

THE CITY OF CHARLESTOWN, INDIANA

Department of Law

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George R. Hall  
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December 4, 2018

Mr. Douglas Boyle  
Fire Prevention and Building Safety Commission  
Indiana Department of Homeland Security  
302 W. Washington Street, Room E-208  
Indianapolis, IN 46204

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Sent by Certified U.S. Mail

Return Receipt No. 7016 0600 0000  
5873 2445

RE: Review of Charlestown Ordinance No. 2018-OR-23  
(previously submitted for pre-adoption review)

Dear Mr. Boyle,

I am contacting you again on behalf of the City of Charlestown, Indiana ("Charlestown"), whom I represent as the City Attorney. This letter comes as a follow-up to previous contact by myself, and my associate, Matthew Duncan.

As you may recall, I previously notified you that on February 5, 2018, the Charlestown City Council adopted Ordinance No. 2018-OR-6 (the "Ordinance"). That Ordinance, a property maintenance code based on the *2006 International Property Maintenance Code*, was submitted to the Fire Prevention and Building Safety Commission (the "Commission") for review and approval per Ind. § 22-13-2-5. Your staff reviewed the Ordinance, and suggestions were made to my office for corrections/updates. Those suggestions for corrections/updates were all incorporated in the newest – but very similar - version of the Ordinance.

As you know, the updated/corrected version of the Ordinance was submitted to your office for pre-adoption review in September, with the understanding that pre-adoption review normally takes thirty (30) days or less. However, since that time, no feedback about the revisions suggested by your staff has been forthcoming from your office, only an email acknowledging that the pre-adoption review of the updated/corrected Ordinance was delayed due to a legal staff member being on temporary leave.

My expectations about how long a pre-adoption review of the updated/corrected Ordinance would take have proven to be overly optimistic. Because not having a valid property maintenance code in Charlestown is detrimental to maintaining a safe, healthy environment, and because City leaders could not be sure when to expect that the pre-adoption review with the changes to the Ordinance suggested by your office might be completed, I advised the City Council to move forward in considering the updated/corrected Ordinance (No. 2018-OR-23). That Ordinance was finally enacted on December 4, 2018. A copy of that updated/corrected Ordinance is enclosed with this letter.

Please acknowledge your receipt of these materials and place the updated/corrected Ordinance on the Commission's agenda for approval as soon as possible. Hopefully, this will be able to happen sooner rather than later, since it is based on a model Code, since your staff has previously seen the Ordinance, and since your staff suggested the changes that were made to the earlier (and similar) version of the Ordinance. If there is anything that I can do to speed the process please let me know.

Thank you for your attention to this matter. As always, should you have questions, comments or concerns regarding this matter please do not hesitate to contact me.

Sincerely,



Michael A. Gillenwater

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BEFORE THE COMMON COUNCIL  
THE CITY OF CHARLESTOWN, INDIANA

**ORDINANCE NO. 2018-OR-23**

AN ORDINANCE AMENDING ORDINANCE NO. 2018-OR-6, AN ORDINANCE ESTABLISHING PROPERTY MAINTENANCE STANDARDS WITHIN THE CITY OF CHARLESTOWN, INDIANA

WHEREAS, the Common Council of the City of Charlestown, Indiana (the "City") believes that the health, safety, and welfare of the citizens of the City will best be protected when owners of real property in the City are encouraged to maintain their properties in a safe and healthy condition, according to specific standards of a Property Maintenance Code; and

WHEREAS, proper maintenance of real property by owners and occupants is most likely to occur when those persons are aware that there is immediate accountability for failure to do so, especially if violations of a Property Maintenance Code may result in fines that can be assessed immediately; and

WHEREAS, the City's Common Council has the right and authority to enact legislation that allows for the immediate imposition of fines against owners and/or occupants of real property in Charlestown, Indiana when those owners and/or occupants fail to see that real property is maintained in accordance with the provisions of the City's *Property Maintenance Code*; and

WHEREAS, on or around February 4, 2008, the Common Council of *the City of Charlestown, Indiana* enacted Ordinance 2008-OR-01, which established property maintenance standards and established various enforcement mechanisms to ensure compliance with those property maintenance standards within the City of Charlestown, Indiana. That Ordinance is commonly known and referred to as the *City's Property Maintenance Code*; and

