or cashier's check, or money order only, made payable to "The Health and Hospital Corporation of Marion County". Payment of civil penalties may be made in person or by mail. Payment by mail shall

not be in cash.

[Gen.Ord. 6-2006 Passed 6/20/06 Effective Date 7/1/06]

#### Article 4. Citations.

##### Sec. 22-401. Schedule of Violations.

- (a) The Health Officer may issue a citation for a violation of Chapters 8, 10, 12, 19, and 20 of The Code. Pursuant to Indiana Code § 33-36-2-3, the maximum civil penalty is two hundred fifty dollars (\$250).
- (b) The Health Officer may issue a citation for a violation of Indiana Code § 16-42-5 and 410 IAC 7 pursuant to Indiana Code § 16-42-5-28(g)(2) and apply the schedule of civil penalties in 410 IAC 7-23.
- (c) The Health Officer may issue a citation for a violation of Chapter 616 of the Revised Code of the City and County and apply the civil penalties in Chapters 103 and 616 of the Revised Code of the City and County.
- (d) The Health Officer may issue a citation for a violation of § 3-3-11 of the Municipal Code of the City of Lawrence and apply the civil penalties in § 3-3-11-10.

[Gen.Ord. 5-2008, Passed 12/16/08, Effective Date 1/1/09]

##### Sec. 22-402. The citation shall contain:

- a) Date of violation,
- b) Name of responsible person,
- c) Address of violation,
- d) Section number of violation,
- e) Nature of violation,
- f) Civil penalty amount,
- g) Instructions for paying civil penalty,
- h) Notice of right to trial, and
- i) Name and phone number of the Health Officer issuing citation.

##### Sec. 22-403.

The Corporation may file a civil lawsuit when the person issued a citation fails to pay the civil penalty within ten (10) days.

##### Sec. 22-404.

The Corporation may, in addition, file a civil action in accordance with Indiana Code § 36-1-6-4 or Indiana Code § 36-7-9.

##### Sec. 22-405.

In proceedings before a court for ordinance violations, the Corporation has the burden of proving the violation by a preponderance of the evidence.

Sec. 22-406.

A person adjudged to have violated an ordinance shall be liable for court costs. Costs shall not be assessed against the Corporation.

[Gen.Ord. 6-2006 Passed 6/20/06 Effective Date 7/1/06

# Revised Code of the Consolidated City and County

## CHAPTER 537 VACANT BUILDING STANDARDS

### Article I. In General

#### Sec. 537-1. Definitions.

a) As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

1. Accessory structure means a detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises.
2. Appropriate fill material means material that can be properly compacted when used as fill. The fill that is placed from grade to a depth of twelve (12) inches shall consist of at least eighty (80) percent soil base material and have no stones or rocks larger than four (4) inches in any dimension.
3. Bureau of property safety and maintenance services or bureau means the bureau of property safety and maintenance services of the department of code enforcement. The bureau of property safety and maintenance services is the "enforcement authority" as defined in IC 36-7-9-2.
4. Chimney means a vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one (1) or more flues for the purpose of removing products of combustion from solid, liquid or gaseous fuel.
5. Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food.
6. Grade means finished ground level.
7. Health and hospital corporation means the Health and Hospital Corporation of Marion County, Indiana.
8. Junk vehicle means any vehicle that is no longer licensed or that does not display a current license, from which any part material to the operation of the vehicle has been removed, or that is inoperable for any reason.
9. Lead-based paint means any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the "safe" level of lead in residential paint and paint products.

10. Mosquito harborage means any condition or place that promotes the breeding or infestation of mosquitoes.
11. Owner means any one (1) or more of the following:
  - (a) The holder or holders of a fee simple or life estate interest in a parcel of real property;
  - (b) The record owner or owners as reflected by the county recorder's office;
  - (c) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof; or
  - (d) The estate of a decedent, receiver, guardian or custodian, or the corpus of a trust, but not the personal representative or fiduciary of such estate or trust.
12. Premises means a platted lot or part thereof or unplatted lot or parcel of land on which is located a structure and includes any such structure, accessory structure, adjoining alley, easement or drainage way.
13. Refuse means all putrescible and nonputrescible solids including garbage, rubbish, ashes and dead animals.
14. Sound condition and good repair means the structure or portion thereof is suitable for use in the manner intended and maintained free of defects and deterioration.
15. Structure means any manmade construction built up or composed of parts formed together in some definite pattern, such as a building, fence, swimming pool or sign.
16. Rat harborage means any conditions or place where rats can live, nest or seek shelter.
17. Rubbish means nonputrescible solid wastes consisting of either:
  - (a) Combustible wastes such as paper, cardboard, plastic containers and wood; or
  - (b) Noncombustible wastes such as tin cans and crockery.
18. Tree, when used by itself, means any woody, perennial plant and includes those having a single main stem that grows to a minimum height of over ten (10) feet.
19. Vacant means currently unoccupied or occupied by vagrants, squatters, trespassers or other persons having no legal right to occupy.
20. Weeds means vegetation that has attained a height of twelve (12) inches or more and that constitutes a potential rat harborage or other health or safety hazard.

(G.O. 135, 1991, § 1; G.O. 63, 2009, § 33)

#### Sec. 537-2. Applicability.

The general provisions in this article shall apply in the interpretation and enforcement of this chapter.

(G.O. 135, 1991, § 1)

Sec. 537-3. Title.

This chapter shall be known and may be cited as the “Vacant Building Standards of Marion County, Indiana,” and will be referred to herein as “these standards.”

(G.O. 135, 1991, § 1)

Sec. 537-4. Legislative Findings.

It is hereby found that there exists, and may exist in the future, vacant buildings which have not been properly maintained and which, because of their deteriorated condition, constitute a significant threat to the public health, safety and social well-being. The Indiana General Assembly, in enacting IC36-7-9-4.5, found that such buildings create a serious, substantial problem and encouraged local governmental bodies to adopt appropriate maintenance and repair standards so that vigorous and disciplined action can be taken to ensure that vacant buildings are properly maintained and repaired.

(G.O. 135, 1991, § 1)

Sec. 537-5. Scope.

These standards shall apply to the maintenance, repair and boarding of vacant structures located in the county. These standards shall in no way limit the types of action the division of development services is authorized to take under IC 36-7-9-1 et seq. relative to the exterior of unsafe buildings, the interior of unsafe buildings, or the premises on which unsafe buildings are located.

(G.O. 135, 1991, § 1)

Sec. 537-6. Public nuisance.

Any structure which fails to meet the minimum standards set forth herein shall be deemed a public nuisance and subject to remedial action under IC 36-7-9-1 et seq.

(G.O. 135, 1991, § 1)

Sec. 537-7. Remedial action.

Orders or portions of orders issued by the bureau under IC 36-7-9-6 requiring an owner to bring his or her property into compliance with these standards shall be complied with by the time specified in the order, or as extended by the hearing authority acting under IC 36-7-9-7.

However, an order, other than an order requiring immediate boarding, shall provide the owner at least thirty-three (33) days from the mailing of the order to comply or to prepare for an administrative hearing.

(G.O. 135, 1991, § 1; G.O. 63, 2009, § 35)

Sec. 537-8. Building codes.

The repair, alteration or rehabilitation of any structure or portion thereof which may be required by the provisions of these standards shall be done in accordance with the applicable state rules and regulations as promulgated by the Indiana Fire Prevention and Building Safety Commission and in accordance with the "Building Standards and Procedures," Chapter 536 of this Code.

(G.O. 135, 1991, § 1)

Sec. 537-9. Zoning ordinances.

Nothing in these standards shall permit the abridgement or violation of any provision contained in the "Zoning Ordinance of Marion County," Code of Indianapolis and Marion County, Indiana, appendix D.

(G.O. 135, 1991, § 1)

Sec. 537-10. Historic preservation.

The repair, alteration or rehabilitation of any structure or portion thereof which may be required by the provisions of these standards shall be done in accordance with IC 36-7-11-1 et seq., "Historic Preservation in Marion County," and with the plans, rules and regulations of the Indianapolis Historic Preservation Commission.

(G.O. 135, 1991 § 1)

Sec. 537-11 Health and Hospital Standards.

"Housing and Environmental Standards Ordinance of Marion County," Chapter 10 of The Code of The Health and Hospital Corporation of Marion County, Indiana, are met. Nothing in these standards shall permit the abridgement or violation of any provision contained in the "Housing and Environmental Standards of Marion County."

(G.O. 135, 1991, § 1)

## ARTICLE II. Exterior Maintenance Standards

Sec. 537-31. Exterior maintenance standards.

The owner of a structure shall maintain the structure and premises in a safe and sanitary condition in accordance with the following standards:

- (1) The premises, including abutting sidewalks, gutters and alleys, shall be kept free of high grass and weeds, rubbish, garbage and any material that creates a health, safety or fire hazard. Grass and weeds shall be kept below twelve (12) inches. All dead or broken trees, tree limbs or shrubbery shall be cut and removed from the premises.
- (2) No owner shall accumulate or permit the accumulation of junk, trash and debris, boxes, lumber, scrap metal, junk vehicles or any

other materials in such a manner that may provide rat harborage on the premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked safely and elevated at least eighteen (18) inches above the ground.

