

TITLE 12

BUILDINGS AND CONSTRUCTION

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Chapters:

- 12.01 **Unsafe Building Law**
- 12.02 **Building Standards**
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Chapter 12.01

UNSAFE BUILDING LAW

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12.01.010 Adoption. Indiana Code §36-7-9-1 through 36-7-9-28 as currently enacted as is hereafter amended is hereby incorporated by reference in the Town of Santa Claus Unsafe Building Law. All proceedings within the Town of Santa Claus for the inspection, repair and removal of unsafe buildings shall be governed by said law and the provisions of this Ordinance. In the event the provisions of this Ordinance conflict with the provisions of Indiana Code §36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control. (Ord. 1999-01, S1, Feb. 24, 1999)

12.01.020 Responsibility. All buildings or portions thereof within the Town of Santa Claus which are determined after inspection by the Building Commissioner to be unsafe as defined in this Ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation demolition or removal. (Ord. 1999-01, S2, Feb. 24, 1999)

12.01.030 Definitions.

- (1) Enforcement Authority. The Town of Santa Claus Building Commissioner, as chief administrative officer of the Building Department, shall be the "Enforcement Authority" as defined under IC §36-7-9-2 and is hereby authorized to administer and to proceed under the provisions of said law in ordering the repair or removal of any buildings found to be unsafe as specified therein or as specified hereafter.
- (2) Hearing Authority. The Town Council of the Town of Santa Claus shall designate by separate resolution the "Hearing Authority" as defined in IC §36-7-9-2, which shall hear evidence and enter findings pursuant to IC §36-7-9-7 regarding orders of the Enforcement Authority. In absence of separate resolution, the Town Council shall be deemed to be the "Hearing Authority".
- (3) Unsafe Building. The description of an unsafe building contained in Indiana Code §36-7-9-4 is hereby supplemented to provide minimum standards for building condition or maintenance in the Town of Santa Claus, Indiana, by adding the following definition:

UNSAFE BUILDING means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

- A. Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic,
- B. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- C. Whenever the stress in materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.
- D. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose or location.
- E. Whenever any portion, member or appurtenance thereof is likely to fail, to become detached or dislodged or to collapse and thereby injure persons or damage property.
- F. Whenever any portion of a building or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.
- G. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- H. Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.

- I. Whenever, for any reason, the building or structure or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- J. Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- K. Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member of members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- L. Whenever the building or structure has been so damaged fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purpose of committing unlawful acts.
- M. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this Town of Santa Claus, or if any law or Ordinance of the State or Town of Santa Claus relating to the condition, location, or structure of buildings.
- N. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances has in any non-supporting part, member, or portion less than fifty percent, or in any supporting part, member, or portion less than sixty-six percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.
- O. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, is determined by the (Health Official) to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- P. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the (Fire Official) to be a fire hazard.

Q. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

- (4) Substantial Properly Interest. The definition of "substantial property interest" set forth in IC §36-7-9-2 is hereby incorporated by reference herein as if copied in full. (Ord. 1999-01, S3, Feb. 24, 1999)

12.01.040 Limitation of Powers of Enforcement Authority: Wherever in the building regulations of the Town of Santa Claus or the Town of Santa Claus Unsafe Building Law, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the Town of Santa Claus, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by this Ordinance have been complied with, and no such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by Ordinance, or to enforce Ordinance provisions in an arbitrary or discretionary manner. (Ord. 1999-01, S4, Feb. 24, 1999)

12.01.045 Standard of Work Performed: All work for the reconstruction, repair or demolition of buildings and other structures shall be performed in a good workmanlike manner according to the accepted standards and practices in the trade. The provisions of the building laws, as defined in IC §22-12-1-3, adopted as rules of the Fire Prevention and Building Safety Commission (675 IAC), including 675 IAC 12-4-9 and 675 IAC 12-4-11(a), shall be considered standard and acceptable practice for all matters covered by this Ordinance or orders issued pursuant to this Ordinance, by the Building Commissioner of the Town of Santa Claus, Indiana. (Ord. 1999-01, S5, Feb. 24, 1999)

12.01.050 Unsafe Building Fund: An Unsafe Building Fund is hereby established in the operating budget of the Town of Santa Claus in accordance with the provisions of IC §36-7-9-14. (Ord. 1999-01, S6, Feb. 24, 1999)

12.01.060 Penalties: No person, firm, or corporation, whether as Owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause of permit the same to be done, contrary to or in violation of any of the provisions of this Ordinance or any order issued by the Building Commissioner. Any person violating the provisions of this Ordinance or IC §36-7-9-28 shall commit a Class C Infraction for each day such violation continues.