WHEREAS, since the Property Maintenance Code has been enacted, during the course of enforcement of the standards contained therein, the language of the Property Maintenance Code has been the subject of litigation requiring judicial review of the Property Maintenance Code. At least one judicial officer has found some of the language in the Property Maintenance Code to be unclear; and

WHEREAS, because of confusion which exists among some, the Common Council wishes to clarify its intent regarding the applicability of various provisions of the *Property Maintenance Code*; and

WHEREAS, the City's Common Council also wishes to clarify the authority it intends to grant to the City's Board of Public Works and Safety, particularly with respect to the waiver and appeal process of fines for violations of the *Property Maintenance Code*, among other things; and

WHEREAS, the City's Common Council believes that promptly and consistently enforcing property maintenance standards helps ensure the health, safety, and welfare of the residents of Charlestown, Indiana; and

WHEREAS, on or around February 5, 2018, the City's Common Council enacted Ordinance 2018-OR-6, which amended and clarified various provisions of the Property Maintenance Code contained within

the previously adopted Ordinance No. 2008-OR-1; and

WHEREAS, the City's Common Council wishes to update some of the code references contained within the Ordinance and make some minor technical changes to bring the Ordinance into conformity with various Indiana statutes and regulations. Now, therefore,

IT IS HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN, INDIANA, that Ordinance 2018-OR-6 be amended as follows:

#### **Purpose**

The purpose of this ordinance is to amend and clarify the Property Maintenance Code previously adopted by the Common Council of the City of Charlestown, Indiana as Ordinance 2018-OR-6 and 2008-OR-01. One purpose in doing so is to maintain and improve the health, safety, and welfare of the residents of Charlestown, Indiana.

#### **International Property Maintenance Code Adopted**

The standards set forth in the *2006 International Property Maintenance Code*, amended, or as set out below, are hereby adopted and/or re-adopted by the City, and shall be applicable at all locations in the City of Charlestown, Indiana.

#### **CHAPTER 1 ADMINISTRATION**

##### **SECTION 101 - GENERAL**

**101.1 Title.** These regulations shall be known as the *Property Maintenance Code of the City of Charlestown, Indiana*, hereinafter referred to herein as the "Code."

**101.2 Scope.** The provisions of this Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

**101.3 Intent.** This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

**101.4 Severability.** Each section of this Code is adopted separately. If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional or otherwise unenforceable or illegal, such decision shall not affect the validity of the remaining portions of this Code.

##### **SECTION 102 - APPLICABILITY**

**102.1 General.** The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.



**102.2 Maintenance.** Equipment, systems, devices and safe-guards required by this Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of 675 IAC 12-4-11 and 675 IAC 12-4-12 and any later amendments to those rules that are in effect in the State of Indiana.

**102.4 Existing remedies.** The provisions in this Code shall not be construed to abolish or impair other existing remedies of the City of Charlestown, Indiana or its officers, agents, or Boards relating to the removal or demolition of any structure which is dangerous, unsafe and insanitary.

**102.5 Workmanship.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

**102.6 Historic buildings.** The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

**102.7 Referenced codes and standards.** The codes and standards referenced in this Code shall be considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between the provisions of this Code and the referenced standards, the provisions of this Code shall apply.

**102.8 Requirements not covered by code.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this Code, shall be determined by the Code Official.

## **SECTION 103 – BUILDING COMMISSIONER’S OFFICE - INSPECTION**

**103.1 General.** The Building Commissioner's Office, and the employees working therein shall be known as the Code Official.

**103.2 Appointment.** Code Officials shall be appointed by the Mayor of Charlestown, Indiana.

**103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the Mayor of Charlestown, Indiana, the Code Official shall have the authority to appoint deputy Code Officials, other related technical officers, inspectors and other employees.

## **ADMINISTRATION**

**103.4 Liability.** The Code Official, officer or employee charged with the enforcement of this Code, while acting for the City of Charlestown, Indiana, shall be indemnified and defended by the City for all good faith actions taken in the discharge of their official duties.

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be as adopted and posted by the *City of Charlestown, Indiana Board of Public Works and Safety*.

## **SECTION 104 - DUTIES AND POWERS OF THE CODE OFFICIAL**

**104.1 General.** The Code Official shall enforce the provisions of this Code.

**104.2 Rule-making authority.** The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety.

**104.3 Inspections.** The Code Official is empowered to make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections should be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinions as are deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**104.4 Right of entry.** The Code Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law, including but not limited to IC §36-7-9-16.