- (3) No person shall deposit or place any refuse or other hazardous materials in or adjacent to any road, street, alley or other public place unless it is in proper containers for collection.
- (4) All open, uncovered or insecurely covered cisterns, cellars, wells, pits, excavations or vaults situated on any premises shall be properly secured or filled to grade with appropriate fill material.
- (5) Every swimming or wading pool not currently in use shall be maintained in sound condition and good repair. Every pool shall be enclosed by a chain-link, ornamental or solid fence with a self-closing, self-latching gate. The fence, if erected from grade, shall be no less than five (5) feet in height, or if erected from the deck of an aboveground pool, the fence shall be not less than four (4) feet in height. The pool shall be equipped with a cover adequate to protect persons or animals from harm.
- (6) Any swimming pool or wading pool not maintained in sound condition and good repair shall be removed, and the excavation shall be filled to grade with appropriate fill material.
- (7) Every owner shall be responsible to ensure water from the premises is properly disposed of in such a manner that does not interfere with the operation of a private sewage disposal system, create standing water or otherwise create a hazard.
- (8) No structure, vehicle, receptacle, yard, lot, premises or part thereof shall be constructed, made, used, maintained or operated in any manner causing or producing any health or safety hazard or permitted to become a rat harborage or to become conducive to a rat harborage.
- (9) No structure, vehicle, receptacle, yard, lot, premises or part thereof shall be constructed, made, used, maintained or operated in any manner causing or producing any health or safety hazard or permitted to become a mosquito harborage or to become conducive to a mosquito harborage.
- (10) Every foundation, roof, floor, exterior wall and ceiling shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Every outside stair or step shall be maintained in sound condition and good repair.
- (11) Every porch, stoop, deck, veranda, balcony and walk shall be maintained in sound condition and fit for its purpose.
- (12) Structurally sound handrails shall be provided on any exterior stairs containing four (4) risers or more. Porches, patios and

- balconies located more than three (3) feet higher than the adjacent areas shall have structurally sound protective guard rails or handrails. All newly constructed protective railings shall have balusters placed at intervals of not more than four (4) inches apart or shall have other sufficient protective material between the protective railing and the flooring of tread so that a space of not more than four (4) inches is present. Existing protective guard railings shall be acceptable, provided they are maintained in sound condition and good repair.
- (13) Every foundation, roof, exterior wall, door, skylight, window and door shall be weathertight, watertight, and damp-free and shall be kept in sound condition and good repair.
  - (14) Every window, exterior door, hatchway or similar device, which is not protected in accordance with section 537-41 or 537-42 of these standards, shall be maintained in sound condition and good repair.
    - a. Every exterior door and window that is capable of being opened and other potential means of ingress shall be equipped with hardware for locking and shall be secured so as to prevent unauthorized entry.
    - b. Every unprotected window, which is broken, cracked or missing glass or glazing shall be replaced and maintained in good repair.
  - (15) All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other preservative material. All wood surfaces shall be cleaned and freed of flaking, loose or defective surfacing materials prior to painting or applying other preservative material.
  - (16) Every masonry wall, foundation and chimney shall be kept in sound, functional, weathertight condition and in good repair.
  - (17) Any tree, shrub or other type of vegetation growing in a location or manner which is likely to cause damage to any portion of a structure shall be trimmed or removed so that damage does not occur. Any damage that has occurred to the structure by overgrown trees, shrubs or other vegetation shall be repaired.
  - (18) Every owner shall be responsible for the extermination of insects, rats and other vermin in or about the premises.
  - (19) Every structure and the premises on which it is located shall be maintained in a rat-free and rat-proof condition.
    - a. All openings in the exterior walls, foundations, doors, windows, sewers, pipes, drains, basements, ground and first floors and roofs shall be closed and made rat-proof in an approved manner.

b. Interior floors of basements, cellars and other areas in contact with the soil shall be made rat-proof in a manner approved by the Health and Hospital Corporation of Marion County, Indiana.

- (20) Unless other provisions are made, gutters, leaders and downspouts shall be provided and maintained in good working condition so as to provide proper drainage of stormwater.
- (21) Every premises shall be graded, drained free of standing water and maintained in a clean, sanitary and safe condition.
- (22) All fences shall be maintained in sound condition and good repair.
- (23) Accessory structures on the premises of a dwelling shall be structurally sound and be maintained in good repair and free of insects and rats. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials, paint or other preservatives.
- (24) Every door, window or other potential means of ingress of an accessory structure shall be secured so as to prevent unauthorized entry.
- (25) No person shall apply a lead-based paint to any surface of a building or part thereof or to any other structure located on the premises.
- (26) Every owner shall maintain in good repair all asbestos-containing materials on the premises. All asbestos-containing materials shall remain free from defects such as holes, cracks, tears and/or looseness that may allow the release of asbestos fibers into the environment.

(G.O. 135, 1991, § 1)

### Article III. Boarding Standards

Sec. 537-41. Boarding standards.

The following standards apply to the boarding of buildings as ordered under IC 36-7-9-5(a)(8):

- (1) If ordered to seal a building, the owner shall comply with the standards set forth in this section.
- (2) The owner shall comply with all exterior maintenance standards contained in Article II of these standards.
- (3) All openings of a building shall be closed. Openings that are more than one (1) square foot in area and located less than twenty (20) feet above the ground or that are accessible from a part of the building such as a fire escape or other means of access shall be secured by the following means:

- a. Plywood or oriented strand board, covered with a weatherproofing substance such as exterior paint or varnish, similar in color to the exterior of the building and cut to the inside dimension of the exterior of the opening, shall be placed in all openings in such a way that no portion of the plywood extends outside the existing frame. The plywood shall be placed against any existing exterior window slide trim or a furring strip. If there is no slide trim or furring strip, an equivalent block shall be installed. The slide trim, furring strip or block shall be sufficient to prevent the plywood from being pushed inward. The plywood or oriented strand board shall be affixed to the exterior frame by use of two and three-quarters-inch or longer ring nails spaced a maximum of eight (8) inches apart.
  - b. Where the inside dimension of the opening exceeds twenty-six (26) square feet in area, additional exterior support shall be provided by placing continuous pieces of nominal two-inch by four-inch framing grade lumber on the outside of the plywood in such a manner that every carriage bolt used in the opening passes through and joins such a piece of nominal two-inch by four-inch lumber, the plywood and the interior brace. The round head of the bolt shall be on the outside of such pieces of nominal two-inch by four-inch lumber that gives exterior support. The pieces of nominal two-inch by four-inch framing grade lumber shall be covered with a weatherproofing substance such as exterior paint or varnish, similar in color to the exterior of the building.
  - c. In case of a ground level door that is most exposed to view from a public street, the following method of securing shall be used: The door shall be placed in good repair including, but not limited to, closing any openings in the door, repairing hinges on the door and providing for an adequate closure to the opening; and the door shall be locked by the use of not less than two (2) hasp locks and padlocks to be located equidistant from the top and bottom casing and each other. If no door exists, or if it is impractical to repair the existing door, the opening shall be secured in the manner described in this subsection, substituting, however, a piece of plywood for the door.
- (4) Any opening that is less than one (1) square foot in area or that is both more than twenty (20) feet above the ground and not accessible from a part of the building shall be covered so as to prevent entry of birds, rats or other animals and shall be made

weathertight. The covering shall be painted in a color similar to the exterior of the building.

- (5) The materials used to secure the openings of a building pursuant to these standards shall meet the following specifications:
  - a. Plywood or oriented strand board: no less than one-half-inch exterior grade;
  - b. Braces: no less than nominal two-inch by four-inch framing grade lumber; and
  - c. Bolts: no less than three-eighths-inch carriage bolts.
- (6) The bureau of property safety and maintenance services may allow the use of other materials and methods of securing openings, including the use of existing doors, if it is shown that, as related to the particular circumstances, the objectives of these standards would be met by the use of such materials and methods.

(G.O. 135, 1991, § 1; G.O. 63, 2009, § 36)

#### Sec. 537-42. Immediate boarding.

When an immediate hazard exists because a structure is open and accessible for unauthorized entry, the bureau of property safety and maintenance services, acting pursuant to IC 36-7-9-5(a)(2), may order the immediate boarding of the building. Such boarding shall be done in a manner described by the bureau and shall be for a short time period. Such boarding shall not prevent the bureau from taking further action requiring the owner to bring the property in compliance with these standards.

(G.O. 135, 1991, § 1; G.O. 63, 2009, § 36)

## CHAPTER 575 ENVIRONMENTAL PUBLIC NUISANCES

#### Sec. 575-2. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section. The word "shall" is always mandatory and not merely directory.

Authorized individual means a designee of the director of the department of code enforcement.

Environmental public nuisance means:

- a. Vegetation on private or governmental property that is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and that has attained a height of twelve (12) inches or more;

- b. Vegetation, trees or woody growth on private property that, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or that has been allowed to become a health or safety hazard;
- c. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter; or
- d. Property which has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or which has otherwise been allowed to become a health or safety hazard.

Equipment means such equipment as trucks, tractors, bulldozers and similar motor vehicles and hand-operated equipment such as weed trimmers and similar equipment.

Excluded property means:

- a. Cultivated land in commercial, domestic, agricultural or horticultural use;
- b. An existing natural or developed forest that does not create a health or safety hazard;
- c. Vacant, open lands, fields or wooded areas more than one hundred fifty (150) feet from occupied property;
- d. A nature habitat area more than one hundred fifty (150) feet from an occupied structure on adjacent property and determined by state and/or local governmental health authorities not to be a health or safety hazard; or
- e. A wetland area designated by the United States Department of Interior Fish and Wildlife Division on a National Wetlands Inventory Map and/or determined to be a wetland area by the Marion County Soil and Conservation Service and/or the Department of Public Works, Drainage Division.

Governmental property means real estate that is owned, leased, controlled or occupied by the United States, the State of Indiana, or any political subdivision thereof.

Occupant means the person, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization, or entity who is from time to time in possession or exercising dominion and control over the real estate or any house or other structure located thereon. Occupant shall include any lessee of the property.

