

## CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

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#### ***Cross-reference:***

*Contractors Licensing, see [Chapter 115](#)*

## **GENERAL PROVISIONS**

### **§ 150.001 BUILDING OFFICIAL AND BUILDING COMMISSIONER.**

Whenever the terms Building Official and Building Commissioner are used in the Hobart Municipal Code and the ordinances of the Common Council, the term shall hereafter be interpreted to mean the Building Official of the city who shall be appointed by the Mayor as the head of the Building Department.

### **§ 150.002 BUILDING OFFICIAL.**

There is created the Office of Building Official of the City. The Building Official shall be appointed by the Mayor, and shall enforce the provisions of the Building Code of the City, the provisions of the Unsafe Building Law, shall administer and hold the position of “Americans with Disabilities Act (ADA) Coordinator” of the City, and shall perform such other duties as may be required of him or her by the Municipal Code, the Mayor or the Common Council.  
(Prior Code, § 4-1) (Ord. 2011-39, § 2)

**§ 150.003 BUILDING INSPECTOR; POWERS.**

There is created the position of Building Inspector, who shall be appointed by the Mayor.

(A) It shall be the duty of the Building Inspector to inspect all buildings or structures being erected or altered, as frequently as may be necessary to ensure compliance with the Building Code and the zoning ordinance of the city, and to perform such duties as may be required of him or her by the Building Official.

(B) The Building Inspector, upon presentation of the proper credentials, shall have the power to make an entry into any building or premises when the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections, at any reasonable hour.

(C) The Building Inspector shall submit a monthly report to the Mayor and the Common Council showing a list of the inspections made during the previous month.  
(Prior Code, § 4-1.1) (Ord. 865, § 1)

**§ 150.004 DEFINITIONS.**

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

**CONTRACTOR.** Any person, except a licensed architect or registered professional engineer who, in any capacity other than that as the employee of another, for wages as the sole compensation, undertakes to construct, alter, repair, remove, move, wreck or demolish any structure or to excavate upon any premises.

**GENERAL CONTRACTOR.** A contractor that oversees a project on which contractors are also working.

**OWNER.** The owner of real property.

**SUBCONTRACTOR.** Any contractor, other than a general contractor, but does not include an individual who furnishes materials and supplies.  
(Prior Code, § 4-2.1) (Ord. 92-20, § 1(part))

**§ 150.005 CONTRACTOR LICENSING.**

Each contractor doing business within the city shall be required to obtain a general contractor license. Each subcontractor doing business within the city shall be required to obtain a subcontractor license.  
(Prior Code, § 4-2.2) (Ord. 92-20, § 1(part))

**§ 150.006 LICENSING; FEE ESTABLISHED.**

(A) Each general contractor and/or subcontractor shall submit an application for a license,

## **Building Regulations; Construction**

on a form provided by the Clerk-Treasurer, accompanied by an application fee in the amount as set out in the Fee Schedule of this code. Upon approval of the application and payment of a license fee in the amount as set out in the Fee Schedule of this code, a license shall be issued. The license shall expire annually on December 31.

(B) (1) Each general contractor and/or subcontractor shall renew his or her license annually, not later than January 30 of each year.

(2) Renewal fee for the license shall be as set out in the Fee Schedule of this code.

(C) Each contractor that fails to renew the license by January 30 of each year must submit a new application for licensing, accompanied by a license fee as set out in the Fee Schedule of this code.

(Prior Code, § 4-2.3) (Ord. 92-20, § 1(part))

### **§ 150.007 CONTACTOR BONDS AND INSURANCE.**

(A) Each contractor and subcontractor doing business within the city shall be required to obtain a uniform license bond in an amount equal to Five Thousand and no/100 Dollars (\$5,000.00). The bond shall be filed with the Lake County Recorder, and proof of insurance and proof of filing the bond shall be furnished to the City of Hobart.

(B) Contractors shall furnish to the city proof of insurance by filing a certificate of insurance, or otherwise, for the following coverages:

(1) Indiana Workers Compensation Act and Occupational Diseases Act coverage up to the limits prescribed by statute;

(2) Contractor general liability or similar coverage (including automobile or vehicular liability) for bodily injury or death and property damage in an amount not less than Five Hundred Thousand and No/100 Dollars per occurrence and One Million and No/100 Dollars aggregate.

The policies issued to contractors or sub-contractors for said insurance shall contain a provision requiring written notice to the City of cancellation or revocation of any coverage under the policies.

(C) The provisions of this section do not apply to owners doing work on the premises in which they reside. Contractors working on projects for a unit of government, where a performance and maintenance bond or other guarantee and proof of insurance is required by the owner, shall also be exempt upon proof of coverage.

(Prior Code, § 4-2.4) (Ord. 92-20, § 1(part)) (Ord. 2013-07, § 1)

### **§ 150.008 OBLIGATION OF CONTRACTOR.**

It shall be the duty of any contractor doing business within the city to call for required inspections by the Building Department. The Building Official may revoke the license of any contractor upon violation of this provision.

(Prior Code, § 4-2.5) (Ord. 92-20, § 1(part))

**§ 150.009 LITIGATION.**

The city may enforce the provisions of this chapter as violations of its municipal code, by civil actions in court for the collection of amount due, or by any other means for appropriate relief.

(Prior Code, § 4-2.6) (Ord. 92-20, § 1(part))

**§ 150.010 FIRST FLOOR AREA OF RESIDENTIAL BUILDINGS.**

No person shall construct any building to be used for human habitation unless the building has a minimum first floor area of 900 square feet with full basement or 1,000 square feet without basement, excluding garage and breezeway.

(Prior Code, § 4-3) (Ord. 468, § 1; Ord. 612, § 1)

**§ 150.011 REPEALED.**

(Prior Code, § 4-4) (Ord. 622, § 1; Ord. 2013-35) (Repealed by Ord. 2020-36, § 2)

**§ 150.012 DEPOSIT OR TRACKING OF MUD OR OTHER DEBRIS ON STREETS.**

(A) *Vehicles tracking mud, dirt or other debris.* No person shall drive or move any vehicle within the city, the wheels or tires of which carry onto or deposit in any street, alley, roadway or other public place mud, dirt, sticky substances, litter or foreign matter of any kind. Violation of this section is declared to be a municipal ordinance violation. The penalty for violation shall be the sum of \$1,000.

(B) *Permit condition.* Every building permit, grading permit and any other permit under which land may be disturbed will include the following condition: No permittee shall allow any mud, dirt, sticky substance, litter or foreign matter of any kind to be driven, tracked or otherwise deposited upon any street or other public way adjacent to the permittee's work site.

(C) *Responsibility of permittee.* If any permittee violates the permit condition set forth in division (A) above, it shall be the duty of the permittee to cause the mud, dirt, sticky substance, litter or foreign matter to be removed. The permittee shall be deemed responsible for the existence of mud, dirt or debris on any street or other public way adjacent to the permittee's work site.

(D) *Removal of mud, dirt or other debris.* If the permittee fails to correct the condition upon its creation and the Building Department shall cause the removal, the cost incurred thereby shall be billed to the permittee in accordance with division (E) below.

(E) *Removal by city.* If the Building Department must cause the removal of mud, dirt or other debris, in addition to fine, the city will charge the costs arising for the removal of mud, dirt or other debris, to the permittee. The Building Department will notify the permittee, in writing, of the charges incurred upon completion of the removal work. Charges shall be as set out in the Fee Schedule of this code.

(Ord. 2006-45, § 1) Penalty, see [§ 150.999](#)

**§ 150.013 DEMOLITION OF STRUCTURES.**

(A) Each individual, business or other entity, or any other applicant, upon being permitted to demolish any structure that is larger than one hundred (100) square feet in size, be it residential, business or otherwise, or obtaining any renewal thereof, to provide as part of its submission a plan describing how the material will be managed, including reduction, reuse and recycling steps taken to reduce its waste stream, which plan will be subject to approval by the Building Commissioner.

(B) Prior to the issuance of a demolition permit, the applicant shall be required:

(1) To shut off, discontinue and disconnect all utilities including cable television, internet, telephone, electric, gas, water and sewage service; and

(2) To obtain testing of roof materials, floor materials, insulation and wall board to determine the presence of friable and non-friable asbestos by a licensed and qualified testing firm, and to submit the test report and a written plan for the removal of such asbestos materials from the site in the manner required by law; and

The demolition shall include the complete demolition and removal of the entire building including all concrete, footings, foundation, driveways, sanitary sewers or septic systems, well or water lines, gas lines, sheds and fences and all rubble must be disposed at an appropriate landfill as outlined below. If the construction of a new structure is to be started within 90 days after the demolition is complete, items which are to be used as part of the new structure need not be demolished or removed.

(C) All holes and cavities must be filled with dirt, leveled and grass seed planted after the demolition is complete and all rubble is removed, unless the construction of a new structure is to be started within 90 days after the demolition is complete. The filling, leveling and planting should be part of the work included in the building permit or permits issued for the new structure.

(D) Demolition work performed on a residential property may be completed by the owner or by a City of Hobart licensed contractor. All other demolition work must be performed by a City of Hobart licensed contractor.

(E) As a condition for being granted a demolition permit, each individual, business or other entity, or any other applicant, as part of its plan described in paragraph (A) of this section, shall provide the Office of the Building Official of the City with a list of the names of all contractors involved in the demolition process, and shall further provide the names and locations of the sites where the demolition debris shall be disposed. Further, the contractor contracted to perform the demolition shall submit to the Office of the Building Official of the City a receipt from the relevant disposal facility upon disposal of the waste described in this Section. The receipt will be stored in the Building Department with the Demolition Permit Application.

(F) Any and all contractors and subcontractors contracted to demolish any structure, be it residential, business or otherwise, shall dispose of any prohibited fill material, as defined in § [150.101\(B\)](#), at a construction and demolition landfill, as described in 40 CFR 258.2. A C&D landfill typically receives any one or more of the following types of solid wastes: Roadwork material, excavated material, demolition waste, construction/renovation waste, and site clearance waste.

(G) Any and all contractors and subcontractors contracted to demolish any structure, be it residential, business or otherwise, shall dispose of any and all hazardous waste, as described in 40 CFR 261.3, at state or federally regulated hazardous waste management treatment, storage, or disposal facility.

(H) Any and all contractors and subcontractors contracted to demolish any structure, be it residential, business or otherwise, shall dispose of any and all industrial solid waste, as described in 40 CFR 258.2, at state or federally regulated hazardous waste management treatment, storage, or disposal facility, facility permitted, licensed, or registered by a state to manage municipal or industrial solid waste.

(I) Failure of a permit applicant or contractor to comply with the requirements of this Section as determined by the Building Commissioner shall result in either the denial or revocation of the applicant's demolition permit and immediate cessation of any demolition work. The Building Commissioner may refer the failure to comply to the Board of Public Works and Safety or the Contractor's Licensing Board for further disciplinary action which may include fines or revocation of license.