**104.5 Identification.** The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code.

**104.6 Notices and orders.** The Code Official shall issue all necessary Notices or orders to ensure compliance with this Code.

**104.7 Department records.** The Code Official shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records should be retained in the official records, in analog or electronic format, as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

## **SECTION 105 - APPROVAL**

**105.1 Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files. Any modification granted by the Code Official pertaining to either fire safety or building laws is not effective until approved by the Indiana Fire Prevention and Building Safety Commission.

**105.2 Alternative materials, methods and equipment.** The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

**105.3 Required testing.** Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or

in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests to be made as evidence of compliance at no expense to the City of Charlestown, Indiana.

**105.3.1 Test methods.** Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall be permitted to approve appropriate testing procedures performed by an approved agency.

**105.3.2 Test reports.** Reports of tests should be retained by the Code Official for the period required for retention of public records.

**105.4 Material and equipment reuse.** Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

## **SECTION 106 - VIOLATIONS**

**106.1 Unlawful acts:** It shall be unlawful for any owner or occupant of any residential and nonresidential structure in the City to be in conflict with or in violation of any of the provisions of this Code.

**106.2 Notice of violation:** When any owner or occupant of an existing residential and nonresidential structure in the City is in conflict with or in violation of any of the provisions of this Code, the Code Official shall serve a Notice of violation or order in accordance with Section 107.

**106.3. Prosecution of violation.** Any owner or occupant of an existing residential and nonresidential structure in the City that fails to comply with a Notice of violation or order served in accordance with Section 107 shall be deemed guilty of a civil infraction. Such violations are deemed strict liability offenses and penalties may be imposed as set forth in Sec. 106.4. Furthermore, if any violation for which a Notice is served is not corrected within ten (10) days, the Code Official may also institute any appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. The costs for any action shall be charged against the real estate upon which the violating structure is located and shall be a lien upon such real estate. Upon such a lien being entered upon such real estate, the City shall have the right to execute against property located in other counties or otherwise outside the City's boundaries that is owned by an individual that has violated a provision of this Code.

**106.4 Violation - Penalties.** Any owner or occupant of an existing residential and nonresidential structure in the City that violates any provision of this Code, or that fails to comply with any of the requirements thereof:

1. May be immediately fined as set out herein below;
2. May also be prosecuted within the limits provided by all other applicable state or local laws; and,
3. Is subject to all other penalties or remedies provided for in this ordinance.

Other remedies available to the City include, but are not limited to, any appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of any structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

**106.5 Fines – Effective Dates, Amounts.** Fines for violations of this Code are effective immediately upon discovery by the Code Official, provided proper Notice of violation(s) is posted in the manner described in Section 107.2(6) and Notice is delivered or mailed to the responsible persons within five

(5) business days. The minimum fine for any violation of the Code shall be twenty-five dollars (\$25.00), with the maximum fine for a violation being one thousand five hundred dollars (\$1,500.00). Each day that a violation continues after proper Notice has been posted and/or served shall be deemed a separate offense.

**106.6 Abatement of violation.** The imposition of the fines herein prescribed shall not preclude the Code Official or any legal officer of the City of Charlestown, Indiana from also 1) instituting other appropriate action to restrain, correct, or abate a violation, or from 2) preventing illegal occupancy of a building, structure, or premises, or 3) stopping an illegal act, conduct, business or utilization of the building, structure or premises.

## **SECTION 107 - NOTICES AND ORDERS**

**107.1 Notice to person responsible.** Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, Notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person(s) responsible for the violation as specified in this Code.

**107.2 Form.** Such Notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the violation or violations for which the Notice is being issued;
4. Include a correction order to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code. The correction order shall give the person responsible a reasonable time to make the required repairs and improvements before actions beyond the imposition of fines are taken against the property, including the fine becoming a lien on the property or the fine being added to the tax bill of the real property;
5. Inform the property owner/occupant of the right to appeal; and,
6. Include a statement of the right to file a lien in accordance with Section 106.3, if the City seeks a lien.

