

ORDINANCE NO. 2018-xx

**AN ORDINANCE OF THE LONG BEACH TOWN COUNCIL
AMENDING CHAPTER 151 OF THE LONG BEACH TOWN CODE**

WHEREAS, Section 150 of the Long Beach Town Code has been approved by the Long Beach Town Council and the Indiana Fire Prevention and Building Safety Commission on March 6, 2018:

NOW, THEREFORE BE IT AND IT IS HEREBY ORDAINED AS FOLLOWS:

That Chapter 151 of the Long Beach Town Code, Improvement Location Permits, shall be amended and hereafter read as follows:

**CHAPTER 151: BUILDING PERMIT ADMINISTRATION CONTRACTOR REGISTRATION
AND UNSAFE BUILDING LAW**

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ARTICLE I.
OFFICE OF THE BUILDING COMMISSION

151.100 AUTHORITY

Under the direction of the Building Commission of the Town of Long Beach, the Building Commissioner, Inspectors and Town Engineer or other designee shall:

- With the support of the Long Beach Town Marshal, enforce the ordinances of Title XV of the Long Beach Town Code
- Administer the functions necessary to ensure the efficient execution of Chapter 151 of the Long Beach
- Keep records of the Building Commission
- Maintain the ethical standards of the Indiana Residential Code.

151.110 OFFICES CREATED, APPOINTMENT, TERM

1. There is hereby re-established and continued in the Town of Long Beach, a committee of the Town Council known as the “Building Commission” and the positions of Building Commissioner, Building Inspector, Electrical Inspector and Town Engineer.

2. It shall be the duty of the Long Beach Town Council to appoint the Building Commission, which shall consist of not less than 4 members, at least 2 of whom shall be members of the Town Council and one of whom shall be a member of the Long Beach Volunteer Fire Dept., each of whom shall serve at the pleasure of the Town Council. The Town Council shall likewise appoint/hire the Building Commissioner, Building Inspector and Town Engineer each of whom shall serve at the pleasure of the Town Council. The Town Council at its discretion may appoint additional inspectors for any and all trades such as Plumbing, HVAC and others and they too shall serve at the pleasure of the Town Council. The Town Council shall determine all fees, remunerations and work-rules for all positions and any Consultancy.

3. Under the direction and supervision of the Building Commission, the Building Commissioner, Building Inspectors, Town Engineer or a designee of the building Commission shall:

- Enforce the ordinances of Title XV of the Long Beach Town Code
- Ensure the efficient execution of Title XV of the Long Beach Town Code
- Keep all records of the Building Commission
- Maintain the ethical standards of the Indiana Residential Code.
- Perform other duties as the Building Commission may direct.

151.120 TOWN ENGINEER

The Town Engineer shall be an Indiana state licensed engineer appointed by and serving at the pleasure of the Long Beach Town Council. When designated by the Building Commission and prior to the issuance of any building or improvement location permit (the terms “building permit” and “improvement location permit” shall be interchangeable), the Town Engineer shall review same and make recommendations to the Building Commission. The Town Engineer shall be utilized at the discretion of the Building Commission for projects because of their size or complexity, including but not limited to excavation, seawalls, structures and

buildings or any other construction or demolition. The Town Engineer has the authority to inspect proposed building sites and the erection, construction, alteration, repair or removal of buildings and other structures in the town as do the members of the Building Commission, the Building Commissioner and Inspectors.

151.121 ELECTRICAL INSPECTOR

The Building Commission shall appoint an Electrical Inspector who shall be qualified and responsible to conduct electrical inspections of building projects subsequent to the issuance of a building permit pursuant to division (A) above, or an improvement location permit. The Electrical Inspector shall make inspections periodically as deemed appropriate (including a final inspection upon completion of all work) to ensure compliance with the building permit issued, the various provisions of the code, as well as any other applicable local, state or federal statutes, codes, rules, regulations or laws. Notwithstanding the foregoing, the Electrical Inspector shall conduct not less than one final inspection for any and all construction projects costing \$50,000 or less and those periodic inspections as the Building Commission and/or Electrical Inspector shall deem appropriate including a final inspection for any and all construction projects in excess of \$50,000. The Building Commission shall determine the fee to pay the Electrical Inspector which expenses shall be initially funded out of the money collected incident to permit fees. In the event that the permit fee funds shall be insufficient to compensate the Electrical Inspector, the Council of the Town of Long Beach, Indiana, shall appropriate the necessary funds. The Electrical Inspector shall be appointed by the Building Commission on an annual basis.