(Ord. 2005-06, § 1; Ord. 2018-31)

#### **§ 150.014 FENCE CONSTRUCTION.**

All fences constructed within the City which are at or near the boundary of a parcel of real estate shall be installed so that the fence poles and supporting structures are entirely facing the interior of the real estate and away from the boundary. The Board of Public Works and Safety may grant waivers of this requirement only for good cause shown. Violations of this section shall be within the jurisdiction of the City Court as in the case of other ordinance violations and are subject to the penalties prescribed in [§10.99](#) of the Municipal Code. No fence in existence as of the taking effect of this section and previously installed in a manner inconsistent with this section shall be in violation hereof, but such fence shall comply with this section upon its replacement or substantial reconstruction. The Building Commissioner is empowered to enforce this section by the issuance of warnings and citations.

(Ord. 2015-22)

### ***MOVING OF BUILDINGS***

#### **§ 150.030 PERMIT REQUIRED.**

It is unlawful to remove any building or structure of any kind or character whatsoever located within the city without first obtaining the permit required by this subchapter.

(Prior Code, § 4-5) (Ord. 627, § 10) Penalty, see [§ 150.999](#)

#### **§ 150.031 PERMIT; APPLICATION.**

Any person desiring to remove any building or structure from the place where it is located within the city or to move a building or structure from outside the city shall file with the city's



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Engineer a written application for a permit describing:

(A) The present location of the building or structure and the place where it is to be moved, if the place is within a radius of 4 miles of the city; and

(B) The proposed route of moving over streets of the city.  
(Prior Code, § 4-6) (Ord. 627, § 1)

### **§ 150.032 PERMIT; APPLICATION; WRITTEN STATEMENT REQUIRED.**

The applicant described in this subchapter shall also file with the application a written statement, duly executed; providing that, if the permit is granted, the applicant will:

(A) Promptly remove the building or structure in a careful and prudent manner and not permit the same to remain upon the streets in the city longer than reasonably necessary;

(B) Upon completion of the removal, if within 4 miles of the corporate limits of the city, promptly complete the remodeling of the building or structure in conformity with the provisions of all applicable sections of this subchapter or other ordinances of the city then in force; and

(C) Pay all damages of every kind and character occasioned to the city, any public utility and any other person as a result of the moving.  
(Prior Code, § 4-7) (Ord. 627, § 3)

### **§ 150.033 APPLICATION; FEE.**

At the time of filing an application for a permit to move a building or structure, as provided in this subchapter, the applicant shall pay to the city's Clerk-Treasurer an application fee as set out in the Fee Schedule of this code for the benefit of the General Fund of the city.  
(Prior Code, § 4-8) (Ord. 627, § 2)

### **§ 150.034 APPLICATION; INSPECTION REQUIRED.**

Upon the filing of the application for a permit required by this subchapter, the city's Engineer shall immediately proceed to examine the building or structure to be removed and make a complete investigation to determine:

(A) Whether or not the economic life of the building or structure is more than 50% exhausted;

(B) The approximate extent, nature and amount of damages to the streets, alleys and other public improvements over the proposed route of moving;

(C) Whether or not the immediate neighborhood into which it is proposed to move the building or structure is a neighborhood which generally contains buildings of the same size, type, age and character as the building or structure to be moved; and

(D) Whether or not the building, when completed in the new location, will violate any of

the provisions of this subchapter or other ordinances of the city.  
(Prior Code, § 4-9) (Ord. 627, § 4)

**§ 150.035 APPLICATION; APPEAL; HEARING.**

If the city’s Engineer and the applicant shall disagree on any of the matters to be determined, as provided in [§ 150.034](#), they shall submit the matter to the Board of Zoning Appeals and the Board of Zoning Appeals shall thereupon determine the matter after holding a public hearing at the expense of the applicant, giving notice of the hearing, as provided by Chapter 154 of this code.

(Prior Code, § 4-10) (Ord. 627, § 5)

**§ 150.036 CITY ENGINEER; DUTIES; NOTICE.**

(A) The city’s Engineer shall, upon determination as provided in [§ 150.034](#), notify all public utilities affected by the proposed moving of any building or structure and request that they furnish, within 48 hours of the notice, an estimate of the expense and damage which will be suffered by the utilities in the event the moving takes place.

(B) The notice shall be given only in cases the city’s Engineer shall determine, or, in event of their disagreement, in cases the Board of Zoning Appeals shall determine:

(1) More than 50% of the economic life of the building or structure is not exhausted;

(2) The moving will not cause irreparable damage to the streets, alleys and other public improvements along the route of moving;

(3) The immediate neighborhood into which it is proposed to move the building or structure generally contains therein buildings of the same age, type and character to be moved; and

(4) The building when completed will not violate the provisions of this subchapter or other regulations of the city.

(Prior Code, § 4-11) (Ord. 627, § 6)

**§ 150.037 APPLICATION; APPROVAL; FILING OF BOND.**

Upon expiration of the 48-hour period provided for in [§ 150.036](#), the city’s Engineer shall notify the applicant that a moving permit will be granted to the applicant upon:

(A) Filing with the city’s Clerk-Treasurer a bond payable to the city and any person who may be damaged by the moving, in the penal sum of \$5,000, conditioned that the applicant will cause to be performed the agreement filed with the application and pay all damages, public or private, occasioned by the moving, including expenses of collection and attorneys’ fees, without relief from valuation and appraisal laws; and

(B) Paying to the city’s Clerk-Treasurer, for the use of the city and persons entitled thereto, the estimated amount of the damages.

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(Prior Code, § 4-12) (Ord. 627, § 7)

### **§ 150.038 PERMIT; DENIAL.**

No permit required by this subchapter shall be granted if any of the matters set out in this subchapter are determined in the negative.

(Prior Code, § 4-13) (Ord. 627, § 8)

### **§ 150.039 FILING OF STATEMENT OF COST; PAYMENT OF DAMAGES.**

Within 2 weeks after completion of the moving, the permittee under this subchapter shall file with the city's Engineer, on behalf of the city and any other person affected thereby, an itemized and verified statement of the cost, expense and damage incurred on account of the moving. The city's Engineer shall, thereupon, approve so much of the claim as, in his or her judgment, shall be deemed just and reasonable and, if there be sufficient money on deposit with the city's Clerk-Treasurer shall direct the city's Clerk-Treasurer to pay such claims to the persons entitled thereto. If the sum of deposit is insufficient, the same shall be prorated, and the permittee shall be notified by the city's Engineer of the deficiency, and it shall be the duty of the applicant to pay the deficiency. Four weeks after the filing of notice of completion of the moving, if any of the deposit remains unclaimed, the city's Clerk-Treasurer shall refund the same to the permittee.

(Prior Code, § 4-14) (Ord. 627, § 9)

### **§ 150.040 COMPLETION OF MOVE; CONFORMANCE.**

It is unlawful to leave any building or structure upon the public streets of the city for an unreasonable time or to fail to complete immediately the building in conformity with the provisions of this subchapter or other ordinances of the city then in force.

(Prior Code, § 4-15) (Ord. 627, § 10) Penalty, see [§ 150.999](#)

### **§ 150.041 INJUNCTIVE RELIEF; RECOVERY OF COSTS.**

Any violation of this subchapter may be restrained, enjoined and prevented by injunctive relief at the suit of the city's Engineer or any other person, either in the name of the person or in the name of the city, and the party bringing the action, if successful, shall be entitled to recover all costs, expenses and attorneys' fees incurred in connection with the prosecution of the suit. This remedy shall be in addition to any other penalty imposed for the violation of this subchapter.

(Prior Code, § 4-16) (Ord. 627, § 11)

## ***BUILDING CODE ADOPTION***

### ***Editor's note:***

*Prior ordinance history: Ords. 1312, 1351 and 1471.*

**§ 150.055 ADOPTION.**

This subchapter and all other ordinances supplemental or amendatory hereto, shall be known as the “Building Code of the City of Hobart, Indiana”, and may be cited as such and will be referred to herein as “this code”.

(Prior Code, § 4-17) (Ord. 89-13, § 1)

**§ 150.056 PURPOSE.**

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

(Prior Code, § 4-17.1) (Ord. 89-13, § 2)

**§ 150.057 ENFORCEMENT AUTHORITY.**

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

(Prior Code, § 4-17.2) (Ord. 89-13, § 3)

**§ 150.058 SCOPE.**

The provisions of this code apply to the construction, alteration, repair, use, occupancy and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under I.C. 22-15-4 in the city.

(Prior Code, § 4-17.3) (Ord. 89-13, § 4)

**§ 150.059 RULES ADOPTED BY REFERENCE.**

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

- (1) Article 13, Building Codes:
  - (a) Fire and Building Safety Standards;
  - (b) Indiana Building Code;

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- (c) Indiana Building Code Standards; and
- (d) Indiana Handicapped Accessibility Code.
- (2) Article 14, One and Two Family Dwelling Code:
  - (a) Council of American Building Officials One and Two Family Dwelling Code;
  - (b) CABO One and Two Family Dwelling Code Amendments; and
  - (c) Standard for Permanent Installation of Manufactured Homes.
- (3) Article 16, Plumbing Codes: Indiana Plumbing Code;
- (4) Article 17, Electrical Codes:
  - (a) Indiana Electrical Code; and
  - (b) Safety Code for Health Care Facilities.
- (5) Article 18, Mechanical Codes: Indiana Mechanical Code;
- (6) Article 19, Energy Conservation Codes: Indiana Energy Conservation Code; Modifications to Model Energy Code; and
- (7) Article 20, Swimming Pool Codes: Indiana Swimming Pool Code.
- (8) Indiana Fire Code (675 I.A.C. 22-2.5) including all later amendments thereto as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein, but also including the following Appendices to the International Fire Code, 2012 Edition, first printing dated May 2011, as published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795;

Appendix D – Fire Apparatus Access Roads

Appendix F – Hazard Ranking

(B) Copies of adopted building rules, codes and standards are on file in the office of the Clerk-Treasurer.

(Prior Code, § 4-17.4) (Ord. 89-13, § 5; Ord. 2015-10)

***Editor's note:***

*Two copies of the provisions adopted by reference in this section are available for public inspection at the office of the Clerk-Treasurer during regular business hours.*

**§ 150.060 PERMIT; APPLICATION AND DURATION.**

(A) No property owner shall commence construction or allow construction to commence upon any project which requires the issuance of a Building Permit under [§150.061](#) of the Code prior to the issuance of such permit. Property Owners in violation of this subsection are subject to prosecution and the imposition of a fine whether the work has been done by the property owner or others. The fine shall be determined by the Board of Public Works and Safety, or the City

Court, and shall not exceed \$1,000 per day for each day during which the violation continues. If the work being performed without a Permit is being done by a Licensed Contractor, the Contractor, and not the property owner, shall be liable for the fine or fines imposed. Additionally, should a Licensed Contractor commence work on a project which requires the issuance of a Building Permit under §[150.061](#) of the Code prior to the issuance of such permit, or should a Contractor fail to complete work before the Building Permit for the project expires, the Building Commissioner may refer the contractor to the Contractors Licensing Board for disciplinary review which may result in the imposition of an additional fine of up to \$2,500 or the revocation of the Contractor's license, or both.

