

**CODE OF ORDINANCES**

**City of**

**MUNCIE, INDIANA**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 23-18, enacted October 1, 2018.**

See the References to Ordinances for further information.

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

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In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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## SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

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1-11	2- 7-11	Included	13
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35-05	6- 6-05	Included	14
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40-11	11-14-11	Included	14
3-12	4- 2-12	Included	15
8-12	5- 7-12	Included	15
10-12	6- 4-12	Included	15
21-12	7- 2-12	Included	15
22-12	8- 6-12	Included	15
51-12	1- 7-13	Included	16
3-13	3- 4-13	Included	16
4-13	3- 4-13	Included	16
36-11	10-3-11	Included	17
18-13	9- 9-13	Included	18
43-13	12- 2-13	Included	18
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47-13	1-13-14	Included	18
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9-15	4- 6-15	Included	19
40-14	12- 1-14	Included	20
11-15	6- 1-15	Included	20
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<b>Ord. No.</b>	<b>Date Adopted</b>	<b>Included/Omitted</b>	<b>Supp. No.</b>
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42-13	12-12-13	Included	21
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21-14	9- 8-14	Included	21
13-15	2- 1-16	Included	21
41-16	11-14-16	Included	22
42-16	11-14-16	Included	22
2-17	2- 6-17	Included	22
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15-15	2- 1-16	Omitted	23
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22-16	8- 1-16	Included	23
30-17	7-10-17	Included	23
36-17	10-2-17	Omitted	23
71-17	12-14-17	Included	23
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Title III

**ADMINISTRATION**

Chapter

- 30. General Provisions
- 31. Executive
- 32. Legislative
- 33. Judicial
- 34. Boards and Commissions
- 35. Police and Fire Divisions
- 36. Ordinance Violations
- 37. Collective Bargaining
- 38. Public Purchasing
- 39. Responsible Bidding Practices and Submission Requirements for Public Works Projects



**Sec. 32.21. Presiding officer to decide questions of order; appeal.**

The presiding officer shall decide all questions of order, subject to an appeal to the council by any member whose appeal shall be seconded. (Code 1968, § 31.02)

**Sec. 32.22. Presiding officer to decide whether or not question carried; division of council.**

The presiding officer shall decide whether any question is carried by affirmative or negative vote, but if in doubt, or a division be called for, the council shall divide. (Code 1968, § 31.03)

**Sec. 32.23. Debate prohibited on questions relating to order of business.**

All questions relating to the order of business shall be decided without debate. (Code 1968, § 31.04)

**Sec. 32.24. Manner of obtaining the floor.**

Before a member of the council may make a motion or address the council, he shall raise his hand, address the chair as "Mr. President", or "Madam President", and obtain recognition from the presiding officer. No member may be recognized while another member is speaking. No member shall speak more than twice on the same question, except by unanimous consent of the council members present at the time, nor more than once, until every member wishing to speak shall have spoken. (Code 1968, § 31.05; Ord. No. 620-80, 10-10-80)

**Sec. 32.25. Motion to be reduced to writing when requested; withdrawal of motion.**

Every motion shall be reduced to writing, if the presiding officer or any member desires it, and after being stated or read shall be considered in the possession of the council, but may be withdrawn at any time before decision or amendment. (Code 1968, § 31.06)

**Sec. 32.26. Motion not to be received while question is under debate; exception.**

When any question is under debate, no motion shall be received but to adjourn, to fix the day to which the council may adjourn, to lie on the table, for the previous question, to postpone to a certain day, to commit or amend or to postpone indefinitely, which several motions shall have precedence in the order in which they are here arranged. (Code 1968, § 31.07)

**Sec. 32.27. Moving the previous question.**

Debate upon any pending matter may be closed upon motion of any member, a second thereto, and an affirmative vote of a majority of the council members present. Such a motion takes precedence over all debatable questions and all subsidiary motions except motions to table, and is itself undebatable and not subject to amendment. The effect of such a motion is confined to the immediately pending motion unless specified otherwise. (Code 1968, § 31.08; Ord. No. 620-80, 10-10-80)

**Sec. 32.28. Commission and recommission of ordinances, resolutions, and reports.**

Ordinances, resolutions, and reports may be committed and recommitted at the pleasure of the council. (Code 1968, § 31.09)

**Sec. 32.29. Reconsideration of question.**

When any question has been once decided in the affirmative or negative, any member voting with the prevailing side may move a reconsideration thereof at the same or the next subsequent regular meeting; provided, that a vote passing any general ordinance shall not be reconsidered at any subsequent meeting. (Code 1968, § 31.10; Ord. No. 703-81, 8-3-81)

**Sec. 32.30. Order of propounding questions; filling blanks.**

All questions shall be propounded in order in which they are moved, except that in filling

blanks the largest sum and the longest time shall be put first, and then the next largest sum and the next longest time, and so on until the blank be filled.

(Code 1968, § 31.11)

**Sec. 32.31. Roll call required, when.**

The vote on the passage of every ordinance and resolution shall be decided by the call of the roll. The vote on all other matters, including the introduction and amendment of pending ordinances and resolutions, may be decided by a voice vote, unless a division of the house is requested by a member of the common council.

(Code 1968, § 32.12; Ord. No. 620-80, 10-10-80)

**Sec. 32.32. Certain motions not debatable; tabled ordinances or resolutions.**

(A) A motion to lie on the table or to fix the time which the council shall adjourn shall not be debatable.