The Electrical Inspector shall keep all necessary records of inspections and in the event the Electrical Inspector believes there to be non-compliance with the permit, the codes or any other applicable rules, regulations or laws, it shall report the same immediately to the Building Commission.

151.122 THE BUILDING COMMISSIONER

The Building Commissioner shall be either an Indiana registered architect, Indiana licensed Professional Engineer, licensed and qualified general contractor with a minimum of three years of general contracting experience

151.123 BUILDING INSPECTOR

Any Building Inspector shall be either an Indiana registered architect, Indiana licensed Professional Engineer, licensed and qualified general contractor, Certified Building Inspector/Administrator, or other qualified person determined by the Town Council. An other qualified person is deemed by the Town Council to have at least two years of inspection experience.

151.124 CONFLICTS OF INTEREST.

The Building Commissioner or Building Inspector shall not undertake any of the duties herein assigned to the Office of the Building Commission where the Building Commissioner or Building Inspector has a direct or indirect financial interest, where a family member is involved, or where it is otherwise necessary for the Building

Commissioner or Building Inspector to recuse him or herself. In such cases a neutral Building Commissioner shall be appointed by the President of the Town Council to perform the duties and responsibilities for processing any action required under the terms of the application and this chapter.

ARTICLE II WORK STANDARDS

151.200 WORK STANDARDS

All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good, workmanlike manner according to the accepted standards and practices in the trade. The provisions of the rules pertaining to construction, plumbing, electrical, mechanical and one family dwellings, promulgated by the Fire Prevention and Building Safety Commission, shall be considered standard and acceptable practice for all matters covered by this article or orders issued pursuant to this article by the Building Commission or its designee.

151.210 FUND ESTABLISHED

An unsafe building fund is hereby established in the operating budget of the Town in accordance with the provisions of Indiana Code §36-7-9-14.

151.299 VIOLATIONS; PENALTIES

No person, whether as owner, lessee, sub-lessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this article or Indiana Code §36-7-9 *et seq.* Any violation of this article shall be subject to the provisions of Indiana Code §36-7-9 *et seq.* as it may be amended from time to time and/or penalties as described in 150.23.

**ARTICLE III
BUILDING PERMIT ADMINISTRATION.**

151.300 PERMIT FEES

A. For all improvements relative to siding, roofing, interior and exterior remodeling, whether or not same shall significantly alter the exterior size and shape of the building or its exterior design, and for improvements other than those enumerated above, including, but not limited to, initial construction:

The Building Commission shall determine the improvement value for the purposes of calculating the Permit Fee.

IMPROVEMENT VALUE OR JOB TYPE*	PERMIT FEE
LESS THAN \$500	NO FEE
\$501-\$5,000	\$50.00
\$5,000-\$25,000	\$250.00
\$25,000-\$50,000	\$500.00
GREATER THAN \$50,000	1% OF TOTAL IMPROVEMENT COST
ROOFING/SOFFIT /FACIA	\$25.00 BASE FEE PLUS \$8.00 PER \$1,000 OF TOTAL JOB COST
WINDOW/ DOOR	JOB COST LESS THAN \$5,000 =\$50.00 \$5,000 AND GREATER = 1% OF JOB COST
SITE PLAN REVIEW FOR ANY BUILDING OR STRUCTURE	\$350.00 WILL BE CREDITED TO PERMIT FEE WHEN APPLIED
DEMOLITION	JOB COST LESS THAN \$10,000 =\$100.00 \$10,000 AND GREATER = 1% OF JOB COST
LAND DISTURBING ACTIVITY (150.21)	\$100
BEACH ACCESS PERMIT	\$100
RE-INSPECTION	\$100.00 AT DISCRETION OF BUILDING COMMISSION OR INSPECTOR

*The Long Beach Building Commission shall determine improvement Value

B. In no event shall there be charged a permit fee for the issuance of a permit issued solely for the interior or exterior painting of a structure or gutter/downspout installation.

151.310 APPLICATION FOR A BUILDING PERMIT --REQUIRED DOCUMENTATION

The site plans submitted as part of the application for review shall include and conform to the following:

1. See 150.080 of the Long Beach Building Code and following
2. The plans and specifications for any new building or structure shall be prepared and certified to by an architect or professional engineer, licensed in the State of Indiana. The Building Commission may waive this requirement.
3. Certification of the below AFFIDAVIT OF PLAN AUTHENTICATION.
4. A non-refundable site plan review fee for any new building or structure of \$ 340 shall be paid at time of submission. Said fee will be credited to total Permit Application Fee upon submission.
5. Any additional information requested by the Building Commission or its designee.