(B) Each Building Permit shall be issued with an expiration date shown prominently on the face of the permit. The expiration date shall be one year from the permit application date unless otherwise approved by the Building Commissioner. The Building Commissioner may extend the expiration date of a permit once during the life of the permit upon the Commissioner's determination of good cause.

(C) Should a Building Permit expire before all the work is completed on the project for which the Permit was issued, work on the project shall cease until a new Permit is issued. Failure to apply for a new permit for an incomplete project within seven (7) days of the expiration of the initial permit may result in the imposition of a fine as determined by the Board of Public Works and Safety, or the City Court, which shall not exceed \$1,000 per day for each day during which the violation continues. The replacement permit shall be a completely new permit with a new expiration date and new fees that reflect the incomplete work covered by the new permit. Fees paid on the expired permit shall not be credited toward the fee required for the new permit.

(D) Building Permits shall expire before their expiration date if work on the construction project stops for a period of more than 180 days. Building Permits may be canceled by the applicant at any time. The Building Permit expires if the Building Permit was obtained by a Licensed Contractor and the Contractor's License expires or is revoked before the work is complete.

(E) Required inspections and any work required to correct violations found during such inspections may be performed after the Building Permit for the inspected project has expired.

(F) Each person or entity applying for building permits for multi-family structures, including, but not limited to, duplexes, 4-plexes and other such structures, shall provide, as part of their submission, a plan describing how the solid waste for the occupants of the structures will be managed, including reduction, reuse and recycling steps taken to reduce their waste stream, which plan shall be subject to approval as provided hereunder.

(G) Each person or entity applying for building permits shall provide, as part of their submission, a plan describing how the solid waste generated by the construction project will be disposed of, which plan shall be subject to approval as provided hereunder.

(H) For the purpose of this subsection, the term "contractor" shall mean any construction manager, general contractor, other lead or prime contractor, subcontractor of any tier or any entity functioning in any such capacity, and any other entity or person engaged by or on behalf of the owner to perform work upon the property subject to a building permit issued under this section. Each building permit issued for the construction, reconstruction, remodeling, renovation, repair, maintenance activity, or demolition of any commercial building or structure, or residential building containing at least five (5) dwelling units,

### **Building Regulations; Construction**

provided that the cost of the work inclusive of materials and labor has a reasonable estimated value of more than \$250,000.00, shall be subject to the following additional conditions, qualifications and requirements at all times during the contractor's performance of work on the project:

(1) The contractor has not been excluded, barred or suspended from submitting a bid or being awarded a contract to perform construction work by any federal, state, or local government agency or instrumentality in the three (3) years preceding application for the building permit;

(2) No court or governmental agency has found or determined the contractor to be in violation of any law or regulation requiring the provision of workers compensation insurance to persons working for or under the control of the contractor as the law may require, misclassifying employees as independent contractors, failure to pay, when due, employer payroll taxes or employee income tax withholding, failure to comply with wage and hour laws, prompt payment law, or prevailing wage laws;

(3) The contractor must obtain and maintain appropriate workers compensation insurance coverage for its employees as required by I.C. §22-3-5-1, *et. seq.*, and provide a certificate evidencing such insurance coverage to the building Commissioner to be maintained as a public record;

(4) The contractor must properly classify employees as employees rather than independent contractors and treat them as employees for purposes of complying with minimum wage and overtime compensation, worker's compensation insurance coverage, unemployment taxes, social security taxes, and state and federal income tax withholding;

(5) The contractor must maintain detailed written payroll records and provide such records, upon written request to the Building Commissioner or his/her designee, within five (5) business days of the contractor's receipt of the request;

(6) The contractor must comply with I.C. 22-2 *et. seq.*, with respect to the timely payment of wages; and

(7) The contractor must timely pay contributions to the unemployment insurance benefit fund established by I.C. §22-4-26-1,

An owner of property who applies for a permit covered by this subsection shall use his or her best efforts to require that all contractors performing construction work on the property comply with the foregoing requirements of this subsection. The Building Commissioner may issue a stop work order against any contractor subject to the foregoing provisions of this subsection who fails to comply with any one or more than one of them. Upon entry of such order, all work on the affected project shall cease until further notice by the Building Commissioner or Contractor's Licensing Board. The Building Commissioner may withdraw the stop work order when he or she determines that any violations by the contractor have been satisfactorily remedied.

Any person may file a complaint concerning the possible violation of the conditions, qualifications and requirements of this subsection. Each such complain shall be made in writing, signed by the complaining party and affirmed upon the complainant's knowledge or belief under the penalty of perjury. The complaint shall be filed with the office of the

Building Commissioner who shall cause due inquiry or investigation to be made by himself or herself or through the Commissioner's designee. Each contractor who is issued a permit under this section agrees to produce all payroll or other documents or records germane to the issues raised in a written complaint to the Building Commissioner within five (5) business days of the Commissioner's written request. In the event that the Commissioner finds the existence of reasonable suspicion to believe that one or more violations of the conditions, qualifications and requirements of this subsection has occurred, the contractor shall be given due notice of the complaint against it and an opportunity to be heard before the Contractors Licensing Board of the City. If the Board determines that one or more violations have occurred, the contractor may be fined, subjected to suspension or loss of license. In the alternative, the Commissioner may turn over the documents obtained in the matter to State or Federal prosecutorial authorities for further investigation or prosecution. Unless such documents are provided to law enforcement or prosecutorial authorities, they shall be treated as public records under the Access to Public Records Act of the State of Indiana.

A contractor found to have violated the conditions and requirements of this subsection shall be barred from applying for or being granted a building permit for five (5) years from the date of such determination. At the end of that period, the Building Commissioner may require the affected contractor to produce, on a regular basis, all payroll documents including pay stubs to all employees documenting minimum wage and overtime compensation, worker compensation insurance coverage, the payment of unemployment taxes, social security taxes and state and federal income tax withholding, and certification of current workers compensation insurance coverage for the proper number of employees, all on a regular basis at intervals determined by the Building Commissioner, for the duration of the permit.

(Prior Code, § 4-17.5) (Ord. 89-13, § 6; Ord. 2005-05, § 1; Ord. 2005-07, § 1; Ord. 2018-29; Ord. 2019-08)

#### **§ 150.061 PERMIT REQUIRED; PAYMENT OF FEES.**

A permit shall be obtained before beginning construction, alteration or repair of any building or structure, garage, driveway, or off street parking location including on site construction, or erection of any preassembled building or structure, of which the value exceeds \$250, using forms furnished by the Building Department and all fees required by this code shall be paid to the City, payable at the Clerk-Treasurer's office. The City Building Official shall take into consideration drainage and runoff when approving such a permit request and may consult with the City Engineer and MS4 Coordinator to determine if any questionable drainage and runoff considerations require a topographic survey or professionally prepared drainage plan.

(Prior Code, § 4-17.6) (Ord. 89-13, § 7; Ord. 97-09, § 1; Ord. 2014-42, § 6; Ord. 2016-37, § 1)

#### **§ 150.062 COMPLIANCE WITH OTHER ORDINANCES.**

All work done under any permit, including permits required by other ordinances of the city, shall be in full compliance with all other ordinances pertaining thereto and, in addition to the fees for permits, there shall be paid the fees prescribed in such ordinances.

(Prior Code, § 4-17.7) (Ord. 89-13, § 8)

#### **§ 150.063 FEES.**



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The fees required by this Chapter are hereby established as follows. The Common Council may prescribe and make effective other fees applicable to this Chapter which appear in other sections of the Municipal Code, or in other ordinances from time to time. The fees specified in this section are inclusive of zoning fees unless otherwise specified. Any fees in effect as of the date of enactment of this Section shall remain in effect unless specifically amended by this Section.

(A) *Building Permits and Inspections for Residential projects:*

(1) Minimum Permit Fees: \$9.00 per \$1,000.00 of estimated construction cost provided that the minimum permit fee total shall be \$40.00.

(2) Residential Room Additions: \$9.00 per \$1,000.00 of estimated construction cost provided that the minimum permit fee total shall be \$155.00.

(3) Additional Inspections: \$65.00 each inspection. An additional inspection fee shall be due and payable in advance for each inspection required in excess of 3, when additional inspections are necessary as a result of the owner or contractor's incomplete or deficient work, or the inspector's inability to gain access to the premises.

(B) *Building Permits for New Multi-Family Construction:* applies to four (4) or fewer units. \$40.00 for the first \$1,000.00 in construction value plus an additional \$10.00 for each additional \$1,000.00 in construction value over the first \$1,000.00, provided that, the minimum permit fee total shall be \$400.00. In addition, a \$50.00 zoning fee shall be charged, so that the total minimum fee, inclusive of the zoning fee shall be \$450.00.

(C) *Building Permits for New Commercial Buildings and Additions:* \$50.00 for the first \$1,000.00 in construction value plus an additional \$14.00 for each additional \$1,000.00 in construction value over the first \$1,000.00; provided that, the minimum permit fee total shall be \$500.00. In addition, a \$50.00 zoning fee shall be charged, so that the total minimum fee, inclusive of the zoning fee shall be \$550.00. Construction value is determined by the International Code Council's Building Valuation Data table using the construction type and occupancy classification as listed on the State Design Release. For all commercial projects with a construction value of Ten (10) Million Dollars or more, the Mayor shall have the discretion to negotiate, or direct the appropriate City staff to negotiate subject to the Mayor's final approval, the cost of required building permit fees to create incentives for qualifying commercial projects to promote economic growth and job creation in the City.

(D) *Building Permits for Commercial Accessory Structures:* \$50.00 for the first \$1,000.00 in construction value plus an additional \$14.00 for each additional \$1,000.00 in construction value over the first \$1,000.00; provided that, the minimum permit fee total shall be \$300.00. In addition, a \$50.00 zoning fee shall be charged, so that the total minimum fee, inclusive of the zoning fee shall be \$350.00. Construction value is determined by the International Code Council's Building Valuation Data table using the construction type and occupancy classification as listed on the State Design Release.

(E) *Building Permits for Commercial Remodeling:* \$50.00 for the first \$1,000.00 in construction value plus an additional \$12.00 for each additional \$1,000.00 in construction value over the first \$1,000.00; provided that, the minimum permit fee total shall be \$300.00. In addition, a \$50.00 zoning fee shall be charged, so that the total minimum fee, inclusive of the

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zoning fee shall be \$350.00.

(F) *Building Permits for Signs*: Permit fees for the erection of signs are established as follows:

(1) Temporary Signs and Banners pursuant to Code [§154.381](#): \$24.00. In addition, a \$12.00 zoning fee, shall be charged, so that the total fee, inclusive of the zoning fee, shall be \$36.00;

(2) Sign face change, only: \$24.00. In addition, a \$12.00 zoning fee, shall be charged, so that the total fee, inclusive of the zoning fee, shall be \$36.00;

(3) Permanent Signs: \$50.00 per sign plus an additional \$10.00 for each 100 square feet of sign display area, or fraction thereof, provided that, the minimum fee shall be \$ 50.00. In addition, a \$50.00 zoning fee shall be charged, so that the total minimum fee, inclusive of the zoning fee shall be \$100.00.