Owner means the record owner or owners as reflected by the most current records in the county assessor's office.

Private property means all real estate within the city except governmental property.

Recipient means the owner or occupant to whom notice of violation has been directed.

Repeat violation occurs when a property owner or occupant who has previously been issued notice of a similar environmental public nuisance for the same property or who has been found by a hearing or judicial officer to have allowed a similar environmental public nuisance to exist at the same property allows a subsequent similar environmental public nuisance to exist at that property within eighteen (18) months of the date of the previous notice or finding of violation, whichever is later. A repeat violation does not occur when multiple violations of subsection (4) of the definition of environmental public nuisance are alleged and:

- a. The owner or occupant can demonstrate that illegal dumping was the cause of the underlying violations; and
- b. The owner or occupant has made a reasonable effort to prevent illegal dumping from recurring.

(G.O. 30, 1995, § 1; G.O. 35, 2003, § 1; G.O. 38, 2007, § 1; G.O. 85, 2008, § 3; G.O. 44, 2009, § 10; G.O. 63, 2009, § 50)



Indiana Code

IC 16-22-8

HEALTH AND HOSPITAL CORPORATION OF MARION COUNTY

IC 16-22-8-6 Creation; powers

- (a) There is created in a county containing a consolidated city a distinct municipal corporation known as "The Health and Hospital Corporation of \_\_\_\_\_ County".
- (b) The municipal corporation, in its corporate name, may do the following:
  - (1) Sue and be sued in a court of competent jurisdiction.
  - (2) Enter into contracts.
  - (3) Acquire and dispose of real, personal, and mixed property by deed, purchase, gift, grant, devise, lease, condemnation, or otherwise.
  - (4) Make and adopt appropriate ordinances, regulations, orders, rules, and resolutions.
  - (5) Do all things reasonable or necessary to carry out the work and perform the corporation's duties under this chapter.

As added by P.L.2-1993, SEC.5.

IC 16-22-8-31 Public health division; director; powers; enforcement of orders; petition for isolation or quarantine; venue

- (a) The director of the division of public health has the powers, functions, and duties of a local health officer.
  - (b) Orders, citations, and administrative notices of violation issued by the director of the division of public health, the director's authorized representative, a supervisor in the division, or an environmental health specialist may be enforced by the corporation in a court with jurisdiction by filing a civil action in accordance with IC 16-42-5-28, IC 33-36-3-5(b), IC 34-28-5-1, IC 36-1-6-4, or IC 36-7-9-17.
  - (c) A public health authority may petition a circuit or superior court for an order of isolation or quarantine by filing a civil action in accordance with IC 16-41-9.
  - (d) Unless otherwise provided by law, a change of venue from the county may not be granted for court proceedings initiated under this section.
  - (e) A change of venue from a judge must meet the requirements in IC 34-35-3-3 for court proceedings initiated under this section.
- As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.34; P.L.88-2006, SEC.4; P.L.138-2006, SEC.5; P.L.194-2007, SEC.3

IC 32-31-7-5  
TENANT OBLIGATIONS

A tenant shall do the following:

- (1) Comply with all obligations imposed primarily on a tenant by applicable provisions of health and housing codes.
- (2) Keep the areas of the rental premises occupied or used by the tenant reasonably clean.
- (3) Use the following in a reasonable manner:
  - (A) Electrical systems.
  - (B) Plumbing.
  - (C) Sanitary systems.
  - (D) Heating, ventilating, and air conditioning systems.
  - (E) Elevators, if provided.
  - (F) Facilities and appliances of the rental premises.
- (4) Refrain from defacing, damaging, destroying, impairing, or removing any part of the rental premises.
- (5) Comply with all reasonable rules and regulations in existence at the time a rental agreement is entered into. A tenant shall also comply with amended rules and regulations as provided in the rental agreement.
- (6) Ensure that each smoke detector installed in the tenant's rental unit remains functional and is not disabled. If the smoke detector is battery operated, the tenant shall replace batteries in the smoke detector as necessary. If the smoke detector is hard wired into the rental unit's electrical system, and the tenant believes that the smoke detector is not functional, the tenant shall provide notice to the landlord under IC 22-11-18-3.5(e)(2). This section may not be construed to limit a landlord's obligations under this chapter or IC 32-31-8.

As added by P.L.92-2002, SEC.1. Amended by P.L.17-2008, SEC.5.

IC 32-31-8-5.  
LANDLORD OBLIGATIONS

A landlord shall do the following:

- (1) Deliver the rental premises to a tenant in compliance with the rental agreement, and in a safe, clean, and habitable condition.
- (2) Comply with all health and housing codes applicable to the rental premises.
- (3) Make all reasonable efforts to keep common areas of a rental premises in a clean and proper condition.
- (4) Provide and maintain the following items in a rental premises in good and safe working condition, if provided on the premises at the time the rental agreement is entered into:
  - (A) Electrical systems.
  - (B) Plumbing systems sufficient to accommodate a reasonable supply of hot and cold running water at all times.
  - (C) Sanitary systems.
  - (D) Heating, ventilating, and air conditioning systems. A heating system must be sufficient to adequately supply heat at all times.
  - (E) Elevators, if provided.
  - (F) Appliances supplied as an inducement to the rental agreement.

As added by P.L.92-2002, SEC.2.

IC 36-1-6  
ENFORCEMENT OF ORDINANCES

IC 36-1-6-2. Clean and Bill.

- (a) If a condition violating an ordinance of a municipal corporation exists on real property, employees or contractors of a municipal corporation may enter onto that property and take appropriate action to bring the property into compliance with the ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance. Continuous enforcement orders (as defined in IC 36-7-9-2) can be enforced and liens may be assessed without the need for additional notice. If the municipal corporation takes action to bring compliance, the expenses incurred by the municipal corporation to bring compliance constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the county recorder in which the property is located. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:
- (1) ten thousand dollars (\$10,000) for real property that:
    - A) contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or
    - (B) is unimproved; or
  - (2) twenty thousand dollars (\$20,000) for all other real property not described in subdivision (1).
- (b) The municipal corporation may issue a bill to the owner of the real property for the costs incurred by the municipal corporation in bringing the property into compliance with the ordinance, including administrative costs and removal costs.
- (c) A bill issued under subsection (b) is delinquent if the owner of the real property fails to pay the bill within thirty (30) days after the date of the issuance of the bill.
- (d) Whenever a municipal corporation determines it necessary, the officer charged with the collection of fees and penalties for the municipal corporation shall prepare:
- (1) a list of delinquent fees and penalties that are enforceable under this section, including:
    - (A) the name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent;

- (B) a description of the premises, as shown on the records of the county auditor; and
- (C) the amount of the delinquent fees and the penalty; or
- (2) an instrument for each lot or parcel of real property on which the fees are delinquent.
- (e) The officer shall record a copy of each list or each instrument with the county recorder, who shall charge a fee for recording the list or instrument under the fee schedule established in IC 36-2-7-10.
- (f) The amount of a lien shall be placed on the tax duplicate by the auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the general fund of the municipal corporation.
- (g) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the municipal corporation shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be considered a bad debt loss.
- (h) The municipal corporation shall release:
  - (1) liens filed with the county recorder after the recorded date of conveyance of the property; and
  - (2) delinquent fees incurred by the seller;upon receipt of a written demand from the purchaser or a representative of the title insurance company or the title insurance company's agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.
- (i) The county auditor shall remove the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner upon receipt of a copy of the written demand under subsection (h).

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.50-2002, SEC.1; P.L.144-2003, SEC.1; P.L.177-2003, SEC.2; P.L.131-2005, SEC.5; P.L.88-2006, SEC.7; P.L.194-2007, SEC.8; P.L.88-2009, SEC.5.

IC 36-1-6-4. Civil Actions.

(a) A municipal corporation may bring a civil action as provided in IC 34-28-5-1 if a person:

(1) violates an ordinance regulating or prohibiting a condition or use of property; or

(2) engages in conduct without a license or permit if an ordinance requires a license or permit to engage in the conduct.

(b) A court may take any appropriate action in a proceeding under this section, including any of the following actions:

(1) Issuing an injunction.

(2) Entering a judgment.

(3) Issuing a continuous enforcement order (as defined in IC 36-7-9-2).

(4) Ordering the suspension or revocation of a license.

(5) Ordering an inspection.

(6) Ordering a property vacated.

(7) Ordering a structure demolished.

(8) Imposing a penalty not to exceed an amount set forth in IC 36-1-3-8(a)(10).

(9) Imposing court costs and fees in accordance with IC 33-37-4-2 and IC 33-37-5.

(10) Ordering a defendant to take appropriate action to bring a property into compliance with an ordinance within a specified time.

(11) Ordering a municipal corporation to take appropriate action to bring a property into compliance with an ordinance in accordance with IC 36-1-6-2.

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.194-2007, SEC.9; P.L.88-2009, SEC.6:

IC 36-7-9  
INDIANA UNSAFE BUILDING LAW

IC 36-7-9-1. Application of chapter

This chapter applies to each consolidated city and its county. This chapter also applies to any other municipality or county that adopts an ordinance under section 3 of this chapter.

As added by Acts 1981, P.L.309, SEC.28. Amended by Acts 1982, P.L.33, SEC.33.

IC 36-7-9-2. Definitions.