(B) Any ordinance or resolution tabled by the council shall be deemed withdrawn if no action is taken thereon within six (6) months from the date said ordinance or resolution is tabled.

(Code 1968, § 31.13; Ord. No. 5-10, § 1, 5-3-10)

**Sec. 32.33. Time and place for regular meetings.**

The city council shall hold its first regular meeting in January after its election. In subsequent months, the city council shall hold regular meetings at least once a month and shall be adjourned at the pleasure of the council. Meetings shall be held in the City Council Auditorium on the first floor of the Muncie City Building unless otherwise determined by the presiding officer and designated on the agenda.

(Code 1968, § 31.14; Ord. No. 620-80, 10-10-80; Ord. No. 71-17, § 1, 12-14-17)

**Sec. 32.34. Special meetings.**

Special meetings of the council shall be held on the call of the mayor or the council's presiding officer, in the event of the absence from the city of the presiding officer or the presiding officers

incapacitation, on the call of the presiding officer pro tempore or upon written request to the city clerk of a least seven members of the council. All members of the council must be notified of a special meeting by the city clerk and the business conducted at a special meeting is limited to that which is specified in the meeting notice given in accordance with Ind. Code 5-14-1.5-5.

(Code 1968, § 31.15; Ord. No. 71-17, § 2, 12-14-17; Ord. No. 71-17, § 2, 12-14-17)

**Sec. 32.35. Committees, appointment.**

The presiding officer shall appoint all standing and other committees of the council as he shall deem necessary from time to time and designate the duties of each committee and members thereof; unless the council shall, by resolution, prescribe another mode of such designation and appointment.

(Code 1968, § 31.16)

**Sec. 32.36. Duties of committees.**

The duties of the several committees designated by the presiding officer shall be enumerated by the presiding officer and the persons appointed to the committees shall be and take cognizance of and consider all matters concerning the city which are indicated by the title of the committee so designated and all other matters which may be referred to them by the council or by the presiding officer.

(Code 1968, § 31.17)

**Sec. 32.37. Order of business.**

The order of business at regular meetings of the council shall generally be as follows:

- (A) Preliminary matters.
- (B) Calling the roll.
- (C) Approval of minutes.
- (D) Committee reports.
- (E) Ordinances previously introduced.
- (F) Introduction of ordinances.
- (G) Resolutions.
- (H) Other business.

The order of conduction of business is subject to the discretion of the presiding officer in accordance with section 32.21 herein.  
(Code 1968, § 31.18; Ord. No. 71-17, § 3, 12-14-17)



**CHAPTER 39. RESPONSIBLE BIDDING  
PRACTICES AND SUBMISSION  
REQUIREMENTS FOR PUBLIC WORKS  
PROJECTS**

Sec. 39.01.	Bid submission requirements.
Sec. 39.02.	Post-bid submission from subcontractors.
Sec. 39.03.	Certified payroll.
Sec. 39.04.	Public records.

**Sec. 39.01. Bid submission requirements.**

(A) Bid submission requirements: Estimated to be at least \$150,000.00 or more must, prior to the opening of bids, submit a statement made under oath and subject to perjury laws, on a form designated by the city and must include:

- (1) A copy of a print-out of the Indiana Secretary of State's on-line records for the bidder dated within 60 days of the submission of said document showing that the bidder is in existence, current with the Indiana Secretary of State's Business Entity Reports, and eligible for a certificate of good standing. If the bidder is an individual, sole proprietor or partnership; this subsection shall not apply;
  - (2) A list identifying all former business name.
  - (3) Any determinations by a court or governmental agency for violations of federal, state, or local laws including, but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), or federal Davis-Beacon and related Acts;
  - (4) A statement on staffing capabilities, including labor sources;
  - (5) Evidence of participation in apprenticeship and training programs, applicable to the work to be performed on the project, which are approved by and registered with the United States Department of Labor's Office of Apprenticeship, or its successor organization. The required evidence includes a copy of all applicable apprenticeship certificated or standers for these training programs.
  - (6) A copy of a written plan for employee drug testing that:
    - (a) Covers all employees of the bidder who will perform work on the public work project; and
    - (b) Meets, or exceeds, the requirements set for in IC 4-13- 18-5 or IC 4-13-18-6;
  - (7) The name and description of the management experience of each of the bidder's project managers and superintendents that bidder intends to assign to work on the project;
  - (8) Proof of any professional or trade license required by law for any trade or specialty area in which bidder is seeking a contract award; and, disclosure or any suspension or revocation within the previous five years of any professional or trade license held by the company, or of a director, office or manage employed by the bidder;
  - (9) Evidence that the contractor is utilizing a surety company which is on the United States Department of Treasury's Listing of Approved Sureties; and
  - (10) A written statement of any federal, state or local tax liens or tax delinquencies owed to any federal, state or local taxing body in the last five years.
  - (11) Evidence that all contractors and subcontractors are qualified under IC 4-13.6-4 et seq., or IC 8-23-4, et seq. This qualification requirement applies to all public works contracts awarded to contractors and subcontractors on projects governed by this chapter irrespective of the total amount of any specific contract awarded to a contractor or subcontractor on such a public works project.
- (B) The City of Muncie reserves the right to demand supplemental information, from the bidder, additional verification of any of the information provided by the bidder and may also conduct random inquiries of the bidder's current and prior customers.  
(Ord. No. 22-16, § I, 8-1-16)

**Sec. 39.02. Post-bid submission from subcontractors.**

(A) All bidders shall provide a written list that discloses the name, address, and type of work for each first-tier subcontractor from whom the bidder has accepted a bid and/or intends to hire on any part of the public work project, including individuals performing work as independent contractors, within five business days after the date the bids are due.