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reasons, the remainder of said Ordinance shall not be affected thereby.

This Ordinance will be in full force and effect upon adoption and publication as requested by Indiana Law. (Ord. 1999-01, S7, Feb. 24, 1999)

Chapter 12.02

BUILDING STANDARDS

Sections:

12.02.010	Title
12.02.020	Purpose
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12.02.170	Violations
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12.02.190	Remedies
12.02.200	Penalties
12.02.210	Effective Date

12.02.010 Title. This Chapter and all supplements and amendments hereto, shall be known as the "Building Code of the Town of Santa Claus, Indiana", may be cited as such, and will be referred to herein as "this code". (Ord. 1997-04, S12.02.010, 1997) (Ord. 1990-06, S1, 1990) (Ord. 1990- 1, S1, 1990)

12.02.020 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 construction of buildings and structures. (Ord. 1997-04, S12.02.020, 1997) (Ord. 1990-06, S2, 1990)

12.02.030 Authority. The Building Inspector is hereby authorized and directed to administer and enforce all of the provisions of this code and in that capacity is acting on behalf of the governmental entity of the Town of Santa Claus, Indiana, as set forth in I.C. 34-4-16.5-2 (b). 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 Building Inspector, this shall be construed to give such officer only the discretion of determining whether this code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this code shall be, or power to require conditions not prescribed by ordinances or to enforce this code in an arbitrary or discriminatory manner. The Building Commissioner appointed by the Town Council shall be the Chief Building Inspector, and any other Building Inspector hired shall be subject to the Building Commissioner's direction and control except as to any inspections which were performed by a Building Inspector on which the Building Commissioner has a conflict of interest. (Ord. 1997-04, S12.02.030, 1997)(Ord. 1990-06, S3, 1990)

12.02.040 Scope. The provisions of this code apply to the construction, alterations, repair, use, occupancy, maintenance and additions to all buildings and structures, other than fences, within the incorporated areas of the Town of Santa Claus, Indiana. (Ord. 1997-04, S12.02.040, 1997) (Ord. 1990-06, S4, 1990)

12.02.050 Adoption of rules by reference. Building rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this Chapter and shall include later amendments to those Articles as the same are published in the Indiana Register or the Indiana Administrative Code with effective dates as fixed therein or if said Articles, codes and regulations are repealed and replaced then their duly adopted successors shall be incorporated herein.

- (1) Article 13 - Building Codes
 - A. Fire and Building Safety Standards
 - B. Indiana Building Code
 - C. Indiana Building Code Standards
 - D. Indiana Handicapped Accessibility Code
- (2) Article 14 - One and Two Family Dwelling Codes
 - A. Council of American Building Officials
One and Two Family Dwelling Code
 - B. CABO One and Two Family Dwelling; Amendments
 - C. Standard for Permanent Installation of Manufactured Homes
- (3) Article 16 - Plumbing Codes
 - A. Indiana Plumbing Code
- (4) Article 17 - Electrical Codes
 - A. Indiana Electrical Code
 - B. Safety Code for Health Care Facilities
- (5) Article 18 - Mechanical Code
 - A. Indiana Mechanical Code

- (6) Article 19 - Energy Conservation Codes
 - A. Indiana Energy Conservation Code
 - B. Modifications to the Model Energy Code
- (7) Article 10 - Swimming Pool Codes
 - A. Indiana Swimming Pool Code

Copies of adopted building rules, codes and standards are on file in the office of the Building Inspector at Santa Claus Town Hall. (Ord. 1997-04, S12.02.050, 1997) (Ord. 1990-06, S5, 1990)

