

BUILDING CODE
AND
BUILDING
REGULATIONS

Town of Westville, Indiana

Adopted August, 2002

Article I. Building Commissioner

Sec. 1. Office created

There is hereby created and continued in the town of Westville, the office of Building Commissioner.

Sec. 2. Duties

A. It shall be the duty of the Building Commissioner to approve all building permits in accordance with the provisions of this chapter and to have charge of, and enforce, all ordinances now in force and/or which may hereafter be established together with all town, state and federal laws and regulations, pertaining to the erection, construction, alteration, repair or removal of buildings and other structures in the town or pertaining to the use and occupancy of real estate in the town and to perform such other duties as may be imposed upon him by the Town Council.

B. The Building Commissioner shall examine and inspect buildings in the course of erection, alteration, repair or removal throughout the town as often as practicable and see that all ordinances, laws and regulations in relations thereto are complied with. Whenever a violation of or failure to comply with any ordinance of the town, or any state or federal law or regulation comes to the attention of the Building Commissioner, he/she shall take all steps necessary to enforce the applicable provisions of the pertinent ordinances, laws, and regulations.

Sec. 3. Right of Entry

For the purpose of carrying out his/her duties, the Building Commissioner shall have the right at all times to enter buildings and premises in the town for the purpose of inspecting the same and ascertaining whether or not applicable ordinances, laws, and regulations are being complied with.

Article II. General Responsibilities

Sec. 1. Maintenance and clean up of sidewalks and streets during construction

A. At all times during construction, the person owing the property shall maintain the sidewalks and streets in front of the and adjacent to the building site so as to prevent damage thereto by construction vehicles, as well as to maintain the same free from accumulations of dirt and debris.

B. To this end, silt fences must be erected and maintained at all building or construction sites until the Building Commissioner has determined that adequate ground cover has been established, even if occupancy permit has been given. For purposes of this section, a “silt fence” is defined as a geotextile fence that is approximately eighteen (18) inches high, supported by two-inch wood posts, and is specifically designed to prevent sediment from washing onto roadways or adjoining properties.

C. The Building Commissioner is authorized and empowered to refuse to make periodic inspections and approvals, as well as to instruct any of the inspectors to refrain from making inspection approvals if the sidewalks and streets, as aforesaid, have not been maintained as herein set forth. In no event shall an occupancy permit be granted until any damage to sidewalks or streets contiguous to or adjacent to the building site has been repaired and cleaned.

Sec. 2. Establishment of final grade prerequisite to issuance of occupancy permit

The Building Commissioner shall not issue an occupancy permit for any structure that is the subject of the building permit until the final grade for such structure and building site as been completed and established in accordance with applicable ordinances of the town.

Sec. 3. Cleanup of site and removal of waste prerequisite to issuance of occupancy

The Building Commissioner shall not issue an occupancy permit for any structure that is the subject of the building permit until the building site on which such structure is located has been cleaned of waste and discarded construction material has been removed therefrom.

Sec. 4. Permit no defense

In any action or prosecution brought in any court to enforce any of the provisions of this building code, or to convict any person for violation of any part of this code, the fact that a permit may have been issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the Building Commissioner constitute a defense.

Article III. Building Code

Sec. 1. Title

This article, and all ordinances supplemental or mandatory hereto, shall be known as the “Building Code of the Town of Westville, Indiana,” may be cited as such, and will be referred to herein as “this code.”

Sec. 2. Purpose

The purpose of this Code is to provide minimum standards for the protection of life, health, environment, public safety, and general welfare, and for the conservation of energy in the design and construction of buildings and structures.

Sec. 3. Authority

The Building Commissioner is hereby authorized and directed to administer and enforce all of the provisions of this Code. Whenever in this Code it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the town, this shall be construed to give such officer only the discretion of determining whether this Code has been complied with; and no provision shall be construed as giving any officer discretionary powers as to what this Code shall be, or power to require conditions not prescribed by ordinances or to enforce this Code in an arbitrary or discriminatory manner. Any variations from adopted building rules are subject to approval under IC § 22-13-2-7(b).