(B) In addition, each such first-tier subcontractor shall be required to adhere to the requirements of section 39.01 as though it were bidding directly to the city, except that first-tier subcontractors shall submit the required information (including the name, address, and type of work for each of their first-tier subcontractors) to the successful bidder no later than five business days after the subcontractor's first day of work on the public work project and the bidder shall then forward said information to the city. Payment shall be withheld from any first-tier subcontractor who fails to timely submit said information until such information is submitted and approved by the city.

(C) Upon request, the city may require any second and lower-tier subcontractors to provide the required information (including the name, address, and type of work on the project and the name of the higher-tier subcontractor). Payments shall be withheld from any second or lower-tiered contractor who fails to timely submit this information until this information is submitted and approved by the city. Additionally, the city may require the successful bidder and relevant subcontractor to remove the second or lower-tier subcontractor from the project and replace it with a responsive and responsible subcontractor.

(D) Failure of a subcontractor to submit the required information shall not disqualify the successful bidder from performing work on the project and shall not constitute a contractual default and/or breach by the successful bidder. However, the city may withhold all payments otherwise due for work performed by a subcontractor, until the subcontractor submits the required information and the city approves such information. The city may also require that the success-

ful bidder remove the subcontractor from the project and replace it with a responsive and responsible subcontractor.

(E) The disclosure of a subcontractor ("disclosed subcontractor") by a bidder or a subcontractor shall not create any rights in the disclosed subcontractor. Thus, a bidder and/or subcontractor may substitute another subcontractor ("substitute subcontractor") for one obtained by the city through its own independent verification of the information provided by the contractor. (Ord. No. 22-16, § II, 8-1-16)

**Sec. 39.03. Certified payroll.**

(A) For projects in which the cost is at least \$250,000.00, the successful bidder and all subcontractors working on a public work project shall submit a certified payroll report utilizing the federal form now known as a WH-347 which must be prepared on a weekly basis and submitted to the city within ten calendar days after the end of each week in which the bidder or subcontractor performed its work on the public work project. These certified payroll reports shall identify the job title and craft of each employee on the project, e.g. journeyman electrician or apprentice electrician.

(B) The city may withhold payment due for work performed by a bidder if the bidder fails to timely submit its certified payroll reports until such time as such certified payroll reports are submitted. The city may also withhold payment due for work performed by a subcontractor if the subcontractor fails to timely submit its certified payroll reports until such time as such certified payroll reports are submitted. The City shall not withhold payment to a bidder for work performed by the bidder or for work performed by subcontractors who have submitted their certified payroll reports, because one or more other subcontractors failed to timely submit their certified payroll reports. (Ord. No. 22-16, § III, 8-1-16)

**Sec. 39.04. Public records.**

All information submitted by a bidder or a subcontractor pursuant to this chapter, includ-

ing certified payrolls, are public records subject to review pursuant to the Indiana Access to Public Records law (IC 5-14-3).  
(Ord. No. 22-16, § III, 8-1-16)



TRAFFIC SCHEDULES

**SCHEDULE XVII: SPEED LIMIT ZONES (§ 72.16).**

The following are designated as speed limit zones:

<i>Street A</i>	<i>Between</i>	<i>Speed Limit</i>	<i>Times</i>	<i>Ord. No.</i>
Barr St.	McGalliard Rd. to Colbert Dr.	25	All	16-05
Beckett	Tillotson and Maddox	20	All	43-12
Bethel Ave.	McGalliard Rd. and Everett Rd.	40		
Broadway	Wysor St. and Dartmouth Ave.	40	All	126-75
Carver Dr.	Gavin St. and Bunch Blvd.	20	All	8-18
Clarksdale	Riverside to dead end	15	When children present	635-80
Colbert Dr.	Dunn Ave. to Linda Ln.	25	All	16-05
Dunn Ave.	Linda Ln. to Colbert Dr.	25	All	16-05
Elm	Willard and 18 <sup>th</sup> St.	20	All	43-12
Gilbert St.	Celia Ave. and McKinley Ave.	20	All	2-18
Haines Dr.	West of Linda Ln. 320 ft.	25	All	16-05
McCulloch Boulevard	Broadway Ave. and Elm St.	20	All	32-05
McGalliard Rd.	Tillotson Ave. and Granville Ave.	40		
McGalliard Rd.	Tillotson Ave. and a point 1,000 ft. east thereof	20		
Madison St.	Walnut St. and 28th St.	45	All	126-75
W. Main	Kilgore and Jackson	20	All	4-13
McKinley Ave.	Bethel and Gilbert	20	All	2-18
Martin Luther King, Jr. Blvd.	Tillotson Ave. and Cornbread Rd.	40	All	18-86
Neely/Petty	Walking Path and New York	20	All	2-18
Pine St.	Linda Ln. to Westwood Rd.	25	All	16-05
River Rd.	Tillotson Ave. and Hawthorne Dr.	40	All	51-94
Riverside Ave.	Tillotson and New York	20	All	2-18
Rochester Ave.	Memorial Dr. and 15th St.	20	All	233-76
Talley Ave.	University and Gilbert	20	All	2-18
University Ave.	Tillotson and Dicks St.	20	All	2-18