12.02.055 Foundation Requirements.

- (1) All footings for Class 1 and Class 2 structures not specifically designed by a licensed design professional, shall contain the following:
 - A. A minimum of two (2) continuous runs of #4 (1/2") reinforcing steel bar, placed in each footing. The bars shall be placed toward the bottom of the trench or form with a 3" minimum cover of concrete on all sides. Splices shall be overlapped a minimum of 12" and tied together with steel or galvanized wire. All reinforcing steel shall be adequately supported and secured against displacement prior to placing of concrete. (Ord. 1998-11, S12.02.055, Dec. 9, 1998)

12.02.060 Application for permits. No building permit shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a set of drawings which shall provide sufficient information so that the Building Inspector can understand the scope of work. Subject to the request of the Building Inspector, this may include the following: a proposed site plan (plot plan); a foundation or basement plan; a floor plan for each level or story; an elevation of each side of the building; a building section that illustrates floor, wall, ceiling, and roof composition. Whenever a Design Release is required by the Indiana Code, a copy of the Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3-1, shall be provided to the Building Inspector before issuance of a permit for construction covered by such Design Release. In addition a copy of an engineering design signed and stamped by a licensed Engineer shall be provided to the Building Inspector for issuance of a permit for any structural foundation repairs. No permits shall be granted if any outstanding permit issued by the Town of Santa Claus to said applicant is subject to an injunction to stop work issued by the court of competent jurisdiction as a result of building code violations. (Ord. 1997-04, S12.02.060, 1997) (Ord. 1990-06, S6, 1990)

12.02.065 Expiration of Permit and Extension. Every permit issued by the Building Inspector under the provisions of this code shall expire by limitation and become null and void after one (1) year from the date of issuance.

- (1) Renewal of Expired Permits: In order to renew a permit after expiration, the permittee shall pay a new full permit fee, plus penalties as follows: 90 day

renewal \$100; 180 day renewal \$200; 1 year renewal \$1,000. No permit shall be renewed for any period which extends beyond two years after the date of the permits original issuance. Any renewal permit which extends the term of the permit to no more than 18 months after the date of the permit's original issuance shall be subject to approval of the Building Inspector. Any renewal permit which extends the term of the permit to more than 18 months after the date of the permit's original issuance:

- A. shall be subject to approval of the Santa Claus Town Council; and,
 - B. may be subject to the posting of a performance bond in an amount sufficient to complete or demolish the permitted project in the event of failure of the permittee to complete said project in the permitted term. Said performance bond may be required if the Town Council determines, in written findings of facts, after notice and hearing, that the bond is reasonably required to ensure completion of the project in the permitted term. The performance bond shall be cash or other property or surety, the sufficiency and form of which is subject to approval by the Town Council.
- (2) Extension of Unexpired Permits: Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence or continue under that permit when the permittee is unable to commence or continue work within the time required by this section for good and satisfactory reasons. The Building Inspector may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. (Ord. 1997-04, S12.02.065, 1997)

12.02.070 Permit required. A permit shall be obtained before:

- (1) Beginning any new construction of a building or structure the cost of which exceeds \$2,500.00; or
- (2) Beginning any structural alteration or repair, other than ordinary repairs, of any noncommercial building or structure the cost of which exceeds \$2,500.00; or
- (3) Beginning any structural alteration or repair other than ordinary repairs, of any commercial building or structure the cost of which exceeds the cost of \$10,000; or
- (4) Beginning any new commercial HVAC electrical, plumbing or mechanical construction and repair, other than ordinary repairs, the cost of which exceeds \$10,000.

Ordinary repairs are nonstructural repairs and do not include; additions to, alteration of, or replacement or relocation of water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electrical wiring, or mechanical or other work for which a permit is required by this Code. All fees required by this Code shall be paid to the Town of Santa Claus, Indiana. (Ord. 1997-04, S12.02.070, 1997) (Ord. 1990-06, S7, 1990)

12.02.075 Nonconformance of Construction to Permit, Permit Modifications. All construction shall conform to the terms and facts disclosed on the Permit Application executed by the landowner. Failure to conform the construction to the permit shall constitute a violation of this Ordinance and Code. The landowner shall be obligated to apply for an amended permit which conforms to the construction prior to deviating from the terms of the permit. In the event that an amended permit is applied for before deviation from the terms of the permit, the amendment shall be issued for \$25.00 plus any required charges for reinspection fees and extra square footage charges. In the event that construction deviates from the terms of a permit before an amended permit is applied for, the permit amendment fee shall be \$500.00 plus any required charges for reinspection fees and extra square footage charges. (Ord. 1997-04, S12.02.075, 1997)