As used in this chapter:

"Community organization" means a citizen's group, neighborhood association, neighborhood development corporation, or similar organization that:

- (1) has specific geographic boundaries defined in its bylaws or articles of incorporation and contains at least forty (40) households within those boundaries;
- (2) is a nonprofit corporation that is representative of at least twenty-five (25) households or twenty percent (20%) of the households in the community, whichever is less;
- (3) is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;
- (4) has been incorporated for at least two (2) years; and
- (5) is exempt from taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

"Continuous enforcement order" means an order that:

- (1) is issued for compliance or abatement and that remains in full force and effect on a property without further requirements to seek additional:
  - (i) compliance and abatement authority; or
  - (ii) orders for the same or similar violations;
- (2) authorizes specific ongoing compliance and enforcement activities if a property requires reinspection or additional periodic abatement;
- (3) can be enforced, including assessment of fees and costs, without the need for additional notice or hearing; and
- (4) authorizes the enforcement authority to assess and collect ongoing costs for continuous enforcement order activities from any party that is subject to the enforcement authority's order.

"Department" refers to the executive department authorized by ordinance

to administer this chapter. In a consolidated city, this department is the department of metropolitan development, subject to IC 36-3-4-23.

"Enforcement authority" refers to the chief administrative officer of the department, except in a consolidated city. In a consolidated city, the division of development services is the enforcement authority, subject to IC 36-3-4-23.

"Hearing authority" refers to a person or persons designated as such by the executive of a city or county, or by the legislative body of a town. However, in a consolidated city, the director of the department or a person designated by the director is the hearing authority. An employee of the enforcement authority may not be designated as the hearing authority.

"Known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser" means any fee interest, life estate interest, or equitable interest of a contract purchaser held by a person whose identity and address may be determined from:

- (1) an instrument recorded in the recorder's office of the county where the unsafe premises is located;
- (2) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or
- (3) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

"Known or recorded substantial property interest" means any right in real property, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser, that:

- (1) may be affected in a substantial way by actions authorized by this chapter; and
- (2) is held by a person whose identity and address may be determined from:
  - (A) an instrument recorded in the recorder's office of the county where the unsafe premises is located;
  - (B) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or
  - (C) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.

"Substantial property interest" means any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.59-1986, SEC.4;

P.L.177-2003, SEC.3; P.L.169-2006, SEC.59; P.L.88-2009, SEC.7.

IC 36-7-9-3. Ordinances adopting this chapter.

The legislative body of a municipality or county may adopt this chapter by ordinance. The ordinance must specify the executive department of the unit responsible for the administration of this chapter or establish such a department. However, in a municipality in which a commissioner of buildings was appointed to administer IC 18-5-5 (before its repeal on September 1, 1981), the commissioner of buildings is responsible for the administration of this chapter. The ordinance must also incorporate by reference the definition of "substantial property interest" in this chapter. As added by Acts 1981, P.L.309, SEC.28. Amended by Acts 1982, P.L.33, SEC.34; P.L.3-1990, SEC.126.

IC 36-7-9-4. Unsafe buildings and unsafe premises described.

- (a) For purposes of this chapter, a building or structure, or any part of a building or structure, that is:
  - (1) in an impaired structural condition that makes it unsafe to a person or property;
  - (2) a fire hazard;
  - (3) a hazard to the public health;
  - (4) a public nuisance;
  - (5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
  - (6) vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance; is considered an unsafe building.
- (b) For purposes of this chapter:
  - (1) an unsafe building; and
  - (2) the tract of real property on which the unsafe building is located; are considered unsafe premises.
- (c) For purposes of this chapter, a tract of real property that does not contain a building or structure, not including land used for production agriculture, is considered an unsafe premises if the tract of real property is:
  - (1) a fire hazard;
  - (2) a hazard to public health;
  - (3) a public nuisance; or
  - (4) dangerous to a person or property because of a violation of a statute or an ordinance.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.14-1991, SEC.9; P.L.66-2005, SEC.1.

IC 36-7-9-4.5. Legislative findings; vacant or deteriorated structures

- (a) In Indiana, especially in urban areas, there exist a large number of unoccupied structures that are not maintained and that constitute a hazard to public health, safety, and welfare.
- (b) Vacant structures often become dilapidated because the structures are not maintained and repaired by the owners or persons in control of the structures.
- (c) Vacant structures attract children, become harborage for vermin, serve as temporary abodes for vagrants and criminals, and are likely to be damaged by vandals or set ablaze by arsonists.
- (d) Unkept grounds surrounding vacant structures invite dumping of garbage, trash, and other debris.
- (e) Many vacant structures are situated on narrow city lots and in close proximity to neighboring structures, thereby increasing the risk of conflagration and spread of insect and rodent infestation.
- (f) Vacant, deteriorated structures contribute to blight, cause a decrease in property values, and discourage neighbors from making improvements to properties.
- (g) Structures that remain boarded up for an extended period of time also exert a blighting influence and contribute to the decline of the neighborhood by decreasing property values, discouraging persons from moving into the neighborhood, and encouraging persons to move out of the neighborhood.
- (h) Vacant structures often continue to deteriorate to the point that demolition of the structure is required, thereby decreasing available housing in a community and further contributing to the decline of the neighborhood.
- (i) The blighting influence of vacant, deteriorated structures adversely affects the tax revenues of local government.
- (j) The general assembly finds that vacant, deteriorated structures create a serious and substantial problem in urban areas and are public nuisances.
- (k) In recognition of the problems created in a community by vacant structures, the general assembly finds that vigorous and disciplined action should be taken to ensure the proper maintenance and repair of vacant structures and encourages local governmental bodies to adopt maintenance and repair standards appropriate for the community in accordance with this chapter and other statutes.

As added by P.L.14-1991, SEC.10. Amended by P.L.1-1992, SEC.186.

IC 36-7-9-5. Orders; contents; notice; expiration.

- (a) The enforcement authority may issue an order requiring action relative to any unsafe premises, including:

- (1) vacating of an unsafe building;
- (2) sealing an unsafe building against intrusion by unauthorized persons, in accordance with a uniform standard established by ordinance;
- (3) extermination of vermin in and about the unsafe premises;
- (4) removal of trash, debris, fire hazardous material, or a public health hazard in and about the unsafe premises;
- (5) repair or rehabilitation of an unsafe building to bring it into compliance with standards for building condition or maintenance required for human habitation, occupancy, or use by a statute, a rule adopted under IC 4-22-2, or an ordinance;
- (6) removal of part of an unsafe building;
- (7) demolition and removal of an unsafe building if:
  - (A) the general condition of the building warrants removal; or
  - (B) the building continues to require reinspection and additional abatement action after an initial abatement action was taken pursuant to notice and an order; and
- (8) requiring, for an unsafe building that will be sealed for a period of more than ninety (90) days:
  - (A) sealing against intrusion by unauthorized persons and the effects of weather;
  - (B) exterior improvements to make the building compatible in appearance with other buildings in the area; and
  - (C) continuing maintenance and upkeep of the building and premises in accordance with standards established by ordinance. Notice of the order must be given under section 25 of this chapter. The ordered action must be reasonably related to the condition of the unsafe premises and the nature and use of nearby properties. The order supersedes any permit relating to building or land use, whether that permit is obtained before or after the order is issued.

(b) The order must contain:

- (1) the name of the person to whom the order is issued;
- (2) the legal description or address of the unsafe premises that are the subject of the order;
- (3) the action that the order requires;
- (4) the period of time in which the action is required to be accomplished, measured from the time when the notice of the order is given;

- (5) if a hearing is required, a statement indicating the exact time and place of the hearing, and stating that person to whom the order was issued is entitled to appear at the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments;
  - (6) if a hearing is not required, a statement that an order under subsection (a)(2), (a)(3), (a)(4), or (a)(5) becomes final ten (10) days after notice is given, unless a hearing is requested in writing by a person holding a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises, and the request is delivered to the enforcement authority before the end of the ten (10) day period;
  - (7) a statement briefly indicating what action can be taken by the enforcement authority if the order is not complied with;
  - (8) a statement indicating the obligation created by section 27 of this chapter relating to notification of subsequent interest holders and the enforcement authority; and
  - (9) the name, address, and telephone number of the enforcement authority.
- (c) The order must allow a sufficient time, of at least ten (10) days, but not more than sixty (60) days, from the time when notice of the order is given, to accomplish the required action. If the order allows more than thirty (30) days to accomplish the action, the order may require that a substantial beginning be made in accomplishing the action within thirty (30) days.
- (d) The order expires two (2) years from the day the notice of the order is given, unless one (1) or more of the following events occurs within that two (2) year period:
- (1) A complaint requesting judicial review is filed under section 9 of this chapter.
  - (2) A contract for action required by the order is let at public bid under section 11 of this chapter.
  - (3) A civil action is filed under section 17 of this chapter.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.59-1986, SEC.5; P.L.14-1991, SEC.11; P.L.177-2003, SEC.4; P.L.88-2006, SEC.8; P.L.88-2009, SEC.8.

IC 36-7-9-6

Modification or rescission of orders

- (a) The enforcement authority may issue an order that modifies the order previously issued.

- (b) The enforcement authority may rescind an order previously issued, even if the order has been affirmed by the hearing authority.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.59-1986, SEC.6.