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<i>Street A</i>	<i>Between</i>	<i>Speed Limit</i>	<i>Times</i>	<i>Ord. No.</i>
Varsity Avenue	Godman and Oaklyn	20	All	11-03
Walnut	Main St. and Seymour St.	20	All	14-15
Westwood Rd.	Dunn Ave. to Colbert Dr.	25	All	16-05
Wheeling	McGalliard and Riggins	40	All	58-86
15th St.	Rochester Ave. west to dead end	20	All	223-76
17th St.	Hoyt and Gharkey	20	All	644-80
SR 32	1,000 feet east of the centerline of County Club Rd. to a point 200 feet east of the centerline of Grande Ave. (appx. 3919 feet)	50	All	DOT #3094084
	200 feet east of the centerline of Grande Ave. to a point 50 feet west of Manhattan Ave. (appx. 3816 feet)	45	All	DOT #3094084

(Ord. No. 51-94, § 1, 10-3-94; Ord. No. 32-05, 6-6-05; Ord. No. 4-13, § 1, 3-4-13)

Title XI

**BUSINESS REGULATIONS**

Chapter

- 110. Amusements
- 111. Budget Service Companies
- 112. Dance Halls
- 113. Food-Service Establishments
- 114. Food Markets
- 115. Pawnbrokers, Junk and Secondhand Dealers
- 116. Solicitors and Transient Merchants
- 117. Taxicabs and Buses
- 118. Massage Parlors
- 119. Precious Metals
- 120. Motor Vehicle Sales
- 121. Alarm Systems
- 122. Broadband Readiness



**CHAPTER 122. BROADBAND READINESS**

- Sec. 122.01. Defintions.
- Sec. 122.02. Broadband projects.
- Sec. 122.03. Processes and procedures.

**Sec. 122.01. Defintions.**

As used in this chapter, "permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a project.

As used in this chapter, "project" means the construction or development of wireline or wireless communications facilities to provide communications services (as defined in IC 8-1-32.5-3) in a unit.

(Ord. No. 21-16, §§, 1, 2, 8-1-16)

**Sec. 122.02. Broadband projects.**

(A) Notwithstanding any other provision of this city's ordinances, regulations, policy or practices, the following shall apply to a project:

(B) The mayor of the City of Muncie shall:

- (1) Appoint a single point of contact for all matters related to a project;
- (2) Establish procedures to allow all forms, applications, and documentation related to a project to be filed or submitted and signed by electronic means;
- (3) Review and approve or reject all applications for a permit related to a project within ten business days after an application is filed or submitted;
- (4) Assure that after an application is approved pursuant to subsection (A)(3), any inspections, including any additional necessary approvals, related to a project will occur in a timely and expeditious manner.

(Ord. No. 21-16, § 3, 8-1-16)

**Sec. 122.03. Processes and procedures.**

The city shall adopt adequate processes and procedures to implement provisions of section 122.02. Processes and procedures established hereunder may not do the following:

- (1) Require an applicant to designate a final contractor to complete a project;

- (2) Impose a fee to review an application or issue a permit for a project;
- (3) Impose a seasonal moratorium on the issuance of permits for a project;
- (4) Discriminate among communications service providers or utilities with respect to any action described in this section or otherwise related to a project, including granting access to public rights-of-way, infrastructure and poles, river and bridge crossings, and any other physical assets owned or controlled by the City of Muncie.

(Ord. No. 21-16, § 4, 8-1-16)



Title XV

**LAND USAGE**

Chapter

- 150. Zoning Code
- 151. Subdivision Regulations
- 152. Building Code
- 153. Electric Code
- 154. Plumbing Code
- 155. Housing Code
- 156. Uniform House Numbering System
- 157. Open Space Plan
- 157.5. Land Bank
- 158. Historic Preservation Areas
- 159. Floodplain Management
- 160. Urban Homesteading
- 161. Economic Revitalization Areas
- 162. Wireless Communication Facilities
- 163. Storm/Detention Retention Facilities for Combined Sewers
- 164. Storm Drainage and Sediment Control



construction, demolition or installation work commences prior to the issuance of a permit.

1st offense—\$100.00.

2nd offense—\$200.00.

3rd offense—Subject to penalties outlined in section 152.999.

If the building commissioner's office is not notified for required inspections the contractor will be assessed a fee of \$50.00.

(C) *Electrical permits.* Applications for installation and inspection or re-inspection of electrical permits shall be as follows:

- (1) New construction.
  - (a) Temporary service—\$25.00.
  - (b) New one- and two-family dwelling—\$50.00 plus \$25.00 inspection fee.
  - (c) Multi-family—Three or more family dwelling \$2.00 per \$1,000.00 of actual electrical cost plus \$5.00 per meter—minimum of \$50.00 plus \$25.00 inspection fee.
  - (d) Commercial, institutional, school, church or industrial building or structure—\$2.00 per \$1,000.00 of actual electrical cost—Minimum of \$50.00 plus \$25.00 inspection fee.
- (2) Replace, alter, addition or repair.
  - (a) One- and two-family dwelling—Change of service or wiring for additional circuits—\$25.00 plus \$25.00 inspection fee.
  - (b) Three or more family dwelling—\$2.00 per \$1,000.00 of actual electrical cost plus \$5.00 per meter—minimum of \$50.00 plus \$25.00 inspection fee.
  - (c) Commercial, institutional, school, church or industrial building or structure—\$2.00 per \$1,000.00 of actual electrical cost—Minimum of \$50.00 plus \$25.00 inspection fee.