AFFIDAVIT OF PLAN AUTHENTICATION

_____, Being first duly sworn upon his/her oath says:

As the person eligible and responsible for obtaining a permit or permits as required in the Long Beach Town Code, and based upon the information contained within these plans, I do hereby certify that these plans are identical to those released for construction. Also understand that if it is determined that these plans are not identical, all permits obtained as a result of their submittal may be revoked as stated in TITLE XV of the Long Beach Town Code, and that I will be subject to the penalties for perjury.

Affiant's Signature/Date

Affiant's Printed Name

STATE OF INDIANA, COUNTY OF LAPORTE

Subscribed and sworn to before me, a Notary Public, this ____ day of _____, 20 ____.

My Commission Expires: _____

Notary's Signature _____

Notary's Printed Name _____

My County/State of Residence: _____ County, IN

151.320 APPLICATION REVIEW PROCESS

Prior to the issuance of any building permit, the Building Commission or its designee shall:

A. Review all building permit applications to determine full compliance with the provisions of this Code and all floodplain management regulations as specified in Chapter 155 of the Long Beach Town Code

B. Flood Plain plan shall be submitted by an Indiana licensed Engineer. Flood Plain permit shall be submitted before a building permit will be issued.

C. The Town Engineer, if requested by the Building Commission or its designee, shall review and make recommendations to the Building Commission regarding the following Major Improvements and any other improvements:

1. Construction value in excess of \$10,000
2. New homes
3. Siting of accessory structures
4. Increased structure footprint
5. Increased volume of structure
6. Changes to topography as in 150.081 (Permit required for earth changes and to alter topography)
7. Steep Slope Construction (Fee at cost to Building Permit holder)
8. Installation or modification of seawalls or sheet pilings and retaining walls and flood plain management (Fee at cost to Building Permit Holder)
9. Storm Water Drainage (Fee at cost to Building Permit Holder)

D. For all Major Improvements: Upon receipt of all required documents and authorizations, a minimum review period of 30 days after the date of the next regularly scheduled Building Commission meeting is required.

E. An open list of pending applications shall be maintained for public inspection and review. All documents submitted to the Building Commission are Public Records and are available for public inspection.

F. No building permit shall be issued that would cause a violation of I.C. 22-15-3-7.

151.330 INSPECTION REQUIREMENTS

1. On-site inspections shall be conducted by members of the Building Commission and/or its designee to include: BCBI(s), Town Engineer or others to ensure compliance with all State and local ordinances.

2. After the issuance of any building permit inspections be made that are necessary to ensure full compliance with the provisions of this Code and the terms of the permit. Re-inspections of work found to be incomplete or not ready for inspection are subject to assessment of re-inspection fees (of \$100) or as prescribed in this Code. Prior to the Pre-pour Foundation Walls inspection, a written document signed and sealed by a registered Indiana Land Surveyor must be submitted certifying the top of the footing.

4. The Building Commission or its designee shall keep all necessary records of inspections and in the event an Inspector believes there to be non-compliance with the permit, the codes or any other applicable rules, regulations or laws, it shall report the same immediately to the Building Commission.

3. There shall be a minimum of three inspections of all new construction in which the following shall be specifically covered:

Footing locations;
Framing, plumbing and electric; and,
Final inspection.

The number of required inspections may be increased or decreased at the discretion of the Building Commission or its designee based on the complexity of the project.

It is the responsibility of the permit holder to provide the Building Commission or its designee with at least 24 hours notice of the request for an inspection.

Final inspection and/or close out of non-occupancy type permits are the responsibility of the permit holder.

ARTICLE IV LAND DISTURBING ACTIVITIES

151.400 PERMIT REQUIRED FOR LAND DISTURBING ACTIVITIES

A. This chapter is enacted to preserve the natural terrain and contours, to regulate and control drainage and the blowing of sand, to prevent erosion and to protect adjacent property and Town property from damage resulting from land disturbing activities such as, but not limited to the excavation of sand, installation of seawalls and construction of retaining walls.