#### IC 36-7-9-7

Hearings; hearing authority findings and action; additional period for ordered actions; continuous enforcement order; performance bond; record of findings; collection of penalties

- (a) A hearing must be held relative to each order of the enforcement authority, except for an order issued under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter. An order issued under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter becomes final ten (10) days after notice is given, unless a hearing is requested before the ten (10) day period ends by a person holding a fee interest, life estate interest, mortgage interest, or equitable interest of a contract purchaser in the unsafe premises. The hearing shall be conducted by the hearing authority.
- (b) The hearing shall be held on a business day no earlier than ten (10) days after notice of the order is given. The hearing authority may, however, take action at the hearing, or before the hearing if a written request is received by the enforcement authority not later than five (5) days after notice is given, to continue the hearing to a business day not later than fourteen (14) days after the hearing date shown on the order. Unless the hearing authority takes action to have the continued hearing held on a definite, specified date, notice of the continued hearing must be given to the person to whom the order was issued at least five (5) days before the continued hearing date, in the manner prescribed by section 25 of this chapter. If the order being considered at the continued hearing was served by publication, it is sufficient to give notice of the continued hearing by publication unless the enforcement authority has received information in writing that enables it to make service under section 25 of this chapter by a method other than publication.
- (c) The person to whom the order was issued, any person having a substantial property interest in the unsafe premises that are the subject of the order, or any other person with an interest in the proceedings may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses, and present arguments.

- (d) At the conclusion of any hearing at which a continuance is not granted, the hearing authority may make findings and take action to:
- (1) affirm the order;
  - (2) rescind the order; or
  - (3) modify the order, but unless the person to whom the order was issued, or counsel for that person, is present at the hearing, the hearing authority may modify the order in only a manner that makes its terms less stringent.
- (e) In addition to affirming the order, in those cases in which the hearing authority finds that there has been a willful failure to comply with the order, the hearing authority may impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000). The effective date of the civil penalty may be postponed for a reasonable period, after which the hearing authority may order the civil penalty reduced or stricken if the hearing authority is satisfied that all work necessary to fully comply with the order has been done. For purposes of an appeal under section 8 of this chapter or enforcement of an order under section 17 of this chapter, action of the hearing authority is considered final upon the affirmation of the order, even though the hearing authority may retain jurisdiction for the ultimate determination related to the civil penalty. In the hearing authority's exercise of continuing jurisdiction, the hearing authority may, in addition to reducing or striking the civil penalty, impose one (1) or more additional civil penalties in an amount not to exceed five thousand dollars (\$5,000) per civil penalty. An additional civil penalty may be imposed if the hearing authority finds that:
- (1) significant work on the premises to comply with the affirmed order has not been accomplished; and
  - (2) the premises have a negative effect on property values or the quality of life of the surrounding area or the premises require the provision of services by local government in excess of the services required by ordinary properties.
- (f) If, at a hearing, a person to whom an order has been issued requests an additional period to accomplish action required by the order, and shows good cause for this request to be granted, the hearing authority may grant the request. However, as a condition for allowing the additional period, the hearing authority may require that the person post a performance bond to be forfeited if the action required by the order is not completed within the additional period.
- (g) If an order is affirmed or modified, the hearing authority shall issue a continuous enforcement order (as defined in section 2 of this chapter).

- (h) The board or commission having control over the department shall, at a public hearing, after having given notice of the time and place of the hearing by publication in accordance with IC 5-3-1, adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of ordered action. The hearing authority shall use this schedule to fix the amount of the performance bond required under subsection (f).
- (i) The record of the findings made and action taken by the hearing authority at the hearing shall be available to the public upon request. However, neither the enforcement authority nor the hearing authority is required to give any person notice of the findings and action.
- (j) If a civil penalty under subsection (e) is unpaid for more than fifteen (15) days after payment of the civil penalty is due, the civil penalty may be collected from any person against whom the hearing officer assessed the civil penalty or fine. A civil penalty or fine may be collected under this subsection in the same manner as costs under section 13 or 13.5 of this chapter. The amount of the civil penalty or fine that is collected shall be deposited in the unsafe building fund.

As added by Acts 1981, P.L.309, SEC.28. Amended by Acts 1981, P.L.45, SEC.26; P.L.59-1986, SEC.7; P.L.14-1991, SEC.12; P.L.177-2003, SEC.5; P.L.169-2006, SEC.60; P.L.88-2009, SEC.9.

#### IC 36-7-9-8. Appeals.

- (a) An action taken under section 7(d) or 7(e) of this chapter is subject to review by the circuit or superior court of the county in which the unsafe premises are located, on request of:
  - (1) any person who has a substantial property interest in the unsafe premises; or
  - (2) any person to whom that order was issued.
- (b) A person requesting judicial review under this section must file a verified complaint including the findings of fact and the action taken by the hearing authority. The complaint must be filed within ten (10) days after the date when the action was taken.
- (c) An appeal under this section is an action de novo. The court may affirm, modify, or reverse the action taken by the hearing authority.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.169-2006, SEC.61.

#### IC 36-7-9-9. Emergency action; recovery of costs; challenge of determination of emergency

- (a) If the enforcement authority finds it necessary to take emergency action concerning an unsafe premises in order to protect life, safety, or property, it may take that action without issuing an

order or giving notice. However, this emergency action must be limited to removing any immediate danger.

- (b) The department, acting through the enforcement authority, may recover the costs incurred by the enforcement authority in taking emergency action, by filing a civil action in the circuit court or superior court of the county against the persons who held a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises at the time the enforcement authority found it necessary to take emergency action. The department is not liable for the costs of this civil action.
- (c) If an unsafe premises poses an immediate danger to the life or safety of persons occupying or using nearby property, the enforcement authority may, without following this chapter's requirements for issuing an order and giving notice, take emergency action to require persons to vacate and not use the nearby property until the danger has passed. However, any person required to vacate an unsafe premises under this subsection may challenge in an emergency court proceeding the enforcement authority's determination that the premises poses an immediate danger to the life or safety of any person. In an emergency court proceeding, the enforcement authority has the burden of proving that emergency action is necessary to protect from immediate danger the life or safety of persons occupying or using nearby property.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.59-1986, SEC.8.

#### IC 36-7-9-10. Action to enforce orders.

- (a) The enforcement authority may cause the action required by an order issued under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter to be performed by a contractor if:
  - (1) the order has been served, in the manner prescribed by section 25 of this chapter, on each person having a known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises that are the subject of the order;
  - (2) the order has not been complied with;
  - (3) a hearing was not requested under section 5(b)(6) of this chapter, or, if a hearing was requested, the order was affirmed at the hearing; and
  - (4) the order is not being reviewed under section 8 of this chapter.
- (b) The enforcement authority may cause the action required by an order, other than an order under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter, to be performed if:

- (1) service of an order under section 5(a)(1) of this chapter, in the manner prescribed by section 25 of this chapter, has been made on each person having a known or recorded substantial property interest or present possessory interest in the unsafe premises that are the subject of the order;
  - (2) service of an order under section 5(a)(6), 5(a)(7), or 5(a)(8) of this chapter, in the manner prescribed by section 25 of this chapter, has been made on each person having a known or recorded substantial property interest in the unsafe premises that are the subject of the order;
  - (3) the order has been affirmed or modified at the hearing in such a manner that all persons having a known or recorded substantial property interest, and persons holding a present possessory interest, as required, in the unsafe premises that are the subject of the order are currently subject to an order requiring the accomplishment of substantially identical action;
  - (4) the order, as affirmed or modified at the hearing, has not been complied with; and
  - (5) the order is not being reviewed under section 8 of this chapter.
- (c) If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement by publication and indicate that the enforcement authority intends to perform the work, unless the authority has received information in writing that enables it to make service under section 25 of this chapter by a method other than publication.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.59-1986, SEC.9; P.L.177-2003, SEC.6; P.L.169-2006, SEC.62.

IC 36-7-9-11. Liability for costs for performance of work required by orders.

- (a) The work required by an order of the enforcement authority may be performed in the following manner:
  - (1) If the work is being performed under an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and if the cost of this work is estimated to be less than ten thousand dollars (\$10,000), the department, acting through the unit's enforcement authority or other agent, may perform the work by means of the unit's own workers and equipment owned or leased by the unit. Notice that this work is to be performed must be given to all persons with a known or recorded substantial property

interest, in the manner prescribed in subsection (c), at least ten (10) days before the date of performance of the work by the enforcement authority. This notice must include a statement that an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter and performing the work may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.

- (2) If the work is being performed under an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and if the estimated cost of this work is ten thousand dollars (\$10,000) or more, this work must be let at public bid to a contractor licensed and qualified under law. The obligation to pay costs imposed by section 12 of this chapter is based on the condition of the unsafe premises at the time the public bid was accepted. Changes occurring in the condition of the unsafe premises after the public bid was accepted do not eliminate or diminish this obligation.
  - (3) If the work is being performed under an order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, the work may be performed by a contractor who has been awarded a base bid contract to perform the work for the enforcement authority, or by the department, acting through the unit's enforcement authority or other governmental agency and using the unit's own workers and equipment owned or leased by the unit. Work performed under an order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter may be performed without further notice to the persons holding a fee interest, life estate interest, or equitable interest of a contract purchaser, and these persons are liable for the costs incurred by the enforcement authority in processing the matter and performing the work, as provided by section 12 of this chapter.
- (b) Bids may be solicited and accepted for work on more than one (1) property if the bid reflects an allocation of the bid amount among the various unsafe premises in proportion to the work to be accomplished. The part of the bid amount attributable to each of the unsafe premises constitutes the basis for calculating the part of the costs described by section 12(a)(1) of this chapter.