Sec. 4. Scope

The provisions of this Code apply to the construction, alterations, repair, use, occupancy, maintenance and additions to all buildings and structures, other than industrialized building systems or mobile structures certified under IC § 22-15-4, in the Town of Westville.

Sec. 5. Adoption of Rules by Reference

The following building rules, codes, and standards are hereby adopted by reference.

A. Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following articles of **Title 675 of the Indiana Administrative Code** are hereby incorporated by reference in this code and shall include later amendments to those articles as the same are published in the Indiana Register, as a final rule, or the Indiana Administrative Code with effective dates fixed therein:

1. *Article 13. Indiana Building Code*
 - a. Fire and Building Safety Standards
2. *Article 14. Indiana Residential Code*
3. *Article 16. Indiana Plumbing Code*
4. *Article 17. Indiana Electrical Code*
5. *Article 18. Indiana Mechanical Codes*
6. *Article 19. Indiana Energy Conservation Code*
7. *Article 20. Indiana Swimming Pool Code*
8. *Article 22. Indiana Fire Code*
 - a. Fire and Building Safety Standards

B. Copies of adopted building rules, codes, and standards are on file in the office of the town Building Commissioner.

Sec. 6. Permit Required

A. A permit shall be obtained before beginning any construction or alterations of any building in the Town which requires a change or addition to any support members or to the installation of new plumbing, heating, air conditioning, stationary or permanent, electrical or wiring, installation or new water heaters, fire places and stoves, whether gas or wood burning.

B. All permits shall be issued by the Building Commissioner using forms furnished by him/her and all fees provided herein shall be paid to the town Clerk-Treasurer.

C. All permits issued by the Building Commissioner's office shall expire if work has not begun within one hundred (120) days from the issuance of such permits. All permits will expire within two (2) years from the date of issuance. The Building Commissioner, at his discretion, may extend the period for which work may begin under the issuance of any building permit by a period of up to an additional ninety (90) days based on just cause. The Building Commissioner may also extend the expiration date of any building permit by any additional periods of up to one hundred eighty (180) days if an reasonable basis can be provided for the non-completion during such period and reasonable assurance that such permit can be completed within such prescribed extended period of time. In no event shall the Building Commissioner extend the building permit for more than an additional one (1) year. If work cannot be completed under such permit within the time period specified, a new permit must be obtained.

Sec. 7. Application for Permits

A. Applications for building permits shall be filed with the Building Commissioner of the Town of Westville. The application shall include.

1. legal description of the property;
2. site plan showing the structure, or improvement, and meeting with the requirements listed herein;
3. sanitary sewer and town water permits as required by the Westville Utility; and
4. dedication of right-of-way when and where it is required. Such dedications shall be acceptable to the Town Council.
5. No building permit shall be issued for the foregoing purpose, unless the application for the permit is accompanied by a plat or sketch of the proposed location showing lot boundaries with plans and specifications showing the work to be done. In addition, the attached PLAN AUTHENTICATION shall be provided.
6. The Westville Building Commissioner or his designated representative may revoke a building permit or approval issued under the provisions of this code in the event there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based, including by not limited to, those set forth in sub-section five (5) above.
7. A copy of construction plans showing elevations, floor plans, and all plumbing and electrical with dimensions for all.
8. All street name and regulatory signs must be installed per Town Standards prior to any building permits being issued for development.

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

1. be submitted in triplicate for all uses other than single- or two-family dwelling;
2. be drawn in scale sufficient to show the required details with clarity. The preferred scale shall be one (1) inch equals twenty (20) feet;
3. show all property lines and right of way dimensions;
4. show the location of all existing and all proposed improvements on the property, the front, side, and rear yard setback dimensions, and distances-between structures;
5. show existing and proposed easements, their purposes, and their widths;
6. show what provisions will be made to handle stormwater runoff. Single-or two-family homes may show direction of flows by arrows on site plan. Commercial, industrial, or multi-family dwellings not included above will show existing and proposed surface elevations, finished floor elevations, and the engineering calculations for surface water runoff;

7. the site plan will show proposed connections to sanitary sewers, storm sewers, and shall also show the type and location of the sediment-grease traps, the type and location of back-flow devices for water, and the location of fire protection devices such as hydrants;
8. commercial and industrial sites shall designate all uses to be conducted within said sites and the items to be stored within the boundaries of the same;
9. show means and access to and from town rights-of-way;
10. in multi-family, commercial or industrial sites the number and location of parking spaces shall be shown, including all handicapped parking spaces;
11. site plans adjacent to or located in a flood plain area shall be prepared by a professional engineer, licensed in the State of Indiana. Forms are available from the town engineer.
12. commercial and industrial site plans shall show the proposed landscaping, fencing, and/or walls, and location of utilities; and
13. show the name, address, and telephone number of the person responsible for the preparation of the site plan.

