

1 **COMMON COUNCIL OF THE CITY OF HOBART, INDIANA**
2 **ORDINANCE NO. 2013-06**

3
4 **An Ordinance to Amend the Municipal Code of the City**
5 **to Provide for Partial And Temporary Occupancy Permits**
6 **and to Establish a Fee for Same**
7

8 WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana
9 (“City”) has been informed that the Building Commissioner and his Department, from
10 time to time, issue temporary or partial occupancy permits allowing the use of newly
11 constructed or remodeled structures in the City pending the completion of work on
12 insubstantial items which do not affect the safety or habitability of same; and
13

14 WHEREAS, the Council now desires through this ordinance to clarify and enlarge
15 the rules under which such permits are to be issued and to provide for adequate security
16 for the completion of work in such instances.
17

18 THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart,
19 Indiana as follows:
20

21 *SECTION ONE.* The Municipal Code of the City of Hobart, Indiana
22 (‘Code’), Chapter 154 entitled “ZONING” is hereby amended in Section 154.483
23 thereof entitled “CERTIFICATE OF OCCUPANCY” by adding new sub-sections
24 to be designated sub-sections (D), (E) and (F) as follows:
25

26 (D) The Administrator or the Administrator’s
27 designee may issue a temporary or partial occupancy permit
28 whenever, in the Administrator’s discretion, or in the
29 discretion of the designee he finds that:
30

31 (1) The construction of a project undertaken
32 pursuant to proper building permit and improvement
33 location permit (where same is applicable) is
34 substantially complete but for minor or incidental
35 items of work;
36

37 (2) An undue hardship to the owner of the
38 property subject to said permits would likely result
39 from being denied the use or occupancy of the project
40 pending the completion of such items; and
41

42 (3) There is no risk to the health and safety of
43 the occupiers of the project or the public by allowing
44 temporary or partial use or occupancy until said
45 incomplete items of work are completed.
46

47 (4) The fee provided for in Sub-Section (F) has
48 been paid.
49

50 (E) The Administrator or the Administrator's
51 designee shall obtain evidence of the cost of the work
52 remaining incomplete at the time of request for issuance of a
53 temporary or partial occupancy permit, and shall require the
54 owner or requesting party to post security for the payment for
55 completion of the work in the amount of One Hundred Ten
56 percent (110 %) of the amount determined by the Admini-
57 strator or the Administrator's designee for the cost of the
58 work remaining incomplete. All work shall be completed by
59 a date fixed by the Administrator or the Administrator's
60 designee and stated in the temporary or partial occupancy
61 permit. In the event that the work is not completed by said
62 date, the Administrator may apply such security to the cost of
63 completing the work, or withdraw the temporary or
64 permanent occupancy permit, and order the owner and
65 occupiers of the property to vacate same.
66

67 (F) There is established a fee for the issuance of a
68 temporary or partial occupancy permit hereunder, to be paid
69 by the owner or applicant, and collected by the Clerk-
70 Treasurer, in the amount set out in the current fee provisions
71 of the Municipal Code.
72

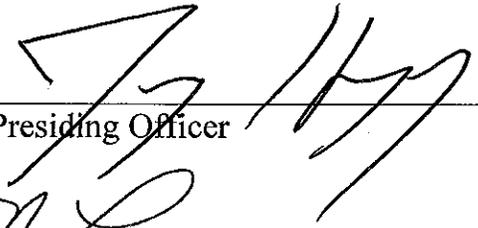
73 *SECTION TWO:* The Municipal Code of the City of Hobart, Indiana
74 ('Code'), Chapter 150 entitled "BUILDING REGULATIONS; CONSTRUCTION,"
75 is hereby amended in Section 150.63 thereof entitled "FEES" by adding a new
76 sub-section, to be designated sub-section (Q) as follows:
77

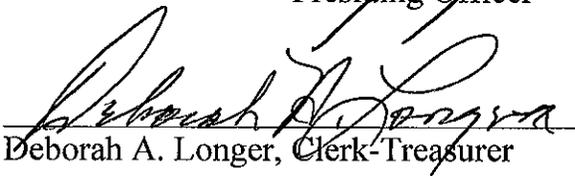
78 (Q) *Temporary or Partial Occupancy Permit.*
79 \$100.00 per each permit issued.
80

81 SECTION THREE: All ordinances or portions thereof in effect prior to the
82 effective date and in conflict with the provisions of this ordinance are hereby
83 repealed.
84

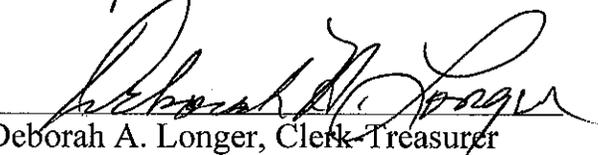
85 SECTION FOUR: This ordinance shall become effective upon its adoption
86 in the manner required by law.
87

88 ALL OF WHICH is PASSED and ADOPTED by the Common Council of the
89 City of Hobart, Indiana on this 6th day of MARCH, 2013.
90

91 
92 _____
93 Presiding Officer

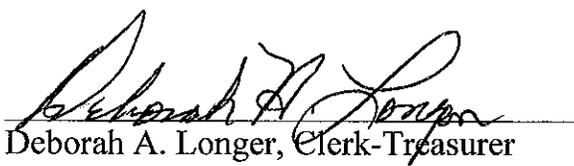
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95
96 ATTEST: 
97 Deborah A. Longer, Clerk-Treasurer
98
99

100 PRESENTED by me to the Mayor of the City of Hobart on the 6th day
101 of MARCH, 2013 at the hour of 7:30 pm.
102

103 
104 _____
105 Deborah A. Longer, Clerk-Treasurer
106
107
108

109 APPROVED, EXECUTED and RETURNED by me to the Common
110 Council of the City of Hobart on this 7th day of MARCH, 2013.
111

112 
113 _____
114 Brian K. Snedecor, Mayor
115
116

117
118 ATTEST: 
119 Deborah A. Longer, Clerk-Treasurer