B. Prior to issuance of a building permit and in addition to all other building permit requirements a plan for managing a land disturbing activity shall be submitted to the Building Commission. Applications for any such permit shall include the following:

1. A general description of streets, highways or other landmarks in the immediate area surrounding the proposed land disturbing activity.
2. A description of what shall be done to the zoning lot property and all Town right-of-way to adjacent to or abutting the zoning lot.
3. An accurate estimate of the amount of sand or other natural or man-made material in cubic yards expected to be excavated, graded, filled or transported during the life of the permit.
4. A statement explaining in detail the protection and precautionary methods to be employed by the applicant to prevent the natural or man-made material from blowing over or spilling upon other private or public property in the immediate area of the project.
5. The manner in which a retaining wall or seawall is to be installed and the method for monitoring the installation. The Building Commission and the Town Engineer shall specify shore protection requirements based on site location and potential impact to natural landforms and man made structures and reserves the right to specify the materials and construction methods.

C. Permit conditions: The Building Commission may impose any specifications or special conditions in the granting of a land disturbing activity permit, that may be required for the protection of public health, safety and welfare. Any specifications or special conditions shall be in writing and shall be attached to the permit itself and shall be a part of the permit granted.

1. The applicant shall be required to post a liability bond, Performance or surety bond payable to, and satisfactory to, the town, recorded with the Laporte County Recorder's office prior to the issuance of any permit. A cash escrow or other such legal arrangement, as approved by the Town of Long Beach, may be used. The amount of the bond for each applicant shall be \$5,000. Any excess amount deemed necessary based on the project shall be recommended by the Building Commission and approved by the Long Beach Town Council.
2. In the event of damage to Town property in the immediate area of excavation or fill site, and upon the recommendation of the Long Beach Building Commission, the Town Council is authorized to declare a forfeiture of the bond or other financial arrangement posted by the applicant and collect the amount of damages for payment to the damaged party.

**ARTICLE V
CONTRACTOR REGISTRATION**

151.500 CONTRACTOR REGISTRATION

A. *Contractor registration.* This section, and all ordinances supplemental or amendatory hereto, shall be known as the “Requirements for the registration and listing of contractors and subcontractors in the Town of Long Beach, Indiana” and may be cited as such.

B. *Purpose.* The purpose of this section is to provide for central information and record keeping of contractor, subcontractor and specialty contractor performance in the hope that minimum standards will be encouraged for the protection of life, health, environment, public safety and general welfare to users of contractors, subcontractors and specialty contractors in the performance of construction, alteration, repair, moving, wrecking and demolishing of any structures.

C. *Administration.* The Building Commission or its designee is hereby authorized and directed to administer and enforce all provisions of this section.

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

CONTRACTOR. Any person, except a licensed architect or registered professional engineer, who in any capacity other than as the employee of another for wages as the sole compensation, undertakes to construct, alter, repair, move, wreck, or demolish any structure. The term includes general contractor, subcontractor or specialty contractor, but does not include a person who furnishes materials or supplies.

SUBCONTRACTOR. Any person who makes an agreement to perform a limited segment of the construction, improvement, repair or remodeling of the premises. This includes agreements with a general contractor or property owner.

E. *Requirements for registration.* It shall be unlawful for any person to engage in the business or act in the capacity of a contractor or subcontractor within the Town without having registered and submitted the following:

1. An application form indicating the name, address and legal business status of the contractor/subcontractor to the Building Commission or its designee. If the contractor/subcontractor is a corporation, the name and address of the resident agent is required. Area of expertise shall be stated on the application. The areas of expertise shall include but not be limited to the following:

- (a) General contractor;
- (b) Carpentry;

- (c) Plumbing;
- (d) Electrical;
- (e) Masonry/tiling;
- (f) Concrete;
- (g) Heating/cooling/ventilating;
- (h) Roofing/siding/insulation/weather protection;
- (I) Drywall/plaster;
- (j) Mechanical (HVAC);
- (k) Excavating;
- (l) Demolition;
- (m) Flooring, excluding hardwood, laminate, sheet goods and carpeting;
- (n) Tree removal/trimming/landscaping;
- (o) Snow removal

2. Each contractor or subcontractor shall submit a certificate of insurance in the minimum amounts of \$1,000,000 bodily injury and property damage and workers' compensation or State Workman's Comp Waiver (WEC-1) in the maximum amount required by state law.

3. Each contractor or subcontractor shall submit a Permit bond in the amount of \$10,000 with The Town of Long Beach listed as the Obligee or Bondholder and the Contractor listed as the principal to provide an assurance that they will comply with the ordinances and regulations of the Town of Long Beach. This bond must be recorded at the LaPorte County Recorder's office before presentation to the Town.