Sec. 8. Review of Application

Prior to issuance of any building permit, the Building Commissioner shall:

A. Review all building permit applications to determine full compliance with the provisions of this code.

B. Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

C. Review building permit application for major repairs within the floodplain area having special flood hazards to determine that the proposed repair 1) uses construction materials and utility equipment that are resistant to flood damage, and 2) uses construction methods and practices that will minimize flood damage.

D. Review building permit applications for new construction or substantial improvements within the floodplain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes) 1) is protected against flood damage, 2) is designed (or modified) and anchored to prevent floatation, collapse, or lateral movement of the structure, flood damage, and 2) uses construction methods and practices that will minimize flood damage.

Sec. 9. Compliance with other ordinances; minimum standards for municipal improvements

A. All work done under any permit shall be in full compliance with all other ordinances pertaining thereto. And in addition to the fees for permits, there shall be paid the fees prescribed in such ordinances.

B. The town's minimum standards for municipal improvements, two (2) copies of which are on file in the office of the Clerk-Treasurer for public inspection, shall be used for the design, layout and construction of streets, curbs, sidewalks, storm sewers, water facilities, sewer lines and other public facilities as described therein. In addition, these standards shall apply to all construction in the Town of Westville, not simply those for subdivisions and planned unit developments.

Sec. 10. Inspections

A. Building Commissioner. After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as necessary to ensure full compliance with the provisions of this Code and the terms of the permit. Reinspections of the work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this Code.

B. Fire Chief. The chief of the fire department, or his designated representative, may assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems, and provide reports of such inspection to the Building Commissioner.

C. Right of Entry. Upon proper credentials, the Building Commissioner or his duly authorized representatives, may enter at reasonable times, any building, structure, or premises in the town to perform any duty upon him by this code.

Sec. 11. Stop Work Order

Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by serving notice in writing on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.

Sec. 12. Certificate of Occupancy

No certificate of occupancy for any building structure erected, altered or repaired after the adoption of this Code shall be issued unless such building or structure was erected, altered, or repaired in compliance with the provisions of this code. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner. In the event there is any building which has already begun construction at the adoption of this Code,

all inspections shall begin according to the inspection schedule to be adopted by the Building Commissioner depending on the phase that such building is in at the time of the adoption of the Code.

Sec. 13. Work Standards

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

Sec. 14. Fees

A. Building permits required by Article 3, section 7, shall be issued upon prior payment of application and inspection fees according to the fee structure established by ordinance and any amendments thereto.

Sec. 15. Building Contractor; Registration Required

A. Any person who engages in the business of general, roof, insulation, electrical, plumbing, sewage, masonry, well installation, heating, ventilation, air conditioning, excavating and septic installation, or other ancillary work related to construction in the Town of Westville, shall first procure a contractor's registration permit. There shall be only one registration permit per contractor. Such contractor will list the specified fields of work in which such contractor will perform. The registration permit shall be on a form prescribed by the Building Commissioner. In the case of applications by corporations, partnerships, or other forms of business associations, the applications for a contractor's registration permit may be made by an officer or other designated employee of such business association, corporation, or partnership.

B. The Building Commissioner shall have the power and duty to receive all applications for registration for all crafts and trades. He shall review the applications and approve or disapprove the applications for registration.

C. The Building Commissioner shall have the right to revoke or suspend any registration issued, upon his investigation, upon satisfactory proof that the holder of the registration permit has willfully, intentionally, or repeatedly violated any provisions of this Code or law of the state pertaining to his business, for incompetence or misconduct in the practice of his business, for deceit or fraud in obtaining the registration, for irresponsible financial practices, or for any other reason or ground specified in this Code.