- (c) All persons who have a known or recorded substantial property interest in the unsafe premises and are subject to an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter must be notified about the public bid in the manner prescribed by section 25 of this chapter, by means of a written statement including:
- (1) the name of the person to whom the order was issued;
  - (2) a legal description or address of the unsafe premises that are the subject of the order;
  - (3) a statement that a contract is to be let at public bid to a licensed contractor to accomplish work to comply with the order;
  - (4) a description of work to be accomplished;
  - (5) a statement that both the bid price of the licensed contractor who accomplishes the work and an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter of the unsafe premises may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises;
  - (6) the time of the bid opening;
  - (7) the place of the bid opening; and
  - (8) the name, address, and telephone number of the enforcement authority.
- (d) If the notice of the statement that public bids are to be let is served by publication, the publication must include the information required by subsection (c), except that it need only include a general description of the work to be accomplished. The publication must also state that a copy of the statement of public bid may be obtained from the enforcement authority.
- (e) Notice of the statement that public bids are to be let must be given, at least ten (10) days before the date of the public bid, to all persons who have a known or recorded substantial property interest in the property and are subject to an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter.
- (f) If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement that public bids are to be let by publication, unless the enforcement authority has received information in writing that enables the unit to make service under section 25 of this chapter by a method other than publication.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.59-1986, SEC.11; P.L.255-1996, SEC.26; P.L.169-2006, SEC.63.

IC 36-7-9-12. Liability for costs for performance of work required by orders

- (a) When action required by an order is performed by the enforcement authority or by a contractor acting under section 11 of this chapter, each person who held a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises from the time when the order requiring the work performed was recorded to the time that the work was completed is jointly and severally responsible for the following costs:
- (1) The actual cost of the work performed by the enforcement authority or the bid price of work accomplished by the contractor under section 11 of this chapter.
  - (2) An amount that represents a reasonable forecast of the average processing expense that will be incurred by the enforcement authority in taking the technical, administrative, and legal actions concerning typical unsafe premises that are necessary under this chapter so that the action required by an order may be performed by a contractor under section 11 of this chapter. In calculating the amount of the average processing expense, the following costs may be considered:
    - (A) The cost of obtaining reliable information about the identity and location of persons who own a substantial property interest in the unsafe premises.
    - (B) The cost of notice of orders, notice of statements of rescission, notice of continued hearing, notice of statements that public bids are to be let or that the enforcement authority intends to accomplish the work, and notice that a hearing may be held on the amounts indicated in the record, in accordance with section 25 of this chapter.
    - (C) Salaries for employees.
    - (D) The cost of supplies, equipment, and office space.
- (b) The board or commission having control over the department shall determine the amount of the average processing expense at the public hearing, after notice has been given in the same manner as is required for other official action of the board or commission. In determining the average processing expense, the board or commission may fix the amount at a full dollar amount that is an even multiple of ten (10).

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.59-1986, SEC.11.  
IC 36-7-9-13. Notice of unpaid costs; filing with clerk of court; hearing; judgment lien.

- (a) If all or any part of the costs listed in section 12 of this chapter remain unpaid for any unsafe premises (other than unsafe premises owned by a governmental entity) for more than fifteen (15) days after the completion of the work, the enforcement authority does not act under section 13.5 of this chapter, and the enforcement authority determines that there is a reasonable probability of obtaining recovery, the enforcement authority shall prepare a record stating:
- (1) the name and last known address of each person who held a known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises from the time the order requiring the work to be performed was recorded to the time that the work was completed;
  - (2) the legal description or address of the unsafe premises that were the subject of work;
  - (3) the nature of the work that was accomplished;
  - (4) the amount of the unpaid bid price of the work that was accomplished; and
  - (5) the amount of the unpaid average processing expense.
- The record must be in a form approved by the state board of accounts.
- (b) The enforcement authority, or its head, shall swear to the accuracy of the record before the clerk of the circuit court and deposit the record in the clerk's office. Notice that the record has been filed and that a hearing on the amounts indicated in the record may be held must be sent in the manner prescribed by section 25 of this chapter to all of the following:
- (1) The persons named in the record.
  - (2) Any mortgagee that has a known or recorded substantial property interest.
- (c) If, within thirty (30) days after the notice required by subsection (b), a person named in the record or a mortgagee files with the clerk of the circuit court a written petition objecting to the claim for payment and requesting a hearing, the clerk shall enter the cause on the docket of the circuit or superior court as a civil action, and a hearing shall be held on the question in the manner prescribed by IC 4-21.5. However, issues that could have been determined under section 8 of this chapter may not be entertained at the hearing. At the conclusion of the hearing, the court shall either sustain the petition or enter a judgment against the persons named in the record for the amounts recorded or for modified amounts.

- (d) If no petition is filed under subsection (c), the clerk of the circuit court shall enter the cause on the docket of the court and the court shall enter a judgment for the amounts stated in the record.
- (e) A judgment under subsection (c) or (d), to the extent that it is not satisfied under IC 27-2-15, is a debt and a lien on all the real and personal property of the person named, or a joint and several debt and lien on the real and personal property of the persons named in the record prepared under subsection (a). The lien on real property is perfected against all creditors and purchasers when the judgment is entered on the judgment docket of the court. The lien on personal property is perfected by filing a lis pendens notice in the appropriate filing office, as prescribed by the Indiana Rules of Trial Procedure.
- (f) Judgments rendered under this section may be enforced in the same manner as all other judgments are enforced.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.59-1986, SEC.12; P.L.7-1987, SEC.167; P.L.247-1989, SEC.3; P.L.31-1994, SEC.12; P.L.169-2006, SEC.64.

IC 36-7-9-13.5. Unpaid costs for unsafe premises repairs; notice; certification as special assessment; collection as delinquent taxes; disposition of collections.

- (a) This section does not apply to the collection of an amount if a court determines under section 13 of this chapter that the enforcement authority is not entitled to the amount.
- (b) If all or any part of the costs listed in section 12 of this chapter remain unpaid for any unsafe premises (other than unsafe premises owned by a governmental entity) for more than fifteen (15) days after completion of the work, the enforcement authority may send notice under section 25 of this chapter to each person who held a known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises. If the notice is sent, the enforcement authority shall also send notice to any mortgagee with a known or recorded substantial property interest. The notice must require full payment of the amount owed within thirty (30) days.
- (c) If full payment of the amount owed is not made less than thirty (30) days after the notice is delivered, the enforcement officer may certify the following information to the county auditor:
  - (1) The name of each person who held a known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.
  - (2) The description of the unsafe premises, as shown by the records of the county auditor.

- (3) The amount of the delinquent payment, including all costs described in section 12 of this chapter.
  - (d) The county auditor shall place the total amount certified under subsection (c) on the tax duplicate for the affected property as a special assessment. The total amount, including accrued interest, shall be collected as delinquent taxes are collected.
  - (e) An amount collected under subsection (d), after all other taxes have been collected and disbursed, shall be disbursed to the unsafe building fund.
  - (f) A judgment entered under section 13, 19, 21, or 22 of this chapter may be certified to the auditor and collected under this section. However, a judgment lien need not be obtained under section 13 of this chapter before a debt is certified under this section.
- As added by P.L.31-1994, SEC.13. Amended by P.L.169-2006, SEC.65.

IC 36-7-9-14. Unsafe building fund; deposits and expenditures.

- (a) The enforcement authority shall establish in its operating budget a fund designated as the unsafe building fund. Any balance remaining at the end of a fiscal year shall be carried over in the fund for the following year and does not revert to the general fund.
- (b) Money for the unsafe building fund may be received from any source, including appropriations by local, state, or federal governments, and donations. The following money shall be deposited in the fund:
  - (1) Money received as payment for or settlement of obligations or judgments established under sections 9 through 13 and 17 through 22 of this chapter.
  - (2) Money received from bonds posted under section 7 of this chapter.
  - (3) Money received in satisfaction of receivers' notes or certificates that were issued under section 20 of this chapter and were purchased with money from the unsafe building fund.
  - (4) Money received for payment or settlement of civil penalties or fines imposed under section 7 of this chapter.
  - (5) Money received from the collection of special assessments under section 13.5 of this chapter.
- (c) Money in the unsafe building fund may be used for the expenses incurred in carrying out the purposes of this chapter, including:
  - (1) the cost of obtaining reliable information about the identity and location of each person who owns a substantial property interest in unsafe premises;

- (2) the cost of an examination of an unsafe building by a registered architect or registered engineer not employed by the department;
- (3) the cost of surveys necessary to determine the location and dimensions of real property on which an unsafe building is located;
- (4) the cost of giving notice of orders, notice of statements of rescission, notice of continued hearing, and notice of statements that public bids are to be let in the manner prescribed by section 25 of this chapter;
- (5) the bid price of work by a contractor under section 10 or sections 17 through 22 of this chapter;
- (6) the cost of emergency action under section 9 of this chapter; and
- (7) the cost of notes or receivers' certificates issued under section 20 of this chapter.

(d) Payment of money from the unsafe building fund must be made in accordance with applicable law.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.14-1991, SEC.13; P.L.31-1994, SEC.14; P.L.169-2006, SEC.66.

#### IC 36-7-9-15. Transfer of money to unsafe building fund

The board or commission having control over the department may transfer all or part of the money in a building, demolition, repair, and contingent fund that was established by IC 18-5-5-7 (before its repeal on September 1, 1981) to the unsafe building fund.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.3-1990, SEC.127.

#### IC 36-7-9-16. Inspection warrants

- (a) If the owners or those in possession of a building refuse inspection, an inspection officer of the enforcement authority may obtain an inspection warrant from any court of record in the county in which the building is located in order to determine if the building is an unsafe building. The court shall issue the warrant subject to the following conditions:
  - (1) The person seeking the warrant must establish that the building to be searched or inspected is to be searched or inspected as part of a legally authorized program of inspection that naturally includes the building, or that there is probable cause for believing that a condition, object, activity, or circumstance legally justifies a search or inspection of that building.
  - (2) An affidavit establishing one (1) of the grounds described in subdivision (1) must be signed under oath or affirmation by the affiant.