- (3) Complete rewire.
  - (a) One- and two-family dwelling—\$50.00 plus \$25.00 inspection fee.
  - (b) Three or more family dwelling—\$2.00 per \$1,000.00 of actual electrical cost plus \$5.00 per meter—minimum of \$50.00 plus \$25.00 inspection fee.
  - (c) Commercial, institutional, school, church or industrial building or structure—\$2.00 per \$1,000.00 of actual electrical cost—Minimum of \$50.00 plus \$25.00 inspection fee.

- (4) License.
 

New registration .....	\$150.00
Renewal .....	\$100.00

Electrical license expires January 1 of every year.

Electrical contractors must have a local electrician license on file before work permit is issued.

- (5) Penalty. An additional fee will be assessed and added to the cost of a permit when construction, demolition, or installation work commences prior to the issuance of a permit.
  - 1st offense—\$100.00.
  - 2nd offense—\$200.00.
  - 3rd offense—Subject to penalties outlined in section 152.999.

If the building commissioner's office is not notified for required inspections the contractor will be assessed a fee of \$50.00.

(D) *Heating and ventilating permits.* Applications for installation and inspection of heating and ventilating permits shall be as follows.

- (1) New construction.
  - (a) One- and two-family dwelling—\$50.00 plus \$25.00 inspection fee.
  - (b) Three or more family dwelling, commercial, institutional, school, church or industrial building or structure—\$2.00 per \$1,000.00 of actual heat-

ing and air conditioning cost—  
Minimum \$50.00 plus \$25.00  
inspection fee (per unit).

(c) Geothermal underground loop—  
\$25.00 per installation.

(2) Extension, repair or alteration.

(a) Within an existing three or more  
family dwelling, commercial,  
institutional, school, church or  
industrial building or structure—  
\$2.00 per \$1,000.00 of actual heat-  
ing and air conditioning cost—  
minimum of \$50.00 plus \$25.00  
inspection fee (per unit).

(b) One- and two-family dwelling  
(furnace)—\$25.00 plus \$25.00 inspec-  
tion fee.

(c) One- and two-family dwelling (air  
conditioning)—\$25.00 plus \$25.00  
inspection fee.

(d) One- and two-family dwelling  
(combination furnace and air  
conditioning unit or heat pump)  
\$50.00 plus \$25.00 inspection fee.

(3) Installation, alteration, extension or  
replacement of air handling equipment  
for the removal of smoke and grease-  
laden vapors from cooking equipment—  
\$25.00 plus \$25.00 inspection fee (per  
unit).

(4) License:

New license (all classifica-  
tions) . . . . . \$150.00  
Annual renewal . . . . . \$100.00

HVAC license expires January 1 of every  
year.

HVAC contractors must have a local  
license on file before work permit is  
issued.

(5) Penalty. An inspection fee shall be  
assessed and added to the cost of a  
permit when construction, demolition, or  
installation work commences prior to the  
issuance of a permit.

1st offense—\$100.00.

2nd offense—\$200.00.

3rd offense—Subject to penalties outlined  
in section 152.999.

If the building commissioner's office is  
not notified for required inspections the  
contractor will be assessed a fee of \$50.00.

(E) *Fire suppression.*

(1) Installation, alteration, extension or  
replacement of a fire extinguishing system  
within a building, structure or premises—  
\$2.00 per \$1,000.00 of actual cost—  
Minimum \$50.00 plus \$25.00 inspection  
fee.

(2) Installation, alteration, extension or  
replacement of a fire alarm system within  
a building, structure or premises—\$2.00  
per \$1,000.00 of actual cost—Minimum  
\$50.00 plus \$25.00 inspection fee.

(3) Registration.

Contractors must supply liability insur-  
ance of \$500,000.00 and a \$5,000.00 bond.  
Contractors must be locally registered  
through the building commissioner's office.

New license . . . . . \$150.00  
Annual renewal . . . . . \$100.00

Registration will expire January 1 of  
every year

(4) Penalty. An inspection fee shall be  
assessed and added to the cost of a  
permit when construction, demolition, or  
installation work commences prior to the  
issuance of a permit.

1st offense—\$100.00.

2nd offense—\$200.00.

3rd offense—Subject to penalties outlined  
in section 152.99.

If the building commissioner's office is  
not notified of required inspections the  
contractor will be assessed a fee of \$50.00.

(F) Any time a new tenant moves into a  
commercial lease space or takes over a com-  
mercial building, the tenant is required to obtain  
a certificate of occupancy. The purpose is to  
ensure that the proposed business is allowed in

that zone and that the building meets requirements of the current zoning and city ordinance. Once the required inspections are approved, the City of Muncie will issue a certificate of occupancy to the tenant. the business cannot operate without a certificate of occupancy.

The fee for this permit is \$50.00.

*Building inspections:* Check building, electrical, plumbing and mechanical work to ensure that all aspects meet the minimum code requirements.

*Fire marshal:* Checks exit signs and safety requirements required by the fire code.

*Code enforcement:* Checks for handicap signage, parking, dumpster screen, etc.

It is the responsibility of the applicant to re-schedule inspections.