D. A general contractor must insure all subcontractors are registered pursuant to this Code.

E. The Building Commissioner shall not issue a building permit if such contractors, general contractor, or subcontractor are not registered as provided herein.

F. Application.

1. The Building Commissioner shall require all applicants to furnish the following information:
 - a. A statement of applicant's proposed contracting business
 - b. The type of contractor's registration applied for
 - c. Name, residence, and business address of applicant
 - d. If the applicant be a partnership, joint venture, corporation, or other type of business association or firm, the name and business address of such organization, the name and residence of all officers, directors, and partners, as the case may be, and their interest such organization
 - e. A list of businesses owned, operated, and managed by the applicant, or in which the applicant has had an interest of any kind during the last five (5) years, and the addresses of these businesses
 - f. Three (3) references from reputable business and professional people, not related by blood or marriage to the applicant, from the county of the applicant, attesting to the applicant's reputation as to honesty, integrity, and good character
 - g. A statement, under oath, that the applicant has not been convicted of a felony during the past five (5) years and that the applicant is not presently indicted or charged with having committed a felony.

2. The Building Commissioner shall reject the applicant if he/she finds:
 - a. The applicant has committed an act within the past three (3) years which, if committed or done by a registered contractor, would be grounds for suspension or revocation of a registration permit
 - b. The applicant has been convicted of a crime within the past five (5) years involving dishonesty, fraud, deceit, or lack of integrity, whereby the applicant has benefited, and whereby some injury has been sustained by another
 - c. The applicant has been convicted of a felony during the past five (5) years.

The decisions of the Building Commissioner to reject an applicant shall be subject to review by the Town Council, which shall affirm or reverse the decisions upon a majority vote at a public hearing.

G. Insurance and Bond. Before granting a contractor's permit, each applicant shall show the following proof of insurance and file the same with the Building Commissioner.

1. Public liability and property damage insurance in an amount not less than three hundred thousand dollars (\$300,000.00) in the case of damage or injury to one (1) person and not less than five hundred thousand dollars (\$500,000.00) in case of damage or injury to more than one (1) person and fifty thousand dollars (\$50,000.00) property damage or five hundred thousand dollars (\$500,000.00) bodily injury and property damage combined single limit.
2. Workman's compensation insurance coverage as required by state law.
3. Each contractor shall show proof of a ten thousand dollar (\$10,000.00) bond, payable to the Town of Westville for each construction project to be performed in the event that such construction project is unable to be completed or if any violation occurs of this Code for which corrective action must be taken by the Town of Westville.
4. All insurance and bonds shall be issued by an insurance company authorized to do business in the state of Indiana. Failure to provide such a certificate of insurance and bonding, or to allow the same to lapse, shall be grounds for termination of the contractor's registration permit.

H. Contractor's Registration, Renewal, and Transfer

1. After proper application, the Building Commissioner will issue a contractor's registration permit. The applicant will pay a fee for the issuance of the first permit which shall be good for a twelve (12) month period. Said fee shall be in the amount established by ordinance and any amendments thereto.
2. Once a contractor has had a registration permit issued, renewal of such permit will be automatic from year to year on each anniversary date with the payment of the appropriate fee established by ordinance and any amendments thereto. Failure to renew a permit within ten (10) days after notice of expiration will constitute a need for a re-applicant of such registration permit.
3. The registration permit issued by the Building Commissioner shall not be transferable to any other firm, name, or business other than the name to which it was issued.

Sec. 16. Industrial Permit

Any person registering as a manufacturer or processor of portable goods or products or registering as the power, light, or telephone utility serving the town and desiring to do electrical work in their own establishment shall be issued an "industrial permit" by the Town Council upon payment of permit fees as set for in section 14 of this article.

Sec. 17. Electrical Work

It shall be the duty of a permit holder under this Code to notify the Building Commissioner as to the progress of all electrical work. The permit holder shall not conceal any of the electrical work until an inspection is made. The contractor will make arrangements for electrical inspections twenty-four (24) hours in advance.