12.02.080 Other Ordinances and Permits. All work done under any permit or extension permit shall be in full compliance with all other ordinances of the Town of Santa Claus including the Town of Santa Claus Zoning Ordinances and any others which pertain to said structure and work and in addition to the fees for Building permits there shall be paid the fees prescribed in such ordinances. No building permit shall be approved, issued or renewed unless and until all other necessary town permits are applied for and obtained by the applicant. Other Town permits which must be obtained for the project include, without limitation an Improvement Location Permit, permit for water connection and permit for sewer connection. (Ord. 1997-04, S12.02.080, 1997) (Ord. 1990-06, S8, 1990)

12.02.090 Fees and Required Inspections. Permits required by Section 12.02.070 shall be issued upon prior payment of permit fees according to the following schedule:

<u>Type of Construction or Remodeling</u>	<u>Permit Fee</u>
(1) On any construction or additions requiring more than a single inspection to any single family dwelling, multi family dwelling, motel, hotel, commercial or public building, educational institution or church, industrial building or facility, warehouse or bulk storage building, accessory building, pole barn or farm buildings:	\$150 + \$.03 per square foot of floor space including concrete floored unfinished basements and floored storage attics
(2) Mobile or Manufactured Home	\$150 + \$.03 per square foot including concrete floored unfinished basements
(3) Swimming Pool	\$75.00 + \$.03 per square foot of water surface area, whichever is greater
(4) Placement or removal of underground storage tanks	\$60.00

The Building Inspector shall designate the number of inspections which shall be required and the stage of construction when each required inspection must be requested by the permit holder. The proposed foundation will be inspected prior to the placing of concrete. No electrical, mechanical, plumbing, or thermal insulation work shall be covered without prior inspection, including all electric and plumbing under concrete slabs. In the event that any inspection is not approved because work has been covered and the Building Inspector is unable to observe the work to be inspected, no further work shall be performed until the covered item is uncovered for inspection by the building inspector.

For unusually large or complex buildings or structures, the Building Inspector shall have the right to make the inspections in the manner and at the times appropriate for such large or complex buildings or structures. The architect or engineer for any building requiring an architect or engineer under state law or regulation shall make available his inspection reports to the Building Inspector. Where additional inspections are required due to failure of permit holder to have work ready for inspection at a designated stage of construction, the Building Inspector shall assess a reinspection fee of \$45.00 for each such additional inspection. Reinspection fees shall be paid to the Town of Santa Claus, Indiana, prior to the issuance of

a certificate of occupancy. (Ord. 2001-04, Oct. 10, 2001) (Ord. 1998-02, S1, Apr. 8, 1998) (Ord. 1997-04, S12.02.090, 1997) (Ord. 1995-02, S9, 1995) (Ord. 1993-10, S9, 1993) (Ord. 1990-06, S9, 1990)

12.02.100 Review of application. Prior to the issuance of any building permit, the Building Inspector shall review all building permit applications to determine full compliance with the provisions of this code. All plans shall be reviewed within five (5) working days after receipt of application. (Ord. 1997-04, S12.02.100, 1997) (Ord. 1990-06, S10, 1990)

12.02.110 Inspections. After the issuance of any building permit, the Building Inspector shall make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provisions of this ordinance (chapter) and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed by this code.

Any builder herein shall schedule an appointment for said inspections with at least 24 hours prior notice to the Building Inspector, excluding Sundays and holidays. In the event that the Building Inspector or his duly authorized representative, shall not be in attendance within 2 hours of the appointed time, then the builder or permit holder shall be authorized to proceed with construction absent said Building Inspector if the appointment has been made in compliance with this ordinance. The failure of the Building Inspector to inspect as provided by this Chapter does not excuse compliance with Section 12.02.050 of this Chapter. The Building Inspector or his duly authorized representative, will within 24 hours with the exception of Sundays and holidays notify the builder in writing of the findings of his inspection including the date and time of the inspection. (Ord. 1997-04, S12.02.110, 1997) (Ord. 1990-06, S11, 1990)