(4) Billboards and New Multi-Tenant Pylon Signs: \$30.00 for the first \$1,000.00 in construction value plus an additional \$10.00 for each additional \$1,000.00 in construction value over the first \$1,000.00; provided that, the minimum permit fee shall be \$120.00. In addition, a \$50.00 zoning fee shall be charged, so that the total minimum fee, inclusive of the zoning fee shall be \$170.00.

(G) *Building Permits for Swimming Pools not adjacent to or part of a Single Family Residence*: \$12.00 for each \$1,000.00 in construction value or fraction thereof, provided that the minimum permit fee shall be \$300.00. In addition, a \$50.00 zoning fee shall be charged, so that the minimum fee, inclusive of the zoning fee, shall be \$350.00.

(H) *Permits for Installation or Removal of Underground Storage Tanks*: \$100.00. In addition, a \$50.00 zoning fee shall be charged, so that the minimum fee, inclusive of the zoning fee shall be \$150.00.

(I) *Building Permits for Commercial Fences*: \$12.00 for each \$1,000.00 in construction value or fraction thereof, provided that the minimum permit fee shall be \$300.00. In addition, a \$50.00 zoning fee shall be charged, so that the total minimum fee, inclusive of the zoning fee, shall be \$350.00.

(J) *Plot Plan review for Commercial Paving and Flatwork (includes concrete, asphalt and other materials)*: \$50.00 for the first \$1,000.00 in construction value plus an additional \$12.00 for each additional \$1,000.00 in construction value over the first \$1,000.00; provided that the minimum permit fee shall be \$300.00. In addition, a \$50.00 zoning fee shall be charged, so that the total minimum fee, inclusive of the zoning fee shall be \$350.00.

(K) *Building Permits for Residential Flatwork or Paving*: \$9.00 for each \$1,000.00 in construction value or fraction thereof, provided that the minimum permit fee shall be \$40.00. In addition, a \$12.00 zoning fee shall be charged, so that the total minimum fee, inclusive of the zoning fee, shall be \$52.00.

(L) *Building Permits for Residential Fences, Pools, Decks and Accessory Structures*: \$9.00 for each \$1,000.00 in construction value or fraction thereof, provided that, the minimum permit fee shall be \$75.00. In addition, a \$12.00 zoning fee shall be charged, so that the total minimum

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fee, inclusive of the zoning fee, shall be \$87.00.

*(M) Heating, Ventilation and Air Conditioning (HVAC) Permits and Inspections:*

(1) Permit Fee for Heating & Air Conditioning combined: \$140.00 (includes 2 inspections).

(2) Heating Inspections: \$75.00

(3) Air Conditioning Inspections: \$75.00

(4) Duct Work Inspections: \$75.00

(5) Specialty Exhaust Systems Inspections: \$85.00

(6) Commercial Exhaust Fans: \$75.00 for initial inspection of up to five (5) commercial exhaust fans, plus \$5.00 per fan for each fan in excess of five (5). Additional inspections when required: \$75.00 per inspection.

(7) Fireplaces and Woodburning Stoves: \$9.00 per \$1,000.00 value of construction, the minimum permit fee being not less than \$40.00.

(8) Additional Inspections: Residential: \$50.00 Commercial \$75.00  
To be paid for each inspection performed by the HVAC Inspector beyond the rough and final inspection.

*(N) Plumbing Permits and Inspections:*

(1) Minimum Permit Fee for Plumbing work: \$140.00. Includes installation of water heater, waste discharge device or plumbing fixtures, up to a maximum of 15 fixtures and includes 3 inspections. Over 15 fixtures: an additional \$7.00 per fixture.

(2) Minimum Repair/Alteration Permit Fee: \$50.00. Includes replacement of up to three (3) residential fixtures with 1 inspection.

(3) Additional Inspections: Residential \$50.00 Commercial \$75.00  
To be paid for each inspection performed by the Plumbing Inspector in excess of three (3).

(4) Backflow Preventer: \$50.00. Fee includes 1 inspection.

(5) Hot Water Heater: \$50.00. Fee includes 1 inspection.

*(O) Electrical Permits and Inspections:*

(1) New Construction or Upgrade to Service: \$.62 per amp provided that the minimum permit fee shall be \$124.00. Includes up to 2 inspections: rough and final.

(2) Additional Inspections: (per Inspection)  
Residential: \$50.00 Commercial: \$75.00

(3) Reinspections: (per Inspection)

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Residential: \$50.00      Commercial \$75.00

- (4) Temporary Early Service Permits and Inspections:  
Minimum Permit: 1<sup>st</sup> 100 amps: \$206.00  
Additional \$155.00 for each additional 100 amps.  
Temporary Early Service Inspections: \$50.00 per inspection.

(P) *Zoning Review Fee.* Fee to review City Zoning Map and Ordinance and advise as to current zone of a parcel for purposes of issuing occupancy permit: \$12.00.

(Q) *Building Permits for Cell and Wireless Communications Towers.*

(1) Application Fee for both new towers and co-locates: \$530.00. In addition, a \$50.00 zoning fee shall be charged, so that the total fee, inclusive of the zoning fee, shall be \$580.00.

(2) Fee for Maintenance or upgrade of existing tower: Zoning Fee only: \$50.00.

(R) *Building Moving:*

(1) Building greater than or equal to 400 sq. ft.: \$52.00

(2) For buildings less than 400 sq. ft.: \$11.00

(S) *Demolition Permits:*

(1) Residential dwellings: \$220.00

(2) Residential accessory structures over 100 sq. ft.: \$75.00

(3) Commercial structures under 2,000 sq. ft.: \$300.00

(4) Commercial Structures greater than or equal to 2,000 sq. ft.: \$300.00 plus \$0.45 per sq. ft. over 2,000 sq. ft.

(T) *Occupancy Permits:* An occupancy permit fee shall be charged for each permit issued excepting only permits issued for residential accessory buildings or structures or maintenance work, and shall be collected at the time the building permit is issued.

(1) Residential Occupancy Permit: \$75.00

(2) Commercial Occupancy Permit: \$150.00

(3) Temporary or Partial Occupancy Permit: The following fees shall be charged for each temporary or partial occupancy permit issued: Residential: \$50.00      Commercial: \$100.00

(U) *Contractor's and Subcontractor's Licensing Fees:* Each general contractor and/or subcontractor shall submit an application for a license, on a form provided by the Clerk-Treasurer, accompanied by payment of an application fee. Upon approval of the application and payment of a license fee, a license shall be issued. The license shall expire annually on December 31.

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- (1) Application Fee: \$125.00
- (2) Initial License Fee: \$125.00
- (3) Annual License Renewal Fee: \$75.00

Each general contractor and/or subcontractor shall renew his or her license annually, not later than January 30 of each year.

(Prior Code, § 4-17.8) (Ord. 89-13, § 9; Ord. 2011-38, § 1; Ord. 2013-06, § 2; Ord. 2013-39, § 2; Ord. 2020-30, §1)

**§ 150.064 APPLICATION; REVIEW AUTHORITY.**

Prior to the issuance of any building permit, the Building Commissioner shall review all building permit applications to determine full compliance with the provisions of this code. (Prior Code, § 4-17.9) (Ord. 89-13, § 10)

**§ 150.065 INSPECTIONS.**

After the issuance of any building permit, the Building Commissioner shall make, or shall cause made, inspections of the work being done as are necessary to ensure full compliance with the provisions of this code and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of a reinspection fee as set out in the Fee Schedule of this code. (Prior Code, § 4-17.10) (Ord. 89-13, § 11; Ord. 92-06, (part))

**§ 150.066 INSPECTIONS; ASSISTANCE.**

The Chief of the Fire Department or his or her designated representative shall assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems and shall provide reports of the inspection to the Building Commissioner. (Prior Code, § 4-17.11) (Ord. 89-13, § 12)

**§ 150.067 RIGHT OF ENTRY.**

Upon presentation of proper credentials, the Building Commissioner or his or her duly authorized representatives may enter, at reasonable times, any building, structure or premises in the city to perform any duty imposed upon him or her by this code. (Prior Code, § 4-17.12) (Ord. 89-13, § 13)

**§ 150.068 STOP WORK ORDER; AUTHORITY TO ISSUE.**

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

until authorized by the Building Commissioner to proceed with the work.  
(Prior Code, § 4-17.13) (Ord. 89-13, § 14)

**§ 150.069 TEMPORARY ELECTRIC SERVICE.**

The Building Official may issue a temporary use permit for electrical power to the owner or contractor of a building or structure being erected, altered or repaired in compliance with the provisions of this subchapter. Each owner or contractor shall be required to deposit with the city's Clerk-Treasurer, at the time the temporary use permit is issued, the sum as set out in the Fee Schedule of this code. The deposit will be refunded to the owner or contractor at the time of issuance of the "occupancy permit". In the event the building or structure is occupied prior to final inspections as are provided in this subchapter, and prior to the issuance of the "occupancy permit", the deposit shall be forfeited and paid into the General Fund of the City of Hobart.  
(Prior Code, § 4-13A) (Ord. 94-13, (part))

**§ 150.070 CERTIFICATE OF OCCUPANCY; COMPLIANCE.**

No certificate of occupancy for any building or structure constructed after the adoption of this code shall be issued unless the building or structure was constructed in compliance with the provisions of this code or any other applicable ordinance of the city. It is unlawful to occupy any such building or structure unless a full, partial or temporary certificate of occupancy has been issued by the Building Commissioner.  
(Prior Code, § 4-17.14) (Ord. 89-13, § 15)

**§ 150.071 WORKMANSHIP.**

(A) The building permit fee shall be as set out in the Fee Schedule of the code. Estimated construction cost for buildings, maintenance and remodeling projects shall be based upon square footage multiplied by the building valuation date average cost, published by the International Conference of Building Officials, as amended from time to time.

(B) The minimum building permit fee charged shall be as set out in the Fee Schedule of the code. An occupancy permit fee, in the amount as set out in the Fee Schedule of the code, shall be charged for each permit issued, excepting only permits issued for residential accessory buildings or structures or maintenance work, and shall be collected at the time the building permit is issued.

(C) An additional inspection fee in the amount as set out in the Fee Schedule of the code shall be due and payable in advance for each inspection required in excess of 3, when additional inspections are necessary as a result of the owner or contractor's incomplete or deficient work, or the inspector's inability to gain access to the premises.  
(Prior Code, § 4-17.15) (Ord. 89-13, § 16; Ord. 91-46, § 1)

**§ 150.072 VIOLATION.**

It is unlawful for any person, firm or corporation, whether as owner, lessee, sub-lessee or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip,

## **Building Regulations; Construction**

use, occupy or maintain any building or structure, including fences, in the city or cause or permit the same to be done contrary to or in violation of the provisions of this code.

(Prior Code, § 4-17.16) (Ord. 89-13, § 17) Penalty, see [§ 150.999](#)

### **§ 150.073 RIGHT OF APPEAL.**

All persons shall have the right to appeal any order of the Building Commissioner, first through the Board of Public Works and Safety and then to the Fire Prevention and Building Safety Commission of Indiana, in accordance with the provisions of I.C. 22-13-2-7 and I.C. 4-21.5-3-7.