Sec. 18. Fences

A. Maximum height. It shall be unlawful except as herein provided for any person or association to construct or maintain any fence separating properties at a height greater than six feet, six inches (6'6") from the natural level of the ground provided this height limitation shall apply to open or woven, wire or chain link fences as erected by a park board, recreation commission, any church, school, or other institutional authority, or any business within the Town. All panel fences shall be installed with the good or decorative side facing out. All such fences of an nature may not encroach upon any public easement or right of way, or obstruct vision for viewing traffic as a matter of ingress or egress.

B. Petition of variance. Any person or association desiring to erect a fence higher than the limit as set forth in Section A may petition the Town Council for a variance to permit a higher fence. Such petition shall be presented the same as all the petitions for variances before the Town Council.

C. Swimming pool fences. Access to all pools shall be restricted in accordance with the rules of Fire Prevention and Building Safety Commission (675 IAC 20) or its predecessor agencies. Fence equipment for existing pools must conform with the provisions of IAC 675-12-4.

Sec. 19. Issuance; Posting Same; Revocation of Permits; Appeals

A. Issuance. Every permit shall be in writing by the Clerk-Treasurer or his or her designee, but the Clerk-Treasurer shall not sign or issue any permit without the written approval of the Building Commissioner.

B. Posting. Every permit after issuance, shall be posted in plain view at all times at the location of the construction or other work.

C. No Waiver. The issuance of a permit in any case shall not be construed under any circumstances as a waiver of any or the requirements of any of the ordinances of the town. All ordinances, laws, and regulations applicable thereto shall at all times be strictly kept and complied with.

D. Revocation. If at any time the Building Commissioner or his or her designee shall discover that the applicant to whom such permit was issued has in any way violated his or her rights thereunder or any law or regulation, the Building Commissioner or his or

her designee shall forthwith revoke such permit and after any such revocation it shall be unlawful for any person, firm, or corporation to proceed directly or indirectly with any building work in the town.

E. Appeal. Any interested party may appeal any revocation order made by the Building Commissioner to the Town Council at its next regular meeting.

Sec. 20. Violations

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, improve, convert, demolish, equip, use, occupy or maintain any building or structure, in the town, or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

Sec. 21. Remedies; No Defense to Violations

A. Remedies. The Building Commissioner may, in the name of the town, bring action in the Superior or Circuit Courts of LaPorte County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner.

B. Permit No Defense. In any action or prosecution brought in any court to enforce any of the provisions of this Code or to convict any person for violation of any party of this Code, the fact that a permit may have been issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the inspector constitute a defense, but each and all of the terms and provisions of this article shall at all times be strictly enforced.

Article IV. Moving Buildings

Sec. 1. Sidewalks and Curbs to be Protected

It shall be unlawful for any person to move any building across or on a sidewalk or curb without securely planking or bridging the same in such a manner that the sidewalk or curb shall not be injured. Such planking or bridging shall be done at the sole cost of the person doing such moving.

Sec. 2. Permit Required; Bond

It shall be unlawful for any person to move any building or similar structure on, along, or upon any street, alley, or public ground of the town without first obtaining a written permit from the Town Council and providing an indemnifying bond as hereinafter provided.

Sec. 3. Application; Fee

A. Application. Any person desiring to move any building or similar structure on any street, alley, or public grounds of the town shall file a written applications for a permit with the Council at least fifteen (15) days in advance of such moving. Such application shall identify the building (or structure) to be moved, designate the starting point and destination of such move and the proposed route, and provide the date and time such move is desired.

B. Fee. The application shall be accompanied by a filing fee as established by ordinance and any amendments thereto.

Sec. 4. Prerequisite Conditions to Issuance

A. Before any application for a permit required by this division shall be granted, the applicant shall:

1. File an indemnity bond in favor of the town in such amount as the Council shall direct.
2. Provide for adequate traffic direction and control at the cost of the applicant.
3. File a copy of the applicant's liability insurance policy with the Council, illustrating a minimum combined single limit for bodily injury and property damage of five hundred thousand dollars (\$500,000.00) per occurrence with the town named therein as an additional insured. Such indemnity bond shall be returned intact within sixty (60) days of the date of such moving unless the town shall notify the applicant in writing that it has incurred damage as a result of such move, in which case such bond shall be retained by the town until such damage is rectified.