**107.3 Method of service.** Such Notice shall be deemed to be properly served if a copy thereof is either:

1. Delivered personally to the owner/occupant;
2. Sent by certified or first-class mail addressed to the last known address of the owner/occupant;
3. Sent by certified or first-class mail addressed to the tax bill mailing address of the owner as it appears on file in the office of the Clark County, Indiana Auditor; or
4. By posting a copy of the Notice in a conspicuous place in or about the structure affected by such Notice.

**107.4 Language of Notice.** Any correction order contained within the Notice which provides "a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code" does not limit the ability to immediately assess fines, but applies to the imposition of fines but instead applies to other remedial measures, including but not limited to the City performing repairs, seeking a lien against the property, or adding the fines to the tax bill of the real property.



**107.5 Transfer of ownership.** It shall be unlawful for the owner or occupant of any dwelling unit or structure subject to the Code who has received a compliance order or upon whom a Notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or Notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or Notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or Notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or Notice of violation.

## **SECTION 108 - UNSAFE STRUCTURES AND EQUIPMENT**

**108.1 General:** When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code.

**108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

**108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official may cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**108.3 Notice.** Whenever the Code Official has condemned a structure or equipment under the provisions of this section, Notice shall be posted in a conspicuous place in or about the structure affected by such Notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the Notice pertains to equipment, it shall also be placed on the condemned equipment. The Notice shall be in the form prescribed in Section 107.2.

**108.4 Placarding.** Upon failure of the owner or occupant responsible to comply with the Notice provisions within the time given, the Code Official shall post on the premises or on defective equipment

a placard bearing the word "*Condemned*" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

**108.4.1 Placard removal.** The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and Placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code.

**108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any owner or occupant who occupies any placarded premises or who operates placarded equipment, and any owner or occupant responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code.

## **SECTION 109 - EMERGENCY MEASURES**

**109.1 Imminent danger.** When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a Notice reading as follows: "*This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official.*" It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**109.2 Temporary safeguards.** Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency.

**109.3 Closing streets.** When necessary for public safety, the Code Official may temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

**109.4 Emergency repairs.** For the purposes of this section, the Code Official may employ the necessary labor and materials to perform the required work as expeditiously as possible.

**109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the City of Charlestown, Indiana. At the direction of the Mayor, the City Attorney or other legal counsel of the City of Charlestown, Indiana shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

**109.6 Hearing.** Any owner or occupant of an existing residential and nonresidential structure in the City ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this Code.

## **SECTION 110 - DEMOLITION**

**110.1 General.** The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment is so old, dilapidated or has become so out of repair as

to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

**110.2 Notices and orders.** All Notices and orders shall comply with Section 107.

**110.3 Failure to comply.** If the owner or occupant of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**110.4 Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage any valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

## **SECTION 111 - MEANS OF APPEAL**

**111.1 Application for appeal.** Any person directly aggrieved by a decision of the Code Official or a Notice or order issued under this Code shall have the right to appeal to the City of Charlestown, Indiana Board of Public Works and Safety, provided that a written application for appeal is filed with the City Clerk/Treasurer within ten (10) days after the day the decision, Notice, or order was posted or served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means.

**111.2 Waiver of fines.** The City's Board of Public Works and Safety shall have discretion to waive fines imposed for violations of this Code. However, waiver of fines is strongly discouraged until the violations giving rise to the fines have been remedied or the offending structure(s) removed.

**111.3 Notice of meeting.** The City's Board of Public Works and Safety should meet to consider appeals upon Notice from the chairman within twenty (20) days of the filing of an appeal, or at regularly scheduled meetings.

**111.4 Open hearing.** All appeal hearings held before the City's Board of Public Works and Safety shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the Board's membership.

**111.5 Procedure.** Prior to the conduct of an appeal hearing, upon request of the appellant, the Board shall adopt and make available to the public through the Board's attorney, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**111.6 Postponed hearing.** When a quorum of the Board of Public Works and Safety is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**111.7 Board decision.** The Board of Public Works and Safety shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board



members.

**111.7.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

**111.7.2 Administration.** The Code Official shall take immediate action in accordance with the decision of the board.

**111.8 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the Clark Circuit Courts for a writ of certiorari to correct errors of law. Commencement of an Application for writ of certiorari must be filed in the Clark Circuit Court within thirty (30) days of the filing of the decision of the Board of Public Works and Safety in the office of the City's Clerk/Treasurer.