12.02.120 Inspection assistance. The Chief of the Fire Department serving Santa Claus, Indiana, or his designated representatives, may assist the Building Inspector in the inspection of fire suppression, detection and alarm systems and may provide reports of such inspection to the Building Inspector. (Ord. 1997-04, S12.02.120, 1997) (Ord. 1990-06, S12, 1990)

12.02.130 Entry. Upon presentation of proper credentials, the Building Inspector or his duly authorized representatives may enter at reasonable times any building, structure or premises in the Town of Santa Claus, Indiana, to perform any duty imposed upon him by this code. (Ord. 1997-04, S12.02.130, 1997) (Ord. 1990-06, S13, 1990)

12.02.140 Stop order. Whenever any work is being done contrary to the provisions of this code, the Building Inspector, or his duly authorized representative, may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Inspector to proceed with the work. (Ord. 1997-04, S12.02.140, 1997) (Ord. 1990-06, S14, 1990)

12.02.150 Certificate of occupancy. No certificate of occupancy for any building or structure erected, altered or repaired after the adoption of this Chapter shall be issued unless such building or structure was erected, altered in compliance with the provisions of this Chapter. It shall be unlawful to occupy any such building or structure unless a full, partial,

or temporary certificate of occupancy has been issued by the Building Inspector. The Building Inspector, or his duly authorized representative, will make final inspection within 24 hours of notification that the structure is completed with the exception of Sundays and holidays, and within 24 hours thereafter with the exception of Sundays and holidays will issue to the applicant either a certificate of occupancy or written reason(s) for rejection. (Ord. 1997-04, S12.02.150, 1997) (Ord. 1990-06, S15, 1990)

12.02.160 Workmanship. All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade. (Ord. 1997-04, S12.02.160, 1997) (Ord. 1990-06, S16, 1990)

12.02.165 License. All repairs or construction of any residential, electrical, mechanical or plumbing that is hired done shall be performed by an individual licensed to perform respective electrical, mechanical or plumbing.

No person for hire shall perform any electrical, mechanical or plumbing repair or construction on any residential property in the Town of Santa Claus who is not licensed to perform said electrical, mechanical or plumbing by any applicable state licensing boards or a municipal licensing authority in any other municipality in Indiana. Prior to performing any repairs or construction of residential property for which licensing is provided herein said individual shall provide to the Town Clerk of the Town of Santa Claus a copy of said license. The Town Clerk shall maintain a file on said licenses. (Ord. 1997-04, S12.02.165, 1997)

12.02.166 Annual Electrical Work. Electrical work can be performed in the Town of Santa Claus by annual permit. Permit requires proof of insurance and register at Clerk's office for an annual fee of \$10.00. Permits expire at the end of the calendar year. (Ord. 2001-02, S1, May 9, 2001)

12.02.170 Violations. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, or improve any building or structure, other than fences, in the Town of Santa Claus, Indiana, or cause or permit the same to be done, contrary to or in violation of the provisions of this code. (Ord. 1997-04, S12.02.170, 1997) (Ord. 1990-06, S17, 1990)

12.02.180 Right of appeal. All persons shall have the right to appeal the Building Inspector's decision first through the Town Council of the Town of Santa Claus, Indiana, 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. Such appeals shall be filed in writing with the Clerk-Treasurer of the Town of Santa Claus, Indiana, within ten (10) days of the Building Inspector's decision, including weekends and holidays. The Town Council of the Town of Santa Claus, Indiana, shall conduct a hearing on any appeal within ten (10) days after it is filed, excluding weekends and holidays, and shall render its decision within seven (7) days after the conclusion of the hearing. (Ord. 1997-04, S12.02.180, 1997) (Ord. 1990-06, S18, 1990)

12.02.190 Remedies. The Building Inspector shall in the name of the Town of Santa Claus, Indiana, bring actions to the Circuit Court of Spencer County, Indiana, for mandatory and

injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Inspector, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this ordinance. (Ord. 1997-04, S12.02.190, 1997) (Ord. 1990-06, S19, 1990)