B. In granting such permit, the Council shall specify the route, date, and time of such move. The Council may make such changes in the route, date, and time of such move as specified in the application, as the Council deems necessary.

Sec. 5. Move to be Made Without Reasonable Delay; Not to be Parked on Street at Night, Exception

A. Any person moving any building or similar structure on any street, alley, or public place in the town, shall proceed without unreasonable delay. No building shall be left standing on any street, alley, sidewalk, curb, or public grounds within the town overnight. If it becomes necessary for the person making such a move to leave the building standing overnight, the mover shall make arrangements at his expense to park such building in a place other than on a street, alley, sidewalk, or public ground unless the Town Council specifies otherwise in such permit.

B. Any building or similar structure left standing on any street, alley, or public ground without permissions as provided in paragraph (A) of this section may be towed at owner's expense.

Article V. Unsafe Buildings

Sec. 1. Short Title

This article shall be known and may be cited as the “Westville Unsafe Building Law.” Westville Town Ordinance 94; “An ordinance establishing the Town of Westville Unsafe Building Law,” is hereby incorporated by reference and copied as the same.

Sec. 2. Incorporation by reference

Indiana Code IC §36-7-9-1 through §36-7-9-28 and amendments thereto, is hereby incorporated by reference into the Town of Westville Unsafe Building Law. All proceedings in the Town of Westville regarding the inspection, repair, and removal of unsafe buildings shall be governed by said laws in conjunction with the provisions of this Code. In the event that the provisions of this Code conflict with the provisions of the Indiana Code IC §36-7-9-1 through §36-7-9-28, the provisions of the state statute shall control.

Sec. 3. Public Nuisance; Abatement

All buildings, or portions thereof, within the Town of Westville which are determined after inspection by the Building Commissioner to be unsafe as defined in this Code are hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal.

Sec. 4. Enforcement Authority

The Westville Building Commissioner shall be authorized as the “enforcement authority, under Indiana Code IC §36-7-9-2. The Building Commissioner shall have the authority to act as the administrator and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.

Sec. 5. Hearing Authority

The “hearing authority” defined by Indiana Code IC §36-7-9-2 shall be established for the Town of Westville by the town executive. The president of the Town Council shall serve as the town executive as stated in IC §36-5-2-2. The hearing authority may be composed of a person or persons. However, an employee of the Westville Building Commission may not be designated as the hearing authority or a member thereof.

Sec. 6. Discretion

Whenever in the building regulations of the Town of Westville, it is provided that anything must be done to the approval of or subject to the direction of the Building

Commissioner, or any other officer of the Department of Building and Zoning, 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 in an arbitrary or discretionary manner.

Sec. 7. Definition

The description of an unsafe building contained in the Indiana Code IC §36-7-9-4 is hereby supplemented to provide minimum standards for the building conditions or maintenance in the Town of Westville, Indiana by addition the following definition:

1. Unsafe building means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or the structure's occupants are endangered:
 - a. Whenever any door, aisle, passageway or other means of ingress and egress are not sufficient width or size or it is not arranged as to provide safe and adequate means of exit in case of fire or panic
 - b. Whenever any walking surface or any aisle, passageway, stairway, or other means of ingress or egress are so warped, worn, loose, torn or otherwise unsafe as not to provide safe and adequate means of exit in case of fire or panic
 - c. Whenever the stress in any materials, member, or portions therefore, due to all dead and live loads, in more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location
 - d. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such a catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose or location
 - e. Whenever any portion, member, or appurtenance thereof is likely to fail, become detached, or dislodged, or to collapse and thereby injure persons or damage property
 - f. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting to wind pressure on one-half that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings
 - g. Whenever any portion thereof has cracked, warped, buckled, or

settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction

- h. Whenever the building or structure, or any portion thereof, because of:
 - i. Dilapidation, deterioration, or decay;
 - ii. Faulty construction
 - iii. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - iv. The deterioration, decay, or inadequacy of its foundation; or
 - v. Any other causeis likely to partially or completely collapse.
- i. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used
- j. Whenever the exterior walls or other vertical structural member list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base
- k. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent more deterioration of its supporting members or members, fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings
- l. Whenever any building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated so as to become:
 - i. An attractive nuisance to children, or
 - ii. Freely accessible to persons for the purpose of committing unlawful acts
- m. Whenever any building or structure has been constructed, exists, or is manipulated in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of the Department of Building and Zoning, or any law or ordinance of this state or Department of Building and Zoning relating to the condition, location, or structure of buildings
- n. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than fifty percent, or in any supporting part, member, or portion less than sixty-six percent of the
 - i. Strength
 - ii. Fire-resisting qualities or characteristics, or