- (3) The court must examine the affiant under oath or affirmation to verify the accuracy of the affidavit.
- (b) The warrant is valid only if it:
  - (1) is signed by the judge of the court and bears the date and hour of its issuance above that signature, with a notation that the warrant is valid for only forty-eight (48) hours after its issuance;
  - (2) describes (either directly or by reference to the affidavit) the building where the search or inspection is to occur so that the executor of the warrant and owner or the possessor of the building can reasonably determine what property the warrant authorizes an inspection of;
  - (3) indicates the conditions, objects, activities, or circumstances that the inspection is intended to check or reveal; and
  - (4) is attached to the affidavit required to be made in order to obtain the warrant.
- (c) A warrant issued under this section is valid for only forty-eight (48) hours after its issuance, must be personally served upon the owner or possessor of the building, and must be returned within seventy-two (72) hours.

As added by Acts 1981, P.L.309, SEC.28.

#### IC 36-7-9-17

Civil actions regarding unsafe premises; treble damages under second or subsequent judgment

- (a) The department, acting through its enforcement authority, a person designated by the enforcement authority, or a community organization may bring a civil action regarding unsafe premises in the circuit, superior, or municipal court of the county. The department is not liable for the costs of such an action. The court may grant one (1) or more of the kinds of relief authorized by sections 18 through 22 of this chapter.
- (b) A civil action may not be initiated under this section before the final date of an order or an extension of an order under section 5(c) of this chapter requiring:
  - (1) the completion; or
  - (2) a substantial beginning toward accomplishing the completion; of the required remedial action.
- (c) A community organization may not initiate a civil action under this section if:
  - (1) the enforcement authority or a person designated by the enforcement authority has filed a civil action under this section regarding the unsafe premises; or

- (2) the enforcement authority has issued a final order that the required remedial action has been satisfactorily completed.
- (d) A community organization may not initiate a civil action under this section if the real property that is the subject of the civil action is located outside the specific geographic boundaries of the area defined in the bylaws or articles of incorporation of the community organization.
- (e) At least sixty (60) days before commencing a civil action under this section, a community organization must issue a notice by certified mail, return receipt requested, that:
  - (1) specifies:
    - (A) the nature of the alleged nuisance;
    - (B) the date the nuisance was first discovered;
    - (C) the location on the property where the nuisance is allegedly occurring;
    - (D) the intent of the community organization to bring a civil action under this section; and
    - (E) the relief sought in the action; and
  - (2) is provided to:
    - (A) the owner of record of the premises;
    - (B) tenants located on the premises;
    - (C) the enforcement authority; and
    - (D) any person that possesses an interest of record.
- (f) In any action filed by a community organization under this section, a court may award reasonable attorney's fees, court costs, and other reasonable expenses of litigation to the prevailing party.
- (g) If a second or subsequent civil judgment is entered under this section:
  - (1) against an owner of a known or recorded fee interest, life estate, or equitable interest as a contract purchaser of property; and
  - (2) during any two (2) year period a court may order the owner to pay treble damages based on the costs of the ordered action. The second or subsequent civil judgment may relate to the same property or a different property held by the owner.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.31-1994, SEC.15; P.L.177-2003, SEC.7; P.L.88-2009, SEC.10.

#### IC 36-7-9-18. Injunctions

A court acting under section 17 of this chapter may grant a mandatory or prohibitory injunction against any person that will cause the order to be complied with, if it is shown that:

- (1) an order, which need not set a hearing date, was issued to the person;
- (2) the person has a property interest in the unsafe premises that are the subject of the order that would allow the person to take the action required by the order;
- (3) the building that is the subject of the order is an unsafe building; and
- (4) the order is not being reviewed under section 8 of this chapter.

As added by Acts 1981, P.L.309, SEC.28.

#### IC 36-7-9-18.1. Performance bond.

- (a) A court acting under section 17 of this chapter may condition the granting of a period of time to accomplish the action required by an order on the posting of a performance bond that will be forfeited if the action required by the order is not completed within the period the court allows. Before granting a period of time that is conditioned on the posting of a bond, the court may require that the requesting person justify the request with a workable and financially supported plan. If the court determines that a significant amount of work must be accomplished to comply with the order, the court may require that the bond specify interim completion standards and provide that the bond is forfeited if any of these interim completion standards are not substantially met.
- (b) An amount collected under subsection (a) on a forfeited bond shall be deposited in the unsafe building fund.

As added by P.L.169-2006, SEC.67.

#### IC 36-7-9-19. Civil forfeitures.

- (a) A court acting under section 17 of this chapter may impose a civil penalty not to exceed five thousand dollars (\$5,000) against any person if the conditions of section 18 of this chapter are met. The penalty imposed may not be substantially less than the cost of complying with the order, unless that cost exceeds two thousand five hundred dollars (\$2,500). The effective date of the penalty may be postponed for a period not to exceed thirty (30) days, after which the court may order the penalty reduced or stricken if it is satisfied that all work necessary to fully comply with the order has been done.
- (b) On request of the enforcement authority the court shall enter a judgment in the amount of the penalty. If there is more than one (1) party defendant, the penalty is separately applicable to each

defendant. The amount of a penalty that is collected shall be deposited in the unsafe building fund.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.169-2006, SEC.68.

IC 36-7-9-20. Appointment of receiver; conditions; rehabilitation of property by owner, mortgagee, or person with substantial interest

(a) A court acting under section 17 of this chapter may appoint a receiver for the unsafe premises, subject to the following conditions:

- (1) The purpose of the receivership must be to take possession of the unsafe premises for a period sufficient to accomplish and pay for repairs and improvements.
- (2) The receiver may be a nonprofit corporation the primary purpose of which is the improvement of housing conditions in the county where the unsafe premises are located, or may be any other capable person residing in the county.
- (3) Notwithstanding any prior assignments of the rents and other income of the unsafe premises, the receiver must collect and use that income to repair or remove the defects as required by the order, and may, upon approval by the court, make repairs and improvements in addition to those specified in the order or required by applicable statutes, ordinances, codes, or regulations.
- (4) The receiver may make any contracts and do all things necessary to accomplish the repair and improvement of the unsafe premises.
- (5) A receiver that expends money, performs labor, or furnishes materials or machinery, including the leasing of equipment or tools, for the repair of unsafe premises may have a lien that is equal to the total expended. When a lien exists, the receiver may sell the property:
  - (A) to the highest bidder at auction under the same notice and sale provisions applicable to a foreclosure sale of mechanic's liens or mortgages; or
  - (B) for fair market value if all persons having a substantial property interest in the unsafe premises agree to the amount and procedure.

The transferee in either a public or private sale must first demonstrate the necessary ability and experience to rehabilitate the premises within a reasonable time to the satisfaction of the receiver.

- (6) The court may, after a hearing, authorize the receiver to obtain money needed to accomplish the repairs and

improvement by the issuance and sale of notes or receiver's certificates to the receiver or any other person or party bearing interest fixed by the court. The notes or certificates are a first lien on the unsafe premises and the rents and income of the unsafe building. This lien is superior to all other assignments of rents, liens, mortgages, or other encumbrances on the property, except taxes, if, within sixty (60) days following the sale or transfer for value of the notes by the receiver, the holder of the notes files a notice containing the following information in the county recorder's office:

- (A) The legal description of the tract of real property on which the unsafe building is located.
  - (B) The face amount and interest rate of the note or certificate.
  - (C) The date when the note or certificate was sold or transferred by the receiver.
  - (D) The date of maturity.
- (7) Upon payment to the holder of a receiver's note or certificate of the face amount and interest, and upon filing in the recorder's office of a sworn statement of payment, the lien of that note or certificate is released. Upon a default in payment on a receiver's note or certificate, the lien may be enforced by proceedings to foreclose in the manner prescribed for mechanic's liens or mortgages. However, the foreclosure proceedings must be commenced within two (2) years after the date of default.
- (8) The receiver is entitled to the same fees, commissions, and necessary expenses as receivers in actions to foreclose mortgages. The fees, commissions, and expenses shall be paid out of the rents and incomes of the property in receivership.
- (b) The issuance of an order concerning unsafe premises is not a prerequisite to the appointment of a receiver nor does such an order prevent the appointment of a receiver.
- (c) If the enforcement authority or the enforcement authority's designee requests the appointment of a receiver, all persons having a substantial property interest in the unsafe premises shall be made party defendants.
- (d) A court, when granting powers and duties to a receiver, shall consider:
- (1) the occupancy of the unsafe premises;
  - (2) the overall condition of the property;
  - (3) the hazard to public health, safety, and welfare;

- (4) the number of persons having a substantial property interest in the unsafe premises; and
  - (5) other factors the court considers relevant.
- (e) Instead of appointing a receiver to sell or rehabilitate an unsafe premises, the court may permit an owner, a mortgagee, or a person with substantial interest in the unsafe premises to rehabilitate the premises if the owner, mortgagee, or person with substantial interest:
- (1) demonstrates ability to complete the rehabilitation within a reasonable time, but not to exceed sixty (60) days;
  - (2) agrees to comply within a specified schedule for rehabilitation; and
  - (3) posts a bond as security for performance of the required work in compliance with the specified schedule in subdivision (2).

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.31-1994, SEC.16; P.L.177-2003, SEC.8.