**111.9 Stays of enforcement.** Appeals of Notice and orders (other than Imminent Danger Notices) shall stay the enforcement of the Notice and order until the appeal is heard by the Board of Public Works and Safety. However, upon appeal of a decision of the Board of Public Works and Safety the court before which such a case is pending may require the appellant to post an appeal bond, or set other conditions before a stay is granted.

## CHAPTER 2 DEFINITIONS

### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

**201.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this Code and are defined in the Indiana Building Code, Indiana Fire Code, International Zoning Code, Indiana Plumbing Code, Indiana Mechanical Code or the Indiana Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts.** Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" "housekeeping unit" or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

### SECTION 202 - GENERAL DEFINITIONS

**APPROVED.** Approved by the Code Official.

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.



**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

**CONDEMN.** To adjudge a structure unfit for occupancy.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and/or sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a lot or lots.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**EXTERMINATION.** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

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

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

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

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, uninsured, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

**LET FOR OCCUPANCY or LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed

ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, limited liability company, partnership, or any other group or legal entity acting as a unit.

**PREMISES.** A lot, plot, or parcel of land, easement, or public way, including any structures thereon.

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

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**VENTILATION.** The natural or mechanical process of sup-plying conditioned or unconditioned air to, or removing such air from, any space.

**WEEDS.** all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

### CHAPTER 3 GENERAL REQUIREMENTS

## SECTION 301 - GENERAL

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

**301.2 Responsibility.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

**301.3 Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

## SECTION 302 - EXTERIOR PROPERTY AREAS

**302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**302.2 Grading and drainage.** All premises except for approved retention areas and reservoirs shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**302.3 Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches. All noxious weeds shall be prohibited.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a Notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the Notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

**302.5 Rodent harborage.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

**302.6 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

**302.7 Accessory structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

**302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative, uninsured or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

**302.9 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

## **SECTION 303 - SWIMMING POOLS, SPAS AND HOT TUBS**

**303.1 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**303.2 Enclosures.** Access to residential swimming pools, hot tubs and spas ("Pool") shall be restricted by one (1) of the following means:

a) The Pool and deck area shall be completely surrounded by a fence or barrier at least four (4) feet above the finished ground level measured on the side of the barrier away from the Pool, with the exception of self-closing and latching gates and doors, both capable of being locked;

b) Other means not less than four (4) feet high and deemed impenetrable by the Code Official at the time of construction and completely surrounding the Pool and deck area when the Pool is not in use;

c) A combination of clauses a) and b) that completely surrounds the Pool and deck area with the exception of self-closing and latching gates and doors which are capable of being locked. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost.

d) No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

## **SECTION 304 - EXTERIOR STRUCTURE**

**304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**304.3 Premises identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. When required by the Code Official, address numbers shall be provided in additional approved locations to facilitate emergency



responses. Where access is by means of a private road and the building cannot be viewed from the public right-of-way, a monument, pole, sign, or other means shall be used to identify the Structure. For new and existing Class 1 Structures that have three (3) or more separate tenants and such tenants have both a front or main entrance and a rear entrance with an all weather surface for vehicular traffic that is tenant specific, the rear entrance shall have a posted address that is visible from the all weather surface. Address numbers may be omitted subject to the exceptions and limitations contained within Section 505 of the 2014 Indiana Fire Code and any later amendments to those rules.

**304.4 Structural members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**304.6 Exterior walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**304.7 Roofs and drainage.** The roof and flashing shall be sound; tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**304.8 Decorative features.** AU cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**304.9 Overhang extensions.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**304.11 Chimneys and towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**304.12 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.** All glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**304.14 Insect screens.** During the period from May 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect

repellent fans, are employed.