- iii. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
- o. Whenever a building or structure, used or intended to be used for dwelling purposes because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the LaPorte County Health Department to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease
- p. Whenever any building or structure because of obsolescence, dilapidated conditions, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the Town of Westville Building Commissioner and Town Engineer
- q. Whenever any portion of a building or structure remains on a site after demolition or destruction of the building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Sec. 8. Substantial Property Interest

The definition of “substantial property interest” set forth in Indiana Code IC §36-7-9-2 is hereby incorporated by reference as if copied in full.

Sec. 9. Standard of Work

All work for the reconstruction, repair, or demolition of buildings and other structures shall be performed in a good and workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in IC §22-12-1-3, and the amendments thereto, adopted as rules of the Fire and Prevention and Building Safety Commission, shall be considered standard an acceptable practice for all matters covered by this Article or orders issued pursuant to this Article by the Building Commissioner of the Town of Westville.

Sec. 10. Fund Established

An unsafe building fund is hereby established in the operating budget of the Department of Building and Zoning in accordance with the provisions of IC § 36-7-9-14, and amendments thereto.

Sec. 11. Penalties

No person, firm, or corporation, whether as owner, lessee, sublessee, 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 the provisions of this article or any order issued by the Building Commissioner. Any person violating the provisions of this Article or IC § 36-7-9-28, and amendments thereto, shall commit a Class C infraction for each day such violation continues.

Article VI. Numbering of Buildings

Sec. 1. Multi-Family Dwelling Structures

A. It shall be the duty of the owner(s) or manager(s) of every multi-family dwelling structure in the town to identify by letters or numbers, the number of such multi-family dwelling. The letters or numbers shall not be less than three (3) inches high and not more than five (5) inches high, and placed on contrasting material so as to be visible from the street. The numbers shall not be spelled out or placed in Roman numerals.

B. In the event that more than one (1) such multi-family dwelling structure is located on a single zoning lot or within a development bearing a common place, each separate multi-family dwelling structure shall have a separate and distinct number or letter five (5) inches high, and placed on contrasting material so as to be visible from the street. The numbers shall not be spelled out or placed in Roman numerals.

Sec. 2. One and Two Family Dwellings

A. It shall be the duty of the owner(s) or occupant(s) of each one and two family dwellings hereafter erected in the town to have placed on such structure, at the time of occupancy thereof, letters or numbers not less than three (3) inches high and not more than five (5) inches high, and placed on contrasting material so as to be visible from the street. The numbers shall not be spelled out or placed in Roman numerals.

B. It shall be the duty of the owner(s) or occupant(s) of each one and two family dwelling existing as the effective date of this ordinance, in the Town to have placed on such structure, letters or numbers not less than three (3) inches high and not more than five (5) inches high, and placed on contrasting material so as to be visible from the street. The numbers shall not be spelled out or placed in Roman numerals.

Sec. 3. Public Accommodations

It shall be the duty of the owner(s) or occupant(s) of each structure of public accommodation in the Town to have placed on such structure, letters or numbers not less than three (3) inches high and not more than five (5) inches high, and placed on contrasting material so as to be visible from the street. The numbers shall not be spelled out or placed in Roman numerals.

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 Article 3, section 6 of the Westville Town Building Code, and based upon information contained within these plans, I certify that these plans are identical to those released for construction by the Indiana Fire and Building Services. I 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 Article 3, section 6 of the Westville Town Building Code, and that I will be subject to penalties for perjury. .

signature

printed named

Subscribed and sworn before me, a Notary Public, the ____ day of _____, 20__.

Notary Public

My Commission Expires:

Resident of _____ County