(Prior Code, § 4-17.17) (Ord. 89-13, § 18)

### **§ 150.074 RELIEF; RECOVERY.**

The Building Commissioner shall, in name of the city, bring actions in the Circuit or Superior Courts of Lake County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with an order or orders made by the Building Commissioner and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code.

(Prior Code, § 4-17.18) (Ord. 89-13, § 19)

### **§ 150.075 EFFECTIVE DATE.**

This code shall be in full force and effect from and after its adoption and approval by the Fire Prevention and Building Safety Commission of Indiana and publication as required by law.

(Prior Code, § 4-20) (Ord. 89-13, § 21)

### **§ 150.076 OFFICE OF HEATING, VENTILATION AND AIR CONDITIONING INSPECTOR.**

(A) There is created the Office of Heating, Ventilation and Air Conditioning Inspector.

(B) The HVAC Inspector shall be appointed by the Mayor. The HVAC Inspector shall serve at the pleasure of the Mayor. The HVAC Inspector shall be under the supervision of the Building Commissioner and the city's Engineer. The HVAC Inspector shall not be engaged or financial interested in the heating, ventilation or air conditioning business. The HVAC Inspector shall be a journeyman heating, ventilation and air conditioning person. The HVAC Inspector shall be knowledgeable in the industrial, commercial and residential fields. The Contractors Licensing Board may require the HVAC Inspector to demonstrate his or her fitness for the office by passing an appropriate examination. It shall be the duty of the HVAC Inspector to inspect all new HVAC installations and all replaced HVAC installations.

(C) The HVAC Inspector, upon presentation of proper credentials, shall have the power during reasonable hours to enter any building or premises in the discharge of his or her duties, or for the purpose of making any inspection, reinspection or testing of the HVAC equipment installed. The inspections shall be performed using the Indiana State Mechanical Code as the Hobart City HVAC Code. The HVAC Inspector shall, in all cases, perform each inspection as

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follows:

- (1) *Rough*. Before the installation is insulated and sealed; and
- (2) *Final*. After the installation is ready for operation.

(D) HVAC Permit and Inspection Fees are as follows:

(1) Permit Fee for Heating & Air Conditioning combined: \$140.00 (includes 2 inspections).

(2) Heating Inspections: \$75.00

(3) Air Conditioning Inspections: \$75.00

(4) Duct Work Inspections: \$75.00

(5) Specialty Exhaust Systems Inspections: \$85.00

(6) Commercial Exhaust Fans: \$75.00 for initial inspection of up to five (5) commercial exhaust fans, plus \$5.00 per fan for each fan in excess of five (5). Additional inspections when required: \$75.00 per inspection.

(7) Fireplaces and Woodburning Stoves: \$9.00 per \$1,000.00 value of construction, the minimum permit fee being not less than \$40.00.

(8) Additional Inspections: Residential: \$50.00 Commercial \$75.00

To be paid for each inspection performed by the HVAC Inspector beyond the rough and final inspection.

(Ord. 97-31, § 1; Ord. 2007-34, § 1; Ord. 2013-39, § 3; Ord. 2020-30, §2)

### **§ 150.077 PERMITTING AND INSPECTION OF FIREPLACES.**

The Building Commissioner shall have jurisdiction over the issuance of permits and the making of inspections for the installation and construction or replacement of fireplaces and wood-burning stoves in any building or structure within the City. Permits shall be issued upon application and the payment of the fee provided for in the Municipal Code Fee Schedule. Inspections shall be performed by the Commissioner or his or her designee, and this section shall be subject to the procedures for enforcement and penalties prescribed in this chapter for violations of the building codes applicable in the City.

(Ord. 2014-06, § 1)

## ***EXCAVATIONS***

### **§ 150.090 PERMIT REQUIRED.**



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It is unlawful for any person to make any excavation of sand, black dirt, gravel or other earth substances on or from any property within the corporate limits of the city without having obtained a permit as is herein required or without complying with the provisions of this subchapter or in violation of or variance from the terms of any such permit.

(Prior Code, § 4-18) (Ord. 707, § 1) Penalty, see [§ 150.999](#)

### **§ 150.091 PERMIT; APPLICATION; FORM; CONTENTS.**

Written applications for the permits shall be made to the Common Council and shall describe the location of the intended excavation, the size and vertical depth thereof, the purpose therefor and the name and address of the person doing the actual excavation work, the name and address of the person for whom or which the excavation work is to be done and the name and address of the owner of the property upon which the excavation work is to be done and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the excavation work to be done.

(Prior Code, § 4-19) (Ord. 707, § 2)

### **§ 150.092 PERMIT; APPLICATION; ENGINEERS' REPORT.**

(A) The written application shall be referred to the city's Engineer, who shall examine the application to see that the intended excavation will not:

- (1) Damage adjacent land by erosion, subsistence or removal of subjacent support;
- (2) Diminish or impair the values of property within the surrounding areas; or
- (3) Impair the safety, health or general welfare of the public.

(B) The city's Engineer shall make a written report of his or her finding of fact and recommend the maximum vertical depth of allowable excavation to the Common Council.

(Prior Code, § 4-20) (Ord. 707, § 3)

### **§ 150.093 PERMIT; APPLICATION; FEE.**

No such permit shall be issued unless and until the applicant therefor has deposited with the Clerk-Treasurer the sum of \$52.00 for each parcel of property to be excavated, which sum is to be made payable to the City of Hobart.

(Prior Code, § 4-21) (Ord. 707, § 4; Ord. 2013-39, § 4)

### **§ 150.094 PERMIT; APPLICATION; BOND REQUIRED.**

No such permit shall be issued unless and until the applicant therefor has filed with the Clerk-Treasurer a bond in the sum of not less than \$25,000 conditioned to indemnify the city for any loss, liability or damage that may result or accrue from or because of the granting of the permit. The bond shall be approved by the city's Attorney and shall have as surety a corporation licensed to do business in the state as a surety company.

(Prior Code, § 4-22) (Ord. 707, § 5)

**§ 150.095 PERMIT; APPLICATION; CONDITIONS OF ISSUANCE.**

No such permit shall be issued unless and until the Common Council makes a finding of fact that:

(A) The intended excavation is, in no way, contrary to or at variance with the terms of the permit therefor;

(B) The intended excavation is a reasonable distance from the nearest public highway and a reasonable distance from the nearest building;

(C) Where deemed essential by the Common Council, upon consideration of the particular type of excavation proposed on or from the property and especially in large-scale excavations, the excavation area shall be completely enclosed by a fence. All fence openings or points of entry into the excavation area enclosure shall be equipped with gates. The fence and gates shall be not less than 6 feet in height above the grade level and located at a distance not less than 10 feet from any side of the excavation area. The fence and gates shall be constructed of a minimum number 11-gauge woven wire mesh corrosion-resistant material or similar material. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion-resistant and shall be set in concrete bases;

(D) The applicant has made adequate provisions to place or cause to be placed and maintained on the premises conspicuous signs displaying the words:

DANGER  
EXCAVATION WORK  
PRIVATE PROPERTY  
NO TRESPASSING

(E) The intended excavation is to be graded downward on a basis of not less than a 3 to 1 slope on any side;

(F) The applicant has made adequate provisions to prevent the escape of such quantities of dust or exposed subsoil, in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public or in such manner as to cause or have a tendency to cause injury or damage to property or business or to create an air pollution nuisance. The applicant shall cover, or cause to be covered exposed subsoil with topsoil or other material of a dustless quality; this cover operation shall be completed within 30 working days after maximum vertical depth of allowable excavation has been reached;

(G) The applicant has agreed not to exceed the maximum vertical depth of allowable excavation as finally determined by the Common Council; and

(H) The applicant has executed an agreement wherein he or she agrees to:

(1) Deliver to the city a warranty deed conveying merchantable title to each parcel of property on or from which the excavation was made; and

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(2) Where deemed essential by the Common Council, convey a 30-foot wide street right-of-way for purposes of ingress and egress, extending from the excavation area into the nearest public highway.  
(Prior Code, § 4-23) (Ord. 707, § 6)

**§ 150.096 EXEMPTIONS FROM PROVISIONS.**

Nothing in this subchapter shall be held to apply to:

(A) Any excavation in the city or state-owned lakes or waterways;

(B) Any excavation necessary for the construction or alteration of a building or structure pursuant to a valid building permit issued by the Building Official; or

(C) Any excavation made or conducted by a municipal officer properly discharging the duties of his or her office.  
(Prior Code, § 4-24) (Ord. 707, § 7)

***REGULATION AND PERMITTING OF FILL ACTIVITIES***

**§ 150.100 SCOPE AND PURPOSE.**

It is hereby declared that it is the purpose of the City of Hobart, by and through this subchapter, to

(A) Regulate the application of fill materials and the stockpiling of same upon lands within the boundaries of the City in order to avoid or mitigate negative impacts and changes to existing drainage patterns;

(B) Monitor the amount and character of materials used in the application of fill or in fill activities whether originating in the City, transported from other sites within the City, or transported to a site within the City from a place outside the boundaries of the City;

(C) Prevent the creation or maintenance of nuisances or hazardous or dangerous conditions from fill or stockpiling activities;

(D) Prevent unnecessary conflict with the installation of planned future underground utility structures within the City.  
(Ord. 2009-32, § 1)

**§ 150.101 DEFINITIONS.**

For the purpose of this sub-chapter, the following words and phrases shall have the meaning specified below:

(A) ***FILL*** or ***FILL MATERIAL*** shall mean any solid or semi-solid substance, capable of

being compacted, and composed of black dirt, topsoil, other soil, clay, sand or gravel, which is free from cinders, cobbles, bricks, concrete, asphalt pieces, ashes, refuse, soft or plastic clays, yard waste, trees, branches, stumps, vegetable matter and other organic matter including, but not limited to, food waste.

(B) **PROHIBITED BILL MATERIAL** shall mean any concrete slabs, asphalt chunks, metal bars, or construction or demolition waste.

(C) **FILL ACTIVITIES** shall mean the deposit of fill or fill materials on land or on or in any body of water within the city, whether or not the fill material originates within the City or on the same site as such deposit, including the grading or other movement of such deposited material.

(D) **COVERED PROPERTY** shall mean a parcel of real estate within the City to which the permitting requirements contained in [§150.102](#) (a) of this sub-chapter apply. (Ord. 2009-32, § 1)

### **§ 150.102 COVERED PROPERTIES; EXCEPTIONS.**

(A) The provisions of this sub-chapter shall apply to any parcel of real estate within the boundaries of the City upon which fill or fill materials will be deposited, stored, spread, applied, or stockpiled when the total volume of such fill or fill material exceeds ten (10) cubic yards, whether such deposit, application, storage, spread or stockpiling is performed in one operation, or by multiple deposits over a period of five (5) years commencing at the time of the first deposit of material upon the parcel.

(B) This sub-chapter shall not apply to the following fill activities within the City:

(1) The application of fill or the performance of fill activities on a property authorized under a Developmental Standards Variance for the removal of natural resources as required by the City of Hobart Zoning Ordinance.

(2) The deposit or application of fill materials or fill activities on the site of a public improvement project, authorized by the appropriate public agency of the City of Hobart, Lake County, Indiana, the State of Indiana or the United States. “Public improvement project” as used in this sub-section means any road, utility, park, public building or other public work which is funded substantially by public funds of the City, the State or the United States.