(1968 Code, § 132.46; Ord. No. 287-77, 7-13-77; Ord. No. 26-83, 5-9-83; Ord. No. 75-85, 1-6-86; Ord. No. 47-02, 11-4-02; Ord. No. 20-09, § 1, 3-2-09; Ord. No. 18-11, §§ 1—4, 8-1-11; Ord. No. 43-13, §§ 1, 2, 12-2-13; Ord. No. 16-14, § 1, 7-7-14)

**Secs. 152.36—152.39. Reserved.**

DIVISION 6. INSPECTION

**Sec. 152.40. Inspections.**

After the issuance of any building permit hereunder, the building director shall make, or shall cause to be made, such inspections of the work being done under the permit as are necessary to insure full compliance with the provisions of this code and the terms of the permit. (Ord. No. 26-85, 7-1-85; Ord. No. 5-09, § 1, 3-2-09)

**Secs. 152.41—152.44. Reserved.**

DIVISION 7. DEMOLITION OF BUILDINGS

**Sec. 152.45. Permit for demolition of buildings.**

(A) Prior to the demolition or removal of any building or structure, an application for a permit shall be made to the building director, containing

a statement of the facts in relation thereto, and stating the location and ownership of the building to be demolished. After issuance of a demolition permit by the building director, the permittee shall give 24 hours' notice to the building director before the demolition of any building or structure commences. (See section 152.35 of this Chapter for wrecking permit fee).

(B) Every application for demolition permit shall be accompanied by a \$5,000.00 surety bond by permittee issued to the city. (1968 Code, § 132.55; Ord. No. 6-09, § 1, 3-2-09)

**Sec. 152.46. Safety measures and cleanup.**

(A) In demolishing any structure or part thereof, story after story consecutively shall be completely removed. No material shall be placed upon a floor of any building in the course of demolition; the brick, timbers and other parts of the story shall be lowered to the ground immediately upon displacement. The demolition debris must be kept wet enough to prevent dust from emanating from the site. It is the contractor's responsibility to make arrangements with the water company for water from hydrants or another source.

(B) When any building has been wrecked, the person, firm or corporation who has wrecked the same shall immediately clear the property and adjacent streets and alleys of all rubbish, refuse, and loose material resulting from the wrecking. The basement or foundation walls must be completely removed and the basement floor cracked sufficiently to allow water to drain through. If the building is on a slab, the slab should be completely removed. All steps, sidewalks, driveways and retaining walls on the property must be removed. Hard fill may not be used for fill in the bottom of the hole. Fill shall be a suitable compactable fill such as pit run, back run, gravel or compactable clay material. The building director's office must inspect the excavated site prior to any fill being installed on the site in a basement or crawlspace or following removal of a slab. At the time the inspection is conducted, all debris and dumpsters must be removed from the site. The site shall be covered with topsoil and lot graded to conform to existing

elevations on adjacent properties. The graded site shall not drain onto adjacent properties nor shall water pool on the site. Seed and saw must also be placed on the lot. All conditions must be met prior to requesting final inspection.

(C) Penalty. One inspection of the excavated site will be conducted and one final inspection will be conducted free of charge. A fee of \$125.00 will be imposed for each additional inspection that is required due to uncompleted work. (1968 Code, § 132.56; Ord. No. 7-09, 3-2-09)

**Secs. 152.47—152.64. Reserved.**

**Sec. 155.16. Report of notice to vacate.**

The building commissioner shall furnish to any other designated officials in the municipality concerned therewith, a copy of each notice to vacate a building.

(Ord. No. 15-02, 6-3-02)

**Secs. 155.17—155.19. Reserved.**

DIVISION 4. TENANCY AGREEMENTS AND  
VARIANCES

**Sec. 155.20. Tenancy agreements.**

(A) Any person operating a rental unit shall have a written tenancy agreement with each adult individual dwelling on the premises. This agreement shall include the name, address and phone number of the owner of the property and the agent, if any, for the owner, and shall include or be accompanied by information summarizing current city codes, on a form provided by the building inspector, including but not limited to the following:

- (1) Trash placement and disposal, including proper containers, regular trash pickup day, placement of containers, and other restrictions desired by the owner.
- (2) Noise ordinances, including noise limits for appliances, machinery, and social gatherings.
- (3) Parking for vehicles, including:
  - (a) Provisions and designations for legal off-street parking as required by city codes.
  - (b) A summary of any on-street parking regulations for both sides of any street contiguous with the rent unit.
- (4) Legal limitations on number of occupants.

(B) A person operating a rental unit shall execute and shall secure from each tenant an executed affidavit of occupancy on a form to be provided by the building commissioner. The

affidavit(s) shall be kept by the person operating the rental unit and each tenant shall retain a copy at the rental unit.

(Ord. No. 15-02, 6-3-02; Ord. No. 2-17, § 1, 2-6-17; Ord. No. 23-18, 1, 10-1-18)

**Sec. 155.21. Variances.**

(A) The municipality shall establish a five-member housing board which shall consist of the building commissioner, who shall be the presiding officer, a member of the common council of the city and three private citizens. The common council shall designate its member and shall designate two private citizens and the mayor shall designate one private citizen member to sit on the board.

(B) No variance in the application of the provisions of this chapter shall be made by the board relating to dwellings, or premises now existing or to be constructed, unless, after a public hearing, the board shall find that the structure or the plans and specifications for the construction of any such structure are substantially in keeping with the intent and purposes of this chapter, and that the granting of such variance will not be detrimental to the public health, safety, and welfare. No variance will be granted if such structure or premises are in violation of any existing building, zoning, or other ordinances of the municipality.