**304.15 Doors.** All exterior doors, door assemblies and hard-ware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**304.16 Basement hatchways.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

**304.17 Guards for basement windows.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

**304.18 Building security.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

**304.18.1 Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

**304.18.2 Windows.** Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

**304.18.3 Basement hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or house-keeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

## **SECTION 305 - INTERIOR STRUCTURE**

**305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**305.2 Structural members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

**305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

**305.4 Stairs and walking surfaces.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

**305.5 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**305.6 Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **SECTION 306 - HANDRAILS AND GUARDRAILS**

**306.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted building code.

## **SECTION 307 - RUBBISH AND GARBAGE**

**307.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

**307.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**307.2.1 Rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**307.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

**307.3 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

**307.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

**307.3.2 Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

## **SECTION 308 - EXTERMINATION**

**308.1 Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

**308.2 Owner.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

**308.3 Single occupant.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

**308.4 Multiple occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure, shall be responsible for extermination in the

public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

**308.5 Occupant.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

## CHAPTER 4 LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### SECTION 401 - GENERAL

**401.1 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

**401.2 Responsibility.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

**401.3 Alternative devices.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code shall be permitted.

### SECTION 402 - LIGHT

**402.1 Habitable spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet. The exterior glazing area shall be based on the total floor area being served.

**402.2 Common halls and stairways.** Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of 1 foot candle (11 lux) at floors, landings and treads.

**402.3 Other spaces.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.



## SECTION 403 VENTILATION

**403.1 Habitable spaces.** Every habitable space shall have at least one operable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

**403.2 Bathrooms and toilet rooms.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

**403.3 Cooking facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the Code Official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

**403.4 Process ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

**403.5 Clothes dryer exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

## SECTION 404 - OCCUPANCY LIMITATIONS

**404.1 Privacy.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

**404.2 Minimum room widths.** A habitable room, other than a kitchen, shall not be less than 7 feet in any plane dimension. Kitchens shall have a clear passageway of not less than 3 feet between counter fronts and appliances or counter fronts and walls.

**404.3 Minimum ceiling heights.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet.

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

**404.4 Bedroom and living room requirements.** Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5. and shall not endanger the life, health, safety or welfare of the occupants.

**404.4.1 Room area.** Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet.

**404.4.2 Access from bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

**404.4.3 Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

**404.4.4 Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping purposes.

**404.4.5 Other requirements.** Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

**404.5 Overcrowding.** The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Code Official, endanger the life, health, safety or welfare of the occupants.

**404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by Items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this Code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

**404.7 Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

**404.4.1 Area for sleeping purposes.** Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

#### TABLE 404.5 - MINIMUM AREA REQUIREMENTS

##### MINIMUM AREA IN SQUARE FEET

| 1-2 occupants   | 3-5 occupants | 6 or more occupants |
|-----------------|---------------|---------------------|
| No requirements | 120           | 150                 |
| No requirements | 80            | 100                 |

- a. See Section 404.5.2 for combined living room/dining room spaces.
- b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

**404.5.1 Sleeping area.** The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

**404.5.2 Combined spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

## CHAPTER 5 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### SECTION 501 GENERAL

**501.1 Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**501.2 Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this chapter.

### SECTION 502 - REQUIRED FACILITIES

**502.1 Dwelling units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**502.2 Rooming houses.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

**502.3 Hotels.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

**502.4 Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

## **SECTION 503 TOILET ROOMS**

**503.1 Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

**503.2 Location.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

**503.4 Floor surface.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

## **SECTION 504 - PLUMBING SYSTEMS AND FIXTURES**

**504.1 General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**504.2 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

**504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

## **SECTION 505 - WATER SYSTEM**

**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the 2012 Indiana Plumbing Code and any later amendments to those rules.

**505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. -Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**505.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to



enable the fixtures to function properly, safely, and free from defects and leaks.

**505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

## **SECTION 506 - SANITARY DRAINAGE SYSTEM**

**506.1 General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

**506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

## **SECTION 507 STORM DRAINAGE**

**507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

# **CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS**

## **SECTION 601 GENERAL**

**601.1 Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**601.2 Responsibility.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

## **SECTION 602 - HEATING FACILITIES**

**602.1 Facilities required.** Heating facilities shall be provided in structures as required by this section.

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F, a minimum temperature of 65°F shall be maintained.

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to June 1 to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F a minimum temperature of 65°F shall be maintained.

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to June 1 to maintain a temperature of not less than 65°F during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**602.5 Room temperature measurement.** The required room temperatures shall be measured 3 feet above the floor near the center of the room and 2 feet inward from the center of each exterior wall.