(3) The deposit or application of fill materials or fill activities on the site of the construction of a single or two-family dwelling unit for which the City has issued a building permit, provided that, the volume of fill applied or deposited shall not exceed fifty (50) cubic yards.

(4) The deposit or application of fill materials or fill activities on the site of the construction of any use which is subject to site plan review in accordance with the City of Hobart Zoning Ordinance.

(5) The deposit or application of fill materials or fill activities in connection with ground restoration for public utility construction.

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(6) The deposit or application of fill materials or fill activities allowed by or required by a storm water quality management permit or storm water pollution plan issued in accordance with [§§152.040 through 152.091](#) of the Municipal Code. This includes land in connection with development or redevelopment activities that result in the disturbance of one (1) or more acres of land within the City, including land disturbing activities on individual lots of less than one acre as part of a larger common plan of development or sale and subject to a storm water quality management permit pursuant to said sections of the Municipal Code.

(7) The temporary deposit or application of fill materials or fill activities by businesses which engage in the stockpiling of fill materials for the purpose of resale of such materials in areas properly zoned for such operations.  
(Ord. 2009-32, § 1)

### § 150.103 PERMIT REQUIRED; APPLICATION.

(A) It is unlawful for any person to engage in any fill activities upon a covered property, except as authorized or described in [§ 150.102](#) (B) of this sub-chapter, without first having obtained a permit in the manner required by this section.

(B) Application for a Fill Permit shall be filed with the City Engineer and the Zoning Administrator, who shall prescribe and distribute an application form meeting the requirements of this sub-chapter. In those instances where the proposed fill activities of the applicant will require Plan Commission action under [§ 150.104](#) (C) of this sub-chapter, a copy of the application shall be forwarded to the city Stormwater Coordinator for comment prior to issuance of a permit. The application for a Fill Permit may be made by a fill contractor or operator in those instances where there will be only one (1) operator stockpiling or filling on behalf of the land owner or by the land owner. When more than one (1) contractor or operator will be stockpiling or filling in connection with a project, then application for a Fill Permit shall be made by the land owner. At the time of filing, the City Zoning Administrator or City Engineer shall collect a filing fee from the applicant in the following amounts: for grading or fill activities proposed upon a property with an actual residential use, \$50.00; for grading or fill activities proposed upon a property with an actual agricultural, commercial or industrial use, \$100.00.  
(Ord. 2011-38, § 4)

(C) The application form to be prescribed pursuant to this section shall require the applicant to provide the following information

(1) The address and signature of the contractor or operator, if the applicant, the address and signature of the property owner and the business address of the person who will conduct the filing operation;

(2) Permanent parcel number of the property where the fill activity will take place;

(3) The nature of the proposed project, the type of fill material to be brought on to the site, an estimate of the number of cubic yards of materials involved, and the depth and composition of proposed fill materials;

(4) A statement of the manner in which the project work is to be completed, the kind of equipment proposed to be used and estimated frequency of vehicle trips;

## Hobart – Land Usage

(5) The proposed route which the applicant proposes to use over the public streets and over private property in transporting fill materials;

(6) The time within which the project is to be commenced after the granting of the permit and the time when it is to be completed;

(7) The measures that will be taken by the applicant to control noise, vibration, dust and traffic, and the measures that will be provided during the project to public or private streets or in waterways through erosion by wind or water;

(8) A description of any traffic control devices, public facilities, or public services which will be required for the proposed operation and a statement indicating how these will be provided;

(9) Any measures which the applicant proposes to take to insure public safety especially the prevention of trespass by children or recreational vehicles on land where filling or stockpiling activities may create hazardous conditions;

(10) A drawing of the property which shall contain the following information as deemed necessary by the City Engineer:

(a) North arrow,

(b) The dimensions of the lot and acreage,

(c) Dimensions of area to be filled and proposed phasing and method of stabilization for each phase,

(d) The location of all roads bordering or on the property,

(e) The location of any power or gas lines on the property,

(f) The location of any easements on the property,

(g) Existing drainage patterns on the site,

(h) Natural features, such as significant vegetation, bodies of water, wetlands, and streams on the site as well as within 500 feet of the site. The presence of these water related items may also require a Soil Erosion and Sedimentation Permit from the City, as well as an Inland Lake and Stream Permit from the Indiana Department of Natural Resources.

(i) The location, size, and use of buildings, structures or other improvements on the land to which the Permit is to apply, as well as any buildings, structures, or other improvements within one hundred (100) feet of the property to which the Permit is to apply,

(j) Ingress and egress to the property.

(k) For applications which will be reviewed by the Plan Commission, the applicant shall also provide drawings of the property at a scale not to exceed one inch equals two hundred feet, which must illustrate existing and proposed contours at four (4) feet intervals (minimum) on the site and extending one hundred (100) feet beyond the boundaries of the site.

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Such contours shall be certified by a registered engineer, surveyor, or landscape architect.

(11) Additional information that the City Engineer or Stormwater Coordinator may reasonably require to assist in reviewing the application.

(Ord. 2009-32, § 1)

### **§ 150.104 APPLICATION REVIEW; STANDARDS FOR APPROVAL; INSPECTION**

(A) The City Engineer shall review the information required for the application and other applicable information in accordance with the Standards for Permit Approval contained herein. If, in the opinion of the City Engineer, the proposed fill operation is in compliance with the requirements of this sub-chapter, a Fill Permit shall be issued to the applicant. If the proposed operation does not meet the requirements of this Sub-chapter, the City Engineer shall so notify the applicant in writing stating the reasons for denial of the Permit. The City Engineer shall render a decision within five (5) business days of the date of receipt of the completed application.

(B) The City Engineer shall review all applications. The City Engineer may, however, refer any such application to the Plan Commission for review and disposition.

(C) The City Plan Commission, in addition to the review by the City Engineer, shall review all applications for fill activities involving over five hundred (500) cubic yards of fill material. When an application for a Fill Permit is referred for review to the Plan Commission, the following rules will govern its proceedings:

(1) The application shall be filed with the City Engineer who shall review the application for compliance with the submission requirements of this Sub-chapter. The Applicant shall provide ten (10) copies of the site drawing as required herein.

(2) If the application contains sufficient information, the City Engineer shall place the application on the next scheduled Plan Commission agenda for a public hearing. The City Engineer shall apply the public hearing notification procedures for Developmental Standards Variance as contained within the City Zoning Ordinance which standards are incorporated herein by reference.

(3) The City Engineer shall forward all information submitted with the application to the Plan Commission.

(4) The Plan Commission shall hold a public hearing on the application and shall render a decision on the application based on the information presented to it.

(5) The Plan Commission, prior to its action on the application, shall receive and consider the comments and opinion of the city Stormwater Coordinator.

(6) The Commission may approve, deny, modify, or approve the application with conditions.

(7) If the proposed operation is in compliance with the requirements of this Sub-chapter, the Commission shall approve the application and instruct the City Engineer to issue a Fill Permit. If the proposed operation fails to meet the requirements of this Sub-chapter, the Commission Chair shall notify the applicant in writing of the reasons for denial.

(8) Any person who is adversely affected by a decision of the Plan Commission may appeal such decision to the City Board of Public Works and Safety. Such appeal shall be filed with the City Clerk-Treasurer within ten (10) days of the date of the Plan Commission decision. The Clerk-Treasurer shall schedule the appeal for the next regular meeting of the Board. The Board of Public Works and Safety shall affirm, reverse, or modify the decision of the Planning Commission and shall state its findings in writing to the applicant.

(D) The City Engineer or Plan Commission, as the case may be, shall apply the following standards in determining its action on an application for Fill Permit, and shall make findings in writing upon such standards:

(1) That the proposed fill activity shall not interfere with existing drainage patterns so as to create or contribute to a negative impact on adjacent properties.

(2) That the fill operation proposed shall not result in hazardous traffic conditions from vehicles entering or leaving the site.

(3) That the proposed fill operation will be carried out in a manner that will not be detrimental to nearby persons or property by reason of excessive production of traffic, noise, dust, fumes, or odor.

(4) That the fill material is not hazardous, toxic or otherwise a threat to the public health, safety, and general welfare, and complies with the type of fill permitted by this Sub-chapter.

(5) That the restored elevation of the land will be compatible with elevations on adjacent properties.

(E) The Zoning Administrator, City Engineer, Stormwater Coordinator, or their designee may inspect the premises upon which fill activities have been proposed or are in progress at any reasonable time, and may observe such activities in order to determine whether a permit should be issued under this section, to determine whether compliance with the terms and restrictions of any permit has been achieved under [§ 150.105](#) of this sub-chapter, and otherwise to enforce the provisions of this sub-chapter. The applicant shall pay an inspection fee, in those instances where the Zoning Administrator, City Engineer or Stormwater Coordinator, or any one of them, determines that an inspection is necessary, in the following amounts: for grading or fill activities proposed upon a property with an actual residential use, \$25.00 per inspection after the first two inspections; for grading or fill activities proposed upon a property with an actual agricultural, commercial or industrial use, \$25.00 per inspection after the first two inspections. Such fees shall be subject to billing and collection in the same manner as building inspection fees. No fee for inspections performed under this subsection shall exceed the true cost to the City of performing the inspection and reporting the results thereof.

(Ord. 2009-32, § 1; Ord. 2011-38, § 5)

#### **§ 150.105 PERMIT RESTRICTIONS.**

Every person to whom a permit is granted under this Sub-chapter shall comply with the following restrictions and conditions:



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(A) All vehicles transporting fill materials from or to a project over public streets in the City shall follow the truck route approved with the application.

(B) The restored elevation of the land shall be compatible with the surrounding area.

(C) If, at the time the permit is granted, the City Engineer shall determine that any project will present a dangerous condition if left open and unfenced, then such project shall be enclosed by chain link, wire mesh, or snow fence completely surrounding the portion of the land where the project extends; said fence to be not less than four (4) feet in height and to be complete with gates, such gates to be kept locked when operations are not being carried on. Barbed wire shall not be used as part of any such fence.

(D) Any fill materials that may be spilled on any public street or public place from any vehicle transporting materials from the project site shall be immediately removed without damage to the public street or public place at the expense of the permit holder.

(E) Any on-site roads used for the purpose of ingress and egress to the site which are located within three hundred (300) feet of any occupied residential, commercial, or industrial establishment must be treated to reduce airborne dust by hand topping with concrete, asphalt, chemical treatment, or such other means as may be proposed by the applicant and approved by the City Engineer or Plan Commission at the time a permit is granted.

(F) The slopes of the banks of the materials dumped, stockpiled, or used as fill shall not exceed two (2) feet of run to one (1) foot of rise and shall be compatible with adjoining grades and land uses. However, the City Engineer or Plan Commission may, at the time a permit is granted, prescribe more lenient or stricter requirements.

(G) Fill activities shall not interfere with or change existing surface water drainage so as to be detrimental to nearby properties.

(H) As phases of the fill operation are completed, they shall be stabilized by ground cover by the applicant to prevent erosion by wind and water. The City Engineer shall approve the stabilization plan so that continuing fill activities will avoid newly stabilized areas.