(C) An application for a variance shall be submitted to the building commissioner and shall be in writing and verified, and specifically state all facts in support thereof, on forms provided by the building commissioner the applicant shall conclusively prove that he cannot secure reasonable use of the property if compelled to comply with this chapter, that he suffers a hardship as defined herein, resulting from the provisions of this chapter, that the hardship claimed is suffered by his property directly, not merely by other properties, and is not the result of applicant's own actions. The applicant must prove and the board must find that there are peculiar circumstances applicable to the property or its intended use that do not apply generally to other property in the neighborhood, that the variance will not be detrimental to public welfare or to

property in the neighborhood and that it will not be contrary to the goals of this chapter. It is not a hardship that the property would be worth more or produce more income if the variance were granted.

(D) The variance shall be subject to public hearing and the applicant shall publish notice of the hearing on a notice form to be provided by the building commissioner, in a newspaper of general circulation in the city at least ten days prior to the hearing. The applicant shall cause the notice to be published and pay all cost thereof. The applicant shall submit a complete list of all surrounding property owners within a 300-foot radius of the property, together with addressed envelopes and postage necessary to mail the hearing notice to such owners. All hearings shall be open to the public and the applicant may appear in person and/or by an agent or attorney.

(E) Judicial review. Each decision of the housing board is subject to review by certiorari. Each person aggrieved by a decision of the board may present, to the circuit courts of Delaware County, a verified petition setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. The person shall present the petition to the court within 30 days after the date of that decision of the housing board. (Ord. No. 15-02, 6-3-02)

**Secs. 155.22—155.24. Reserved.**

DIVISION 5. ENVIRONMENTAL REQUIREMENTS

**Sec. 155.25. Exterior property area.**

(A) The provisions of this section shall govern the minimum conditions of property and buildings to be used for human occupancy. Every building or structure occupied by human beings, and the premises on which it stands, shall comply with the conditions herein prescribed as they may apply thereto.

(B) No person shall occupy as owner-occupant or let to another for occupancy for the purpose of living therein, any premises or dwelling unit which do not comply with the following requirements.

- (1) *Sanitation.* All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of rubbish or garbage.
- (2) *Grading and drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any building or structure located thereon.
- (3) *Noxious weeds.* All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.
- (4) *Accessory structures.* All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.

(Ord. No. 15-02, 6-3-02)

**Sec. 155.26. Exterior structure.**

No person shall occupy as owner occupant, or let to another for occupancy, for the purpose of living therein, any dwelling, dwelling unit, rooming house, rooming unit, or portion thereof; which does not comply with the following requirements:

- (A) *Foundations, walls, and roof.* Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to prevent the presence of rodents.
- (B) *Foundations.* The foundation elements shall adequately support the building at all times.
- (C) *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other condition which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building.

- (D) *Roofs.* The roof shall be structurally sound, and have no defects which might admit rain; and roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.
- (E) *Stairs, porches, and railings.* Stairs and other exit facilities shall be adequate for safety as provided in any other codes or ordinances of the municipality regulating



required in (A) above, except where mechanical ventilation is provided in accordance with the provisions of the building code or any other code or ordinance of the municipality applicable thereto.

- (F) *Ventilation and light in bathroom and water closet.* Every bathroom and water closet compartment shall comply with the light and ventilation requirement for habitable rooms as required by (A) and (D) above, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

(Ord. No. 15-02, 6-3-02)

**Sec. 155.34. Minimum requirements for safety from fire.**

No person shall occupy as owner occupant, or shall let to another for occupancy, any dwelling, dwelling unit, rooming house, rental unit, lodging house, or lodging unit which does not comply with the applicable provisions of the fire prevention sections of the building code or any other code or ordinance of the municipality providing requirements for safety from fire, and the following additional requirements for safety from fire: All such dwellings shall be equipped with functioning smoke alarms as required by the Muncie City Code.

- (A) *Storage of flammable liquids prohibited.* No dwelling, dwelling unit, or rental unit shall be located within a building containing any area handling, dispensing, or storing flammable liquids with a flash point of 110F. or lower.
- (B) *Cooking and heating equipment.* All cooking and heating equipment, components, and accessories in every heating, cooking, and water-heating device shall be maintained free from all leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with

the provisions of the building code, plumbing code, or any other codes or ordinances of the municipality applicable thereto.  
(Ord. No. 15-02, 6-3-02)

**Secs. 155.35—155.39. Reserved.**

**DIVISION 7. RESPONSIBILITIES OF PERSONS**

**Sec. 155.40. Scope.**

Owners and occupants of dwellings or dwelling units, and owners or operators of rooming houses shall be responsible for maintenance thereof as provided in this section:

- (A) *Cleanliness.* Each occupant of a dwelling unit shall keep that part of the unit, and premises thereof, being occupied, controlled, or used, in a clean and sanitary condition.
- (B) *Disposal of rubbish.* Each occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner, by placing it in the rubbish containers required in subsection 155.30(D).
- (C) *Disposal of garbage.* Each occupant of a dwelling unit shall dispose of his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities or, if such facilities are not available, by removing all non-burnable matter and securely wrapping such garbage and placing it in a tight metal storage container as required by subsection 155.30(D); or by such other disposal method as may be required by applicable laws or ordinances of the municipality. Every occupant shall be required to maintain the entire demised premises free of garbage and rubbish.
- (D) *Use and operation of supplied plumbing fixtures.* Each occupant of a dwelling unit shall keep the supplied plumbing fixtures therein clean and sanitary, and shall be responsible for the exercise and reasonable care of their proper use and operation.