F. *Fees, payment; issuance of permits; homeowners.*

1. Upon presentation of the requirements, and provided that the contractor/subcontractor is not otherwise in violation of this or any other town code/ordinance, the Clerk-Treasurer shall furnish the contractor or subcontractor with a registration receipt upon payment of the registration fee of \$65.00.

2. No person shall engage in the business of contracting or subcontracting in the Town without first procuring from the Clerk-Treasurer a receipt evidencing payment of the registration fees prescribed in this section (F). The Building Commission or its designee shall not issue building permits to anyone except a duly registered contractor or subcontractor or his or her duly authorized active officer or agent under the provisions of this chapter.

3. Building permits shall be granted to actual homeowners who are undertaking to do the work or construction themselves on their own homes or

structures on the premises on which they reside without the requirement to register as a contractor or subcontractor.

4. All contractors or subcontractors seeking to do business under a new or different name shall be required to submit a new application form and pay the initial registration fee. The Commission or its designee may deny the issuance of a new registration until any and all outstanding violations and citations against the contractor or subcontractor have been resolved.

G. *Duration.* A registration shall be for a period of one year between January 1 and December 31 of the following year or for the remainder thereof, whichever time is shorter.

H. *Expiration.* Upon the expiration of a registration issued under this section, the contractor, subcontractor or specialty contractor will be required to reapply for a new registration. A registrant renewing his or her registration or paying his or her renewal after January 1 of each succeeding year shall be subject to a new registration fee as in (151.500 F) above. When renewing the registration the registrant shall again provide the Clerk-Treasurer a new registration form, a copy of the bond required and a certificate of insurance as specified in subsection (151.500 E) above.

I. *Renewal fees.* As long as a registrant pays the registration renewal fee annually on or before December 31, the renewal fee shall be \$65.00.

J. *Violations.* Failure to comply with the provisions of this Article shall be subject to a fine of \$250 for a first violation, a fine of \$1,000 for a second violation and a fine of up to \$7,500 for a third or subsequent violation.

K. *Non-transferable.* No registration issued under the provisions of this Article shall be assignable or transferable.

L. *Revocation.* The Building Commission or its designee shall have the power to temporarily suspend or permanently revoke the registration of any contractor or subcontractor who the Building Commission or its designee determines to have committed one or more of the following acts or omissions:

1. Deliberate misrepresentations of any material fact, fraud, or deceit in obtaining a contractor registration.

2. Gross negligence or gross incompetence while engaged in the business of acting in the capacity of a contractor or subcontractor within the meaning of this section.

3. Aiding, abetting, or knowingly combining with an unregistered person with the intent to evade the provisions of this section.

4. Abandonment without legal excuse of any construction project or operation engaged in or undertaken by the registrant as contractor or subcontractor.
5. Diversion of funds or property received for a specified purpose, and for the purpose and prosecution or completion of any construction project or operation, and the application or use of such funds for any other project or operation, obligation, or purpose with intent to defraud or deceive creditors or the owners.
6. Violations of the building and zoning laws of the State of Indiana and/or the Town of Long Beach.
7. Willful departure from or disregard of plans and specifications submitted to the Town with a permit application in any material respect.
8. The doing of any willful or fraudulent act by the registrant as contractor or subcontractor as a consequence of which another is substantially injured.
9. Failure in any substantial respect to comply with the provisions of this section.
10. Disregarding a stop work order that has been issued for violation of ordinances or building codes or laws.
11. Providing false or misleading information on a building or any other permit application or request for a certificate of occupancy.
12. Any other reason not set forth herein that the Building Commission or its designee determines justifies a suspension or revocation of a contractor's registration.

M. *Appeal to Town Council.* A subcontractor or contractor may appeal a decision of the Building Commission to suspend or revoke said contractor's registration to the Long Beach Town Council by providing written notice to the Town Council within 10 days of the Building Commission's decision. The contractor or sub-contractor is prohibited from doing any work in the town of Long Beach until the appeal is decided.