(I) The Plan Commission or City Engineer may require additional performance standards or stricter performance standards than are provided herein to address unique or peculiar conditions, such standards being necessary to achieve the purposes of this Sub-chapter. In addition, the Plan Commission may also attach and impose conditions, restrictions, or requirements as it may determine are necessary to achieve the purposes of this Sub-chapter. Violation of any performance standard, condition, restriction, or requirement imposed by the Plan Commission shall be deemed a violation of this Sub-chapter.

(J) Conditions imposed by the Commission shall remain unchanged unless a change is mutually agreed to by the applicant and the Commission in writing.

(K) The project may be inspected by the City Engineer and Stormwater Coordinator in accordance with and subject to the provisions of [§150.104](#) (E) of this sub-chapter as deemed necessary. The application for a Fill Permit shall be deemed the unconditional grant to the City of the right of entry upon the land to inspect, evaluate and observe fill operations and activities.

(L) Upon completion of the project or expiration of a Fill Permit, the applicant shall contact

the City Engineer to arrange for an inspection of the site. If the requirements of this Sub-chapter are found not to have been met, the City Engineer shall notify the applicant in writing of the permit deficiencies and shall pursue permit compliance as authorized by this Ordinance. For those permits approved by the Plan Commission, the above procedure shall be followed. In addition, however, the applicant shall retain the services of a professional engineer to certify that the final elevations of the fill activity comply with those illustrated on the approved site drawing. (Ord. 2009-32, § 1)

**§ 150.106 INSURANCE AND BOND REQUIREMENTS.**

The Plan Commission or City Engineer may require, as a condition to the grant of a Fill Permit, that the applicant file or deposit with the City Clerk-Treasurer performance securities in the form of a performance bond secured by corporate surety satisfactory to the City, cash, a certified or cashier's check payable to the City, or an irrevocable bank letter of credit, in form satisfactory to the City Attorney.

The Plan Commission or City Engineer shall, in establishing the amount of the surety or security, consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs, and other reasonable expenses to guarantee that the applicant will fully and faithfully perform all applicable performance standards, conditions, restrictions, and requirements of this Sub-chapter.

The Plan Commission may also require, as a condition to the grant of any such permit, that the applicant deposit a certificate of insurance evidencing coverage for general liability by an insurance company licensed to do business in the State of Indiana, in an amount reasonably relevant to the proposed work to be done as specified by the Plan Commission, insuring the City against any loss or damage to persons or property arising directly or indirectly from the operations of the applicant, or any person acting on his behalf, in carrying on any work connected directly or indirectly with the issuance of said permit. (Ord. 2009-32, § 1)

**§ 150.107 EXPIRATION OF PERMIT.**

A Fill Permit granted under this Sub-chapter shall be valid for one year from date of issue at which time it shall automatically expire. However, the Plan Commission or City Engineer, for good cause, may grant up to a three-year permit with an option for an additional three-year permit. The expired permit may be reviewed by the Plan Commission or City Engineer, as the case may be, for reinstatement or continuance without payment of a permit filing fee, provided that, the failure to complete the project within the permitted time is caused by access problems, weather conditions, lack of proper fill materials, or other conditions or circumstances reasonably beyond the control of the applicant. (Ord. 2009-32, § 1)

**§ 150.108 ENFORCEMENT.**

(A) Any Fill Permit granted under this Sub-chapter may be revoked or suspended for failure to comply with any of the performance standards, conditions, restrictions or requirements attached and imposed as part of the issuance of the permit or the applicant or permit holder fined

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in the amount specified below for such failure to comply or violation of this Sub-chapter. No fine, revocation or suspension shall be imposed except after hearing pursuant to written notice to the applicant by the Plan Commission, such notice to be given at least five days prior to hearing, stating the grounds of complaint against the applicant and the time and place where such hearing will be held.

(B) Violations of this Sub-chapter shall be chargeable as a violation of city ordinance and shall be subject to the penalties provided by [§ 10.99](#) of the Municipal Code. Every incident of violation and every day during which a violation continues is chargeable as a distinct and separate offense.

(C) Incidents of fill activities pursued without permit issued under this Sub-chapter are hereby declared to constitute a public nuisance under the Municipal Code and may be abated under the terms thereof, in addition to, or in the alternative of citation for violation of city ordinance.

(Ord. 2009-32, § 1)

### **§ 150.109 SEVERANCE CLAUSE**

This Sub-chapter and each article, section, subsection, paragraph, subparagraph, or words shall be deemed severable, so that, if any portion or provision is adjudicated by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remainder of this Sub-chapter shall remain in full force and effect.

(Ord. 2009-32, § 1)

## ***UNSAFE BUILDING LAW***

### **§ 150.110 ADOPTION OF STATUTE.**

The city adopts the provisions of I.C. 36-7-9-1 through 36-7-9-28, as amended, entitled “Unsafe Building Law”, as the applicable ordinance on unsafe buildings, and incorporates them by reference as though fully set forth in this subchapter.

(Prior Code, § 4-25) (Ord. 1747, (part))

***Editor’s note:***

*Two copies of the provisions adopted by reference in this section are available for public inspection at the office of the Clerk-Treasurer during regular business hours.*

### **§ 150.111 AUTHORITIES DESIGNATED.**

(A) *Administrative department.* The Building Department of this city is designated the executive department authorized to administer this subchapter.

(B) *Enforcement authority.* The Building Official, also known as the Building Inspector of the city, is designated the enforcement authority to administer this subchapter.

(C) *Hearing authority.* The Board of Public Works and Safety of the city is designated the

hearing authority under this chapter.  
(Prior Code, § 4-26) (Ord. 1747, (part))

**§ 150.112 SUBSTANTIAL PROPERTY INTEREST; DEFINED.**

The definition of *SUBSTANTIAL PROPERTY INTEREST*, set forth in I.C. 36-7-9-2, is incorporated by reference as though fully set forth herein.  
(Prior Code, § 4-27) (Ord. 1747, (part))

**§ 150.113 SEALING OF UNSAFE BUILDINGS; MATERIAL REQUIREMENTS.**

(A) All unsafe buildings shall be sealed against intrusion by unauthorized persons in the following manner.

(B) Materials must meet all specifications required by the enforcement authority and shall meet the following minimum requirements:

(1) All broken windows, doors and openings shall be covered with fitted 3/8-inch plywood, particle board or chip board, which shall be fastened to the building with 8-penny nails; and

(2) One entranceway of at least 1/2-inch thickness shall be installed with hinges and a clasp, shall be padlocked, and the key shall be delivered to the city enforcement authority.  
(Prior Code, § 4-28) (Ord. 1747, (part))

***ADA COMPLIANCE***

**§ 150.114 ADA COMPLIANCE.**

There is established in ADA Compliance Program within the Building Department administered and headed by the City Building Official. Such Program shall consist of the application, enforcement, reporting upon and administration of the following:

(A) “Revised Draft Guidelines for Accessible Public Rights of Way” issued under the Americans with Disability Act (ADA) and dated November 23, 2005; and

(B) “2010 Standards for Accessible Design: issued by the U.S. Department of Justice under the Act and dated September 15, 2010; and

(C) “ADA Grievance Procedure.”

(D) The documents identified above in subsections (A) through (C) of this section, together with any officially adopted subsequent revisions and amendments thereto, are hereby adopted and incorporated in this Section by reference and are made effective in the City according to their terms. Said documents shall be kept on file in the Office of the Building Official and in the Office of the Clerk-Treasurer for public inspection and copying under the Access to Public

Records Act at all times.  
(Ord. 2011-39, § 3)

***STREET NUMBERING***

**§ 150.125 DISPLAY; REQUIRED.**

Each building, house or other structure on a parcel of real estate which is or has been assigned a street number, shall have displayed and properly maintained thereon, the assigned street number to the right or left of the front door.  
(Prior Code, § 4-30) (Ord. 2010, § 1)

**§ 150.126 DISPLAY; ALTERNATE; STRUCTURES NOT VISIBLE FROM PUBLIC WAY.**

Every building, house or other structure which has been so assigned a street number, but which is so distant from the street or other public way which adjoins it as to be impractical to comply with the requirements of [§ 150.125](#), shall instead display the assigned street number on a light post, mailbox, fence or other structure near the entrance of that parcel, which is plainly and readily visible by the naked eye from the street or public way which adjoins it.  
(Prior Code, § 4-31) (Ord. 2010, § 2)

**§ 150.127 DISPLAY; SPECIFICATIONS.**

The assigned number display shall employ raised Arabic numerals of a minimum of 4 inches in height, the color of which must clearly contrast with the background upon which they are placed.  
(Prior Code, § 4-32) (Ord. 2010, § 3)

**§ 150.128 APARTMENT BUILDINGS.**

(A) It shall be the duty of the owners and managers of every apartment structure in the city to identify as prescribed in this subchapter the number of the apartment building.

(B) In the event that more than 1 apartment structure is located on a single zoning lot or within a development bearing a common name, each separate apartment structure shall have a separate and distinct raised Arabic number or raised Arabic letter, which number or letter shall be visible from the street or other public way which adjoins the parcel or structure. It shall be the duty of the owners or managers of every apartment structure in the city to conform to the requirement.  
(Prior Code, § 4-33) (Ord. 2010, § 4)

**§ 150.129 GRACE PERIOD.**

Any person who violates this subchapter shall have 30 days following written notification of non-compliance in which to comply without fine or other penalty.  
(Prior Code, § 4-34) (Ord. 2010, § 5)

### ***PLUMBING CODE***

#### **§ 150.145 TITLE.**

This chapter may be cited as the “Plumbing Code of the City”.  
(Prior Code, § 14-1) (Ord. 1180, § 1)

#### **§ 150.146 DEFINITIONS.**

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

***BOARD.*** The Board of Public Works and Safety of the city.

***PLUMBER.*** Any person who, either for or without compensation, undertakes to or does himself or herself or by others construct, install, change, add to or subtract from plumbing.

***PLUMBING.*** The piping, fixtures, appliances and appurtenances in connection with storm drainage facilities, sanitary drainage facilities, related venting systems and water supply systems, within any building or structure or adjacent thereto until the private property line or, if within the private property line, until the connection with any point of public disposal or other terminal.

***PLUMBING CONTRACTOR.*** As provided by I.C. 25-28.5-1-2(2).  
(Prior Code, § 14-2) (Ord. 1180, § 1)

#### **§ 150.147 ADMINISTRATION; ENFORCEMENT.**

The general administration and enforcement of this subchapter and all related provisions of law shall be the duty of the Board, which shall have power to take such actions and appoint such agents, including assistants to the Plumbing Inspector, as it may in its discretion determine to be necessary.