IC 36-7-9-21. Court order authorizing performance of work; judgment for costs

- (a) A court acting under section 17 of this chapter may authorize the department, acting through its enforcement authority, to cause the action required by the order to be performed by a contractor licensed and qualified under law, if it is shown that:
- (1) an order was issued to each person having a substantial property interest in the unsafe premises;
  - (2) each of the orders has been affirmed or modified at a hearing in such a manner that all persons having substantial property interest in the unsafe premises that are the subject of the orders are currently subject to an order requiring substantially identical action;
  - (3) the order, as affirmed or modified at the hearing, has not been complied with;
  - (4) the building that is the subject of the order is an unsafe building; and
  - (5) the order is not being reviewed under section 8 of this chapter.
- (b) If the enforcement authority requests permission to cause the action required by the order to be performed by a contractor, all persons having a substantial property interest in the unsafe premises shall be made party defendants.
- (c) The cost of the work and the processing expenses incurred by the enforcement authority computed under section 12 of this chapter, may, after a hearing, be entered by the court as a judgment against

persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.59-1986, SEC.13.

IC 36-7-9-22. Emergencies; court order authorizing action to make premises safe; judgment for costs

(a) A court acting under section 17 of this chapter may set a hearing to be held within ten (10) days after the filing of a complaint alleging the existence of unsafe premises presenting an immediate danger to the health and safety of the surrounding community sufficient to warrant emergency action. Upon a finding at the hearing in favor of the department, the court may:

- (1) permit the enforcement authority to cause the action necessary to make the premises safe to be immediately performed by a contractor licensed and qualified under law;
- (2) permit the enforcement authority to cause the action necessary to make the premises safe to be immediately performed by a contractor licensed and qualified under law after the defendants have had a reasonable time, as established by the court, to make the unsafe premises safe and have failed to complete the necessary action; or
- (3) grant a mandatory injunction relative to the unsafe premises that would require a defendant who has an interest in the premises that allows the defendant to take corrective action to immediately make the premises safe.

In granting relief under subdivision (2) or (3) the court shall set a date certain for the completion of the necessary action and shall hold a hearing within ten (10) days after that date to determine whether the necessary action has been completed.

- (b) The issuance of an order concerning the unsafe premises is not a prerequisite to permission by the court to cause action to be performed on the unsafe premises. If an order has been issued concerning the unsafe premises, it does not prevent the permission by the court to cause action to be performed on the unsafe premises.
- (c) If the enforcement authority requests authority to cause action on the unsafe premises to be performed by a contractor, all persons having a substantial property interest in the unsafe premises shall be made party defendants.
- (d) The cost of accomplishing the work may, after a hearing, be entered by the court as a judgment against persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.59-1986, SEC.14.

IC 36-7-9-23. Change of venue and judge

A change of venue may not be allowed in an action filed under section 8, 13, or 17 of this chapter, but a change of judge shall be allowed in the same manner as is provided for other civil matters.

As added by Acts 1981, P.L.309, SEC.28.

IC 36-7-9-24. Priority of actions

An action filed under section 8 or 17 of this chapter takes precedence over other pending litigation, and shall be tried and determined by the court at as early a date as possible.

As added by Acts 1981, P.L.309, SEC.28.

IC 36-7-9-25. Manner of serving notice

(a) Notice of orders, notice of continued hearings without a specified date, notice of a statement that public bids are to be let, and notice of claims for payment must be given by:

- (1) sending a copy of the order or statement by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;
- (2) delivering a copy of the order or statement personally to the person to be notified;
- (3) leaving a copy of the order or statement at the dwelling or usual place of abode of the person to be notified and sending by first class mail a copy of the order or statement to the last known address of the person to be notified; or
- (4) sending a copy of the order or statement by first class mail to the last known address of the person to be notified.

If a notice described in subdivision (1) is returned undelivered, a copy of the order or statement must be given in accordance with subdivision (2), (3), or (4).

(b) If service is not obtained by a means described in subsection (a) and the hearing authority concludes that a reasonable effort has been made to obtain service, service may be made by publishing a notice of the order or statement in accordance with IC 5-3-1 in the county where the unsafe premises are located. However, publication may be made on consecutive days. If service of an order is made by publication, the publication must include the information required by subdivisions (1), (2), (4), (5), (6), (7), and (9) of section 5(b) of this chapter, and must also include a

statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority. The hearing authority may make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection (a) on the basis of information provided by the department (or, in the case of a consolidated city, the enforcement authority). The hearing authority is not required to make the determination at a hearing. The hearing authority must make the determination in writing.

- (c) When service is made by any of the means described in this section, except by mailing or by publication, the person making service must make an affidavit stating that the person has made the service, the manner in which service was made, to whom the order or statement was issued, the nature of the order or statement, and the date of service. The affidavit must be placed on file with the enforcement authority.
- (d) The date when notice of the order or statement is considered given is as follows:
  - (1) If the order or statement is delivered personally or left at the dwelling or usual place of abode, notice is considered given on the day when the order or statement is delivered to the person or left at the person's dwelling or usual place of abode.
  - (2) If the order or statement is mailed, notice is considered given on the date shown on the return receipt, or, if no date is shown, on the date when the return receipt is received by the enforcement authority.
  - (3) Notice by publication is considered given on the date of the second day that publication was made.
- (e) A person with a property interest in an unsafe premises who does not:
  - (1) record an instrument reflecting the interest in the recorder's office of the county where the unsafe premises is located; or
  - (2) if an instrument reflecting the interest is not recorded, provide to the department (or, in the case of a consolidated city, the enforcement authority) in writing the person's name and address and the location of the unsafe premises;is considered to consent to reasonable action taken under this chapter for which notice would be required and relinquish a claim to notice under this chapter.
- (f) The department (or, in the case of a consolidated city, the enforcement authority) may, for the sake of administrative

convenience, publish notice under subsection (b) at the same time notice is attempted under subsection (a). If published notice is given as described in subsection (b), the hearing authority shall subsequently make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection (a).

As added by Acts 1981, P.L.309, SEC.28. Amended by Acts 1981, P.L.45, SEC.27; P.L.59-1986, SEC.15; P.L.169-2006, SEC.69; P.L.194-2007, SEC.12.

IC 36-7-9-26. Recording of orders, statements of rescission, statements of public bids, and records of actions taken by hearing authority

- (a) The enforcement authority shall record in the office of the county recorder orders issued under section 5(a)(6), 5(a)(7), or 6(a) of this chapter. If the enforcement authority records an order issued under section 5(a)(6), 5(a)(7), or 6(a) of this chapter, statements of rescission issued under section 6(b) of this chapter, statements that public bids are to be let under section 11 of this chapter, and records of action in which the order is affirmed, modified, or rescinded taken by the hearing authority under section 7 of this chapter shall be recorded. The recorder shall charge the fee required under IC 36-2-7-10 for recording these items.
- (b) A person who takes an interest in unsafe premises that are the subject of a recorded order takes that interest, whether or not a hearing has been held, subject to the terms of the order and other documents recorded under subsection (a) and in such a manner that all of the requirements of sections 10, 11, and 17 through 22 of this chapter relating to the issuance of orders, service of orders and affirmation of orders are considered satisfied. If a hearing has been held, the interest is taken subject to the terms of the order as modified at the hearing, in other documents recorded under subsection(a), and in such a manner that all of the requirements of sections 10, 11, and 17 through 22 of this chapter relating to the issuance of orders, service of orders, and modification of orders at hearing are considered satisfied.
- (c) A person who takes an interest in unsafe premises that are the subject of a recorded statement that public bids are to be let takes the interest subject to the terms of the statement and in such a manner that the notice of the statement required by section 11 of this chapter is considered given to the person.

As added by Acts 1981, P.L.309, SEC.28. Amended by P.L.290-1985, SEC.9; P.L.59-1986, SEC.16; P.L.177-2003, SEC.9.

IC 36-7-9-27. Transfers of property by persons not complying with orders

(a) A person who has been issued and has received notice of an order relative to unsafe premises and has not complied with that order:

- (1) must supply full information regarding the order to a person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer that interest; and
- (2) must, within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, supply the enforcement authority with written copies of:
  - (A) the full name, address, and telephone number of the person taking a substantial property interest in the unsafe premises; and
  - (B) the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

(b) If a judgment is obtained against the department, enforcement authority, or other governmental entity for the failure of that entity to provide notice to persons holding an interest in unsafe premises in an action taken by the entity under this chapter, a person who failed to comply with this section is liable to the entity for the amount of the judgment if it can be shown that the entity's failure to give notice was a result of that person's failure.

As added by Acts 1981, P.L.309, SEC.28.

IC 36-7-9-28. Violations; penalties

A person who:

- (1) remains in, uses, or enters a building in violation of an order made under this chapter;
- (2) knowingly interferes with or delays the carrying out of an order made under this chapter;
- (3) knowingly obstructs, damages, or interferes with persons engaged or property used in performing any work or duty under this chapter; or
- (4) fails to comply with section 27 of this chapter; commits a Class C infraction. Each day that the violation continues constitutes a separate offense.

As added by Acts 1981, P.L.309, SEC.28

IC 36-7-9-29. Order of action related to unsafe premise; written information required

(a) This section applies to a person if:

- (1) an order is issued to the person under this chapter requiring action related to an unsafe premises:
    - (A) owned by the person and leased to another person;  
or
    - (B) being purchased by the person under a contract and leased to another person;
  - (2) a hearing on the order was not requested under section 5(b)(6) of this chapter, or, if a hearing was requested, the order was affirmed at the hearing; and
  - (3) either:
    - (A) the order is not being reviewed under section 8 of this chapter; or
    - (B) after review by the circuit or superior court, the court entered a judgment against the person.
- (b) A person described in subsection (a) must provide to the department (or, in the case of a consolidated city, the enforcement authority) in writing the person's name, street address (excluding a post office box address), and phone number.

As added by P.L.194-2007, SEC.13.

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The Code of the Health and Hospital Corporation of Marion County was edited by Greg Ullrich. The code may also be accessed online at: [www.hhcorp.org/brd\\_code.htm](http://www.hhcorp.org/brd_code.htm).