N. *Appeal procedure.* The Long Beach Town Council shall be the board authorized to conduct hearings on all appeals.

1. When a hearing is requested by a contractor, or subcontractor, the suspension or revocation of registration under this Article, the Town Council shall set the time and place when such hearing shall be held. The contractor shall be present for such hearing and may be represented by counsel.
2. At hearing, the Town Council shall determine if a contractor is in violation of the terms of this Article and the Town Council shall have the power to suspend

such contractor registration for a definite period, to revoke such contractor registration, or to issue an order against such contractor to correct the violation, fixing a reasonable time within which such correction shall be made or accomplished and, upon compliance with such order, the Town Council may dismiss such complaint. If the contractor does not correct such violation within the time required by the previous order, the Town Council shall have the power to extend such time for correction of the violation or shall have the right to suspend such contractor registration for a determinative period or may revoke the contractor registration without any further right to hearing by registrant.

3. After revocation of any contractor registration, such registration shall not be renewed, and no new contractor registration shall be issued to the same registrant or contractor registration holder within a period of at least one year subsequent to the date of revocation. After the expiration of the one-year period, a contractor registration shall only be issued upon proper documentation showing that all violations, acts, or omissions for which the contractor registration was revoked have been corrected and that compliance with all conditions imposed by the decision of the revocation has been met. The Town shall maintain a list of all revocations and suspensions of a contractor registration and which shall be available for public access for a period of 4 years from the date of suspension or revocation.

ARTICLE VI

UNSAFE BUILDING LAW

151.600 DEFINITIONS

- A. The definitions of “substantial property interest” set forth in Indiana Code §36-7-9-2 is hereby incorporated by reference herein as if copied in full.
- B. The description of an “unsafe building” and “unsafe premises” contained in Indiana Code §36-7-9-4 is incorporated by reference herein as if copied in full and reads as follows:
 - 1. A building or structure, or any part of the building, structure that is:
 - a. In an impaired structural condition that makes it unsafe to a person or property;
 - b. A fire hazard;
 - c. A hazard to the public health;
 - d. A public nuisance;
 - e. Dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or

- f. 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.

2. For purposes of this Article:

- a. An unsafe building; and,
- b. The tract of real property on which the unsafe building is located; are considered unsafe premises.

3. 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:

- a. a fire hazard;
- b. a hazard to public health;
- c. a public nuisance; or
- d. dangerous to a person or property because of a violation of a statute or ordinance.

151.610 STATE LAW ADOPTED BY REFERENCE

Indiana Code §36-7-9 *et seq.* is hereby adopted by reference as the Town Unsafe Building Law. All proceedings within the Town for the inspection, repair, and removal of unsafe building shall be governed by such law and the provisions of this article. If the provisions of this article conflict with the provisions of Indiana Code §36-7-9 *et seq.*, the provisions of the state statute shall control. Two (2) copies of Indiana Code §36-7-9 *et seq.* are on file for public review in the office of the Clerk-Treasurer.

Any reference to Indiana Code §36-7-9 *et seq.* shall mean the statute as amended from time to time, or any similar statutory provision that may supersede it relating to the same or similar subject matter.

151.620 DECLARED PUBLIC NUISANCES; ABATEMENT REQUIRED

All buildings or portions thereof within the Town that are determined after inspection by the Building Commission or its designee to be unsafe as defined in this article are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.

151.630 ENFORCEMENT

The Building Commission or its designee is the enforcement authority and shall be authorized to administer and to proceed under the provisions of the unsafe building law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter. The Building Commission shall be the hearing authority under the provisions of the unsafe building law for all proceedings that may be held under Indiana Code §36-7-9 *et seq.*

151.640 OFFICER'S AUTHORITY OF ENFORCEMENT

Whenever in the building regulations of the State or the Town unsafe building law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commission or its designee, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance have been complied with; and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by ordinance, or to enforce ordinance provisions in an arbitrary or discretionary manner.

**ARTICLE VII
MONETARY PENALTY**

151.999 MONETARY PENALTY

Any person violating any provision of this Chapter for which no fine is specified is subject to a fine in a sum of \$100 for a first violation, \$500 for a second violation and not to exceed \$2,500 for each successive violation. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in this chapter. Each day that a violation is permitted to exist shall be construed a separate offense. Nothing herein shall be construed to limit any other remedies at law or equity.

Section Two: This Ordinance shall be in full force and effect from and after its adoption, approval by the State Fire Prevention and Building Safety Commission, and publication as required by law.

ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this _____ day of _____, 201__.

LONG BEACH TOWN COUNCIL

By:

Peter Byvoets, President

Jane Neulieb

Robert LeMay

Joy Schmitt

Nick Meyer

ATTEST:

Bill deFuniak
Clerk-Treasurer