12.02.200 Penalties. If any person, firm or corporation shall violate any of the provisions of this Chapter, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined within the time prescribed by the Building Inspector, or shall fail, neglect or refuse to obey any lawful order given by the Building Inspector in connection with the provisions of this Chapter for each such violation, failure or refusal, such person, firm or corporation shall be fined in any sum not less than Ten Dollars (\$10.00), nor more than Five Hundred Dollars (\$500.00). Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. In the event that a violation of the Town Building Code is continuing in nature or if the Building Inspector has given written notice of the violation and to stop work until the violation is corrected then for each day that the violation continues or work is performed in violation of the order of the Building Inspector, the owner and contractor shall each be fined the following amounts:

- \$ 50 for the first day of violation
- \$100 for the second day
- \$150 for the third day
- \$200 for the fourth day
- \$250 for the fifth day
- \$300 for the sixth day
- \$350 for the seventh day
- \$400 for the eighth day
- \$450 for the ninth day
- \$500 for the tenth day and each subsequent day of violation

These fines are intended to be cumulative and shall be paid in full prior to the issuance of the certificate of occupancy by the Building Inspector. The above stated scheme of fines shall also apply and be assessed to and be paid by any owner or contractor who allows a structure to be occupied without first having obtained a certificate of occupancy from the Building Inspector. (Ord. 1997-04, S12.02.200, 1997) (Ord. 1990-06, S20, 1990)

12.02.210 Effective date. This ordinance shall be in full force and effect from and after its adoption, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law. (Ord. 1997-04, S12.02.210, 1997) (Ord. 1990-06, S21, 1990)

Chapter 12.25

PROPERTY ADDRESSING

Sections:

- 12.25.010 Assignment of Official Permanent Property Addresses
- 12.25.020 Determining a Property Address
- 12.25.030 Placement and size of Address Numbers

12.25.010 Assignment of Official Permanent Property Addresses. All residences, commercial, industrial and public structures located in the town of Santa Claus shall be assigned a permanent city-type street address. Structures located on the south side of an east-west street/road and those located on the east side of a north-south street/road shall have an odd numbered property address. Structures located on the north side of an east-west street/road and those located on the west side of a north-south street/road shall have an even number.

In all situations the Santa Claus Advisory Plan Commission shall make the final determination of which street/road will be used for an address in accordance with IC 36-7-4-405 (b). The criteria for this determination will be based on the layout of the property, layout of the structure and other factors that may affect emergency services and mail delivery.

Street addresses are to be assigned based on a measurement of the distance from the grid line to a line perpendicular to the address road/street that intersects one of the following: the structure, or the entrance to the property that contains the structure. (Ord. 1998-07, S1.1, Apr. 8, 1998)

12.25.020 Determining a Property Address. An official street address shall contain no more than five digits with the first digit, or the first two digits if the structure is located 10 or more miles from the baseline, indicating the milepost or distance from the baselines. The third digit from the right shall indicate the block number, which will change each 528 linear feet. The last two digits indicate the number of 10.56-foot intervals from the structure to the nearest block or grid line. (Ord. 1998-07, S1.2, Apr. 8, 1998)

12.25.030 Placement and size of Address Numbers. Once a property address has been assigned to a specific structure by the Santa Claus Advisory Plan Commission, it shall be the responsibility of the property owner to provide visible and current address numbers on both the structure and on the mailbox.

The letters and numbers on the mailbox shall be in compliance with U.S. Postal Service regulations and recommendations. The house numbers shall be at least three inches (3") in height. The color of the numbering shall be in contrast to its background. The address shall be placed on both sides of the mailbox. In cases where an address is considered an "out of

bounds" address, the address name of the road/street shall also be placed on both sides of the mailbox.

The letters and numbers placed on structures shall be a least three inches (3") in height. The letters and numbers shall be placed on the main level in a location that faces the street upon which it is addressed and near a main entryway and placed higher than the height of the entryway. The color of the lettering shall be in contrast to its background. If side or back entry ways open to a street, road or alley different from the address, the side of the structure shall also have the full address, including address road/street name, properly displayed.

In situations where the mailbox is not located at the entrance to the property and address numbers on the structure are not easily visible from the road, a sign displaying the address with at least three inches (3") lettering shall be placed at the entrance to the property. The lettering color shall be in contrast to its background. An alternative method shall be to paint the address on the curb in front of the structure. The lettering on the curb shall be at least three inches (3") in height in black with a white background. (Ord. 1998-07, S1.3, Apr. 8, 1998)