(Prior Code, § 14-3) (Ord. 1180, § 1)

#### **§ 150.148 PLUMBING INSPECTOR; OFFICE CREATED; APPOINTMENT.**

There is created, and also continued in full effect and operation as previously created and established, the Office of Plumbing Inspector. The Plumbing Inspector shall be appointed and may be removed in the discretion of the Mayor, but shall during his or her term of office be under the supervision and control of the Board. The Plumbing Inspector shall not be engaged or

financially interested in the plumbing business, shall be a licensed or practical plumber, and may be required by the Board to demonstrate his or her fitness for the office by passing an appropriate examination designated by the Board.  
(Prior Code, § 14-4) (Ord. 1180, § 1)

**§ 150.149 PLUMBING INSPECTOR; DUTIES.**

The Plumbing Inspector shall inspect and test plumbing and shall have charge of the approval of plumbing permits and issuance of certificates of compliance under this chapter. He or she shall not approve applications for plumbing permits unless it shall affirmatively appear to his or her satisfaction that all the requirements of this chapter and of applicable law have been or will be met. He or she shall not issue certificates of compliance under this chapter unless it shall appear to his or her satisfaction, after inspection and testing, that the plumbing meets the requirements of this chapter and of applicable law. He or she shall cooperate with and aid the Board in its general administration and enforcement of this chapter, and shall promptly report to the Board all uncorrected violations of this chapter of which he or she has knowledge.  
(Prior Code, § 14-5) (Ord. 1180, § 1)

**§ 150.150 PLUMBING CONTRACTOR; REGISTRATION; REQUIRED.**

No person shall act as a plumbing contractor in the city unless he or she shall have first obtained and has, in effect, a registration certificate from the city.  
(Prior Code, § 14-6) (Ord. 1180, § 1) Penalty, see [§ 150.999](#)

**§ 150.151 PLUMBING CONTRACTOR; REGISTRATION; APPLICATION.**

(A) An applicant for a plumbing contractor registration certificate shall complete and execute a form of application to be available in the office of the Clerk-Treasurer.

(B) The application shall be a sworn affidavit, in which the applicant shall be required to state the following:

- (1) The name, residence address and each business address of the applicant;
  - (2) If the applicant is a partnership or joint venture, the names and residence addresses of all general partners or joint venturers;
  - (3) If the applicant is a corporation, the state of incorporation and the name and address of the resident agent for service of process;
  - (4) The name of each individual who is a member, employee or otherwise allied with the applicant and will be acting as a plumber in the city; and
  - (5) The name of the individual who will be actively managing the applicant's plumbing work.
- (Prior Code, § 14-7) (Ord. 1180, § 1)

**§ 150.152 PLUMBING CONTRACTOR; REGISTRATION; ISSUANCE OF CERTIFICATE; BOND.**

(A) The Clerk-Treasurer shall issue a plumbing contractor registration certificate to the applicant upon receipt of a completed and executed application, proof that the applicant has, in effect, a license of the Indiana Plumbing Commission as a plumbing contractor, a registration fee as set out in the Fee Schedule of this code, and a bond in accordance with division (B) below.

(B) No plumbing contractor registration certificate shall be issued until the applicant files with the Clerk-Treasurer an indemnifying bond, with good and sufficient surety approved by the Clerk-Treasurer, in the penal sum of \$1,500. The bond shall be conditioned that the plumbing contractor will not violate any term or condition of this chapter, and shall be further conditioned to reimburse any person for whom the plumbing contractor does work as a plumber for damage by reason of the violation by the plumbing contractor of any term or condition of this chapter. (Prior Code, § 14-8) (Ord. 1180, § 1)

**§ 150.153 PLUMBING CONTRACTOR; REGISTRATION CERTIFICATE; RENEWAL; REVOCATION.**

(A) Each plumbing contractor's license shall be for a term not to exceed 1 year and shall be deemed expired on December 31 of the year of its issuance.

(B) An application for renewal of a plumbing contractor's license may be filed with the city's Clerk-Treasurer during the month of January immediately following the date of expiration, accompanied with a fee as set out in the Fee Schedule of this code. Upon approval of the application and receipt of the license fee in the amount as set out in the Fee Schedule of this code, a license shall be reissued by the Clerk-Treasurer.

(C) In the event a plumbing contractor fails to renew his or her license on or before January 31 immediately following the date of expiration of the license, the Clerk-Treasurer shall renew the license upon receipt of a completed and executed application, and a re-examination, accompanied with the license fee required for the initial license. (Prior Code, § 14-9) (Ord. 1180, § 1; Ord. 94-26, (part))

**§ 150.154 PLUMBING PERMIT; REQUIRED.**

No person shall act as a plumber in the city before a plumbing permit has been issued for the work. (Prior Code, § 14-10) (Ord. 1180, § 1) Penalty, see [§ 150.999](#)

**§ 150.155 PLUMBING PERMIT; APPLICATION; ISSUANCE.**

A plumbing permit shall be obtained in the following manner:

(A) The applicant shall obtain from the office of the civil engineer a form of application, shall complete and execute the application and shall submit the completed and executed application to the plumbing inspector for approval.



**Building Regulations; Construction**

(B) The Clerk-Treasurer shall issue a plumbing permit to the applicant upon receipt of completed and executed application approved by the Plumbing Inspector, and a fee as set out in the Fee Schedule of this code.  
(Prior Code, § 14-11) (Ord. 1180, § 1)

**§ 150.156 PLUMBING PERMIT; FEES.**

The following fees shall apply to plumbing permits:

*Minimum Permit Fee for Plumbing work:* \$140.00  
Includes installation of water heater, waste discharge device, or plumbing fixtures, up to a maximum of 15 features and includes 3 inspections.  
Over 15 fixtures: an additional \$7.00 per fixture

*Minimum Repair/Alteration Permit Fee:* \$50.00  
Includes replacement of up to three (3) residential fixtures with one inspection.

*Additional Inspections:* Residential: \$50.00 Commercial: \$75.00  
To be paid for each inspection performed by the Plumbing Inspector in excess of three (3).

*Backflow Preventer:* \$50.00. Fee includes 1 inspection.

*Hot Water Heater:* \$50.00. Fee includes 1 inspection.  
(Prior Code, § 14-12) (Ord. 1180, § 1; Ord. 1904, § 1; Ord. 2022, (part); Ord. 2013-39, § 5; Ord. 2020-30, §3)

**§ 150.157 PLUMBING PERMIT; APPLICATION; CONTENTS.**

(A) The application for a plumbing permit shall be a sworn affidavit and shall fully identify the owner, architect or superintendent, contractor and each person who will act as a plumber.

(B) The applicant shall be required to state in the affidavit that:

(1) Plans and specifications covering the planned plumbing have been submitted to the Plumbing Inspector:

(2) The plans and specifications are intended to comply with this subchapter;

(3) If changes or additions are made, not covered in full by the original application or plans and specifications, an additional permit will be applied for and received before actual work is begun;

(4) The Plumbing Inspector will be notified before the plumbing is put into use and requested and permitted to inspect and test the plumbing; and

(5) The plumbing will not be put into use, except for the purpose of testing, until after a certificate of approval therefor has been obtained from the Plumbing Inspector.  
(Prior Code, § 14-13) (Ord. 1180, § 1)

**§ 150.158 PLUMBING PERMIT; PLANS AND SPECIFICATIONS.**

The applicant for a plumbing permit shall submit to the plumbing inspector drawings, details, plans and specifications of plumbing to be constructed, installed, changed, added to or subtracted from. These shall be self-explanatory, accompanied by standard specifications and drawn to an accurate scale which shall be designated thereon.

(Prior Code, § 14-14) (Ord. 1180, § 1)

**§ 150.159 PLUMBER; STATE LICENSING REQUIRED; EXCEPTION.**

No person shall act as a plumber in the city unless he or she shall have, in effect, a license of the Indiana Plumbing Commission as a plumbing contractor, journeyman plumber or apprentice plumber; provided, however, that, this requirement shall not apply to any person acting or intending to act as a plumber with respect to a single-family residence of which the person is and will be, when the plumbing work is completed, the owner and occupant.

(Prior Code, § 14-15) (Ord. 1180, § 1) Penalty, see [§ 150.999](#)

**§ 150.160 PLUMBING; INSPECTION.**

No plumbing with respect to which a plumbing permit is required by this subchapter shall be permanently covered or concealed from view or put into use other than for the purpose of testing until after it has been inspected, tested and approved by the Plumbing Inspector.

(Prior Code, § 14-16) (Ord. 1180, § 1) Penalty, see [§ 150.999](#)

**§ 150.161 RELEASE OF WATER METERS TO UTILITY COMPANY.**

The installation of a water meter in a new or existing structure shall require a city plumbing permit for water service issued in the office of the city's Engineer and applicable fees paid in the office of the city's Clerk-Treasurer. The Plumbing Inspector or his or her designee shall have exclusive jurisdiction to inspect the plumbing and release the setting of any new water meter to the utility company after his or her inspection determines that the requirements of the state's Plumbing Code have been satisfied. The replacement of an old water meter shall not require a release from the Plumbing Inspector.

(Ord. 97-37, § 1)

**§ 150.162 RULES AND REGULATIONS; ADOPTED.**

(A) All plumbing shall conform to the plumbing rules and regulations of the Administrative Building Council of the state, 2 copies of which are now and shall hereafter be kept on file in the office of the city's Clerk-Treasurer for public inspection, which are adopted by reference as part of this chapter.

(B) All plumbing work shall be installed according to the BOCA National Plumbing Code of 1987. This code will become effective as of January 2, 1989, according to the Administrative Building Council, State of Indiana.

(Prior Code, § 14-19) (Ord. 2022, (part))

**§ 150.163 PLUMBING INSPECTOR; RIGHT OF ENTRY.**

The Plumbing Inspector, the Board and the proper agents and assistants of each, upon showing their proper credentials, shall have, at all times, the right to enter any buildings, sites or premises, or upon any work in the process of construction for the purpose of inspecting and testing plumbing. No person shall interfere with or obstruct such persons in the performance of such duties.

(Prior Code, § 14-20) (Ord. 1180, § 1)

**§ 150.999 PENALTY.**

(A) If any person, firm or corporation shall violate any of the provisions of [§§ 150.055](#) *et seq.* and shall do any act prohibited herein or shall fail to perform any duty lawfully enjoined within the time prescribed by the Building Commissioner or shall fail, neglect or refuse to obey any lawful order given by the Building Commissioner in connection with the provisions of this code, for each violation, failure or refusal, the person, firm or corporation shall be fined subject to the provisions of § 10.99.

(Prior Code, § 4-17.19) (Ord. 89-13, § 20; Ord. 2020-36, §5)

(B) Any person who violates a provision of [§§ 150.110](#) *et seq.*, as set forth in I.C. 36-7-9-28, commits a Class C infraction. Each day that the violation continues constitutes a separate offense.

(Prior Code, § 4-29) (Ord. 1747, (part); Ord. 2020-36, §5)

(C) It shall be unlawful for any person, firm or corporation to violate any provision of [§§ 150.125](#) *et seq.*

(Prior Code, § 4-35) (Ord. 2010, § 6; Ord. 2020-36, §5)

(D) Each person found to have violated any provision of [§§ 150.145](#) *et seq.* and each person for whom such person acted as employee, agent, contractor or subcontractor, and the owner of the real property upon which such violation occurred, shall be subject to the provisions of § 10.99.

(Prior Code, § 14-21) (Ord. 1180, § 1; Ord. 2020-36, §5)

**Hobart – Land Usage**