## **SECTION 603 - MECHANICAL EQUIPMENT**

**603.1 Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**603.2 Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

**603.3 Clearances.** All required clearances to combustible materials shall be maintained.

**603.4 Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**603.5 Combustion air.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**603.6 Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

## **SECTION 604 - ELECTRICAL FACILITIES**

**604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the 2009 Indiana Electrical Code and any other later amendments to those rules. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

**604.3 Electrical system hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient

receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

#### **SECTION 605 - ELECTRICAL EQUIPMENT**

**605.1 Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

**605.2 Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

**605.3 Luminaires.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

#### **SECTION 606 - ELEVATORS, ESCALATORS AND DUMBWAITERS**

**606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

**606.2 Elevators.** In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

#### **SECTION 607 - DUCT SYSTEMS**

**607.1 General.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

### **CHAPTER 7 FIRE SAFETY REQUIREMENTS**

#### **SECTION 701 GENERAL**

**701.1 Scope.** The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

**701.2 Responsibility.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. No person shall occupy any premises that do not comply with the requirements of this chapter.

#### **SECTION 702 - MEANS OF EGRESS**

**702.1 General.** A safe, continuous and unobstructed way of egress travel shall be provided from any

accessible point in a building or structure to the public way. Means of egress shall comply with the 2014 Indiana Fire Code and any later amendments to those rules.

**702.2 Aisles.** Aisles shall be unobstructed and their width shall be in accordance with the 2014 Indiana Fire Code and any later amendments to those rules.

**702.3 Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the 2014 Indiana Fire Code and any later amendments to those rules.

**702.4 Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

## **SECTION 703 - FIRE-RESISTANCE RATINGS**

**703.1 Fire-resistance-rated assemblies.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

**703.2 Opening protectives.** Required opening protectives shall be maintained in an operative condition. All fire and smoke-stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

## **SECTION 704 - FIRE PROTECTION SYSTEMS**

**704.1 General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the 2014 Indiana Fire Code and any later amendments to those rules.

**704.2 Smoke alarms.** Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-T, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the 2014 Indiana Fire Code and any later amendments to those rules. Single or multiple-station smoke alarms in Group I-T shall not be required where smoke detectors are provided in the sleeping rooms as part of an automatic smoke detection system.

**704.3 Power source.** In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke



alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for over-current protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

**704.4 Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected, in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

**Miscellaneous Provisions**

**Effective Date.** This ordinance shall become effective immediately after its passage, approval, any publication required by law, and upon being approved by the Indiana Fire Prevention and Building Safety Commission pursuant to Ind. §§ 22-13-2-5 and 22-13-2-5.5.

**Each Section Adopted Separately.** Each section of this ordinance is adopted separately. In the event that any provision, part or section of this ordinance is deemed to be unconstitutional or otherwise unenforceable, illegal, or invalid, only that part or section shall be repealed. The remaining parts or sections of the ordinance shall remain in effect.

**Ordinance Subject to Other Laws.** This ordinance does not supersede Federal or State laws, statutes, or regulations, except as allowed under the City's home rule powers. Anything not modified by this ordinance remains the same and binding with respect to Ordinance 2008-OR-01 and Ordinance 2018-OR-6.

ALL OF WHICH IS ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

Voted  
In Favor

Voted  
Against

\_\_\_\_\_

J.T. Cox



J.T. Cox

Tina Barnes



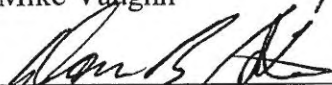
Tina Barnes

Ted Little



Ted Little

Mike Vaughn

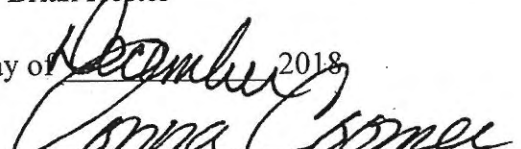


Mike Vaughn

Brian Hester

Brian Hester

Presented to Mayor G. Robert Hall on this 3rd day of December 2018

  
Donna Coomer  
City Clerk/Treasurer

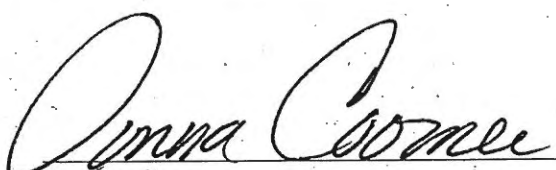
SEEN AND APPROVED BY ME THIS 3rd DAY OF December 2018, BY:

  
Mayor G. Robert Hall

ATTEST:

Date

12-3-18

  
Donna Coomer  
City Clerk/Treasurer