(Ord. No. 15-02, 6-3-02)

**Sec. 155.41. Prosecution of violation.**

In case any citation or other lawful order is not promptly complied with, the building commissioner may request the legal representative of the municipality to institute an appropriate action or proceeding at law or in equity against the person responsible for the violation:

- (A) To restrain, correct, or remove the violation, or refrain from any further execution of work;
  - (B) To restrain or correct the erection, installation, or alteration of a building;
  - (C) To require the removal of work in violation;
  - (D) To enjoin the occupation and use of the building, structure, or part thereof maintained in violation of any provision of this Code; or
  - (E) To enforce the penalty provisions of this Code.
  - (F) To secure any other proper remedy.
- (Ord. No. 15-02, 6-3-02)

**Sec. 155.42. Penalty.**

Every person or legal entity who shall violate any provision of this code shall, upon conviction, be punished by fine. Each day that each violation continues after due notice has been served, shall be deemed a separate offense; provided, that for one offense, no penalty or fine shall exceed \$1,000.00, nor shall be less than \$250.00. A person or entity who commits a second or subsequent offense involving the same building or premises shall be fined not less than \$500.00 for each offense.

(Ord. No. 15-02, 6-3-02; Ord. No. 2-17, § 2, 2-6-17; Ord. No. 23-18, § 1, 10-1-18)

**CHAPTER 157.5. LAND BANK**

- Sec. 157.5.01. Title.  
 Sec. 157.5.02. Purpose.  
 Sec. 157.5.03. Authority, function, powers, duties and administration.  
 Sec. 157.5.04. Establishment of the land bank board of directors.

**Sec. 157.5.01. Title.**

This chapter shall be known as the "Land Bank." The land bank established under this chapter shall be referred to the Muncie Land Bank.

(Ord. No. 30-17, §§ 1, 2, 7-10-17)

**Sec. 157.5.02. Purpose.**

The purpose of this chapter is to direct the Mayor of the City of Muncie to organize a non-profit corporation under IC § 23-17 and allowed under IC § 36-7-38, governed by a board of directors, as an independent instrumentality exercising essential governmental functions. The primary purpose of the land bank is to manage and improve the marketability of distressed real property located in the City of Muncie.

(Ord. No. 30-17, §§ 1, 2, 7-10-17)

**Sec. 157.5.03. Authority, function, powers, duties and administration.**

The authority for the adoption of this chapter is provided for in IC § 36-7-38. The function, powers, duties, and administration of the land bank established under this chapter is as stated and shall be followed as outlined in IC § 36-7-38.

(Ord. No. 30-17, §§ 1, 2, 7-10-17)

**Sec. 157.5.04. Establishment of the land bank board of directors.**

The establishment of the land bank board of directors shall include:

- (A) A director appointed under this chapter must have demonstrated competency in an occupation or discipline that is relevant to the primary purpose of a land bank.
- (B) Except as provided in this section, the term of the director of the land bank is for three consecutive calendar years. If a director is unable to complete the director's

term, the authority that appointed the director shall appoint a successor to serve for the remainder of the incomplete term.

- (C) The board of directors shall consist of nine directors.

(1) Three directors must be residents of the City of Muncie and shall be appointed by the mayor. The initial directors appointed by the mayor shall serve a term equal to the remainder of the calendar year in which the land bank is established; plus one more calendar year.

(2) Three directors must be residents of the city and shall be appointed by city council. The initial directors appointed by city council shall serve a term equal to the remainder of the calendar year in in which the land bank is established; plus two more calendar years.

(3) One director must be a resident of the city and shall be appointed by the Delaware County Treasurer. The initial director appointed by the Delaware County Treasurer shall serve a term equal to the remainder of the calendar year in which the land bank is established plus renewable terms equal to three calendar years.

(4) Two additional directors shall be appointed in the manner and subject to the requirements set forth in the land bank's bylaws.

(Ord. No. 30-17, §§ 1, 2, 7-10-17)



## REFERENCES TO INDIANA CODE

IC	Code Sec.	IC	Code Sec.
Trial Rule 6(A)	10.12	9-4-1-9	70.01
1-1-1-8	10.07	9-4-1-10	70.01
1-1-3.5	10.05	9-4-1-11	70.01
1-1-4-1	10.06	9-4-1-12	70.01
1-1-4-5	10.05	9-4-1-13	70.01
3-12-5-17	30.03	9-4-1-14	70.01
3-13-8	31.04	9-4-1-15	70.01
4-13-18-5	39.01	9-4-1-16	70.01
4-13-18-6	39.01	9-4-1-17	70.01
4-13.6-4 et seq.	39.01	9-4-1-18	70.01
4-21.5-1 et seq.	34.105	9-4-1-19	70.01
4-21.5-1-1 et seq.	72.35	9-4-1-20	70.01
4-21.5-3-7	152.26	9-4-1-21	70.01
4-22-1	72.35	9-4-1-24	70.03
4-22-1-3	72.35	9-4-1-25	70.04
4-22-1-30	72.35	9-4-1-26	70.05
4-22-2	72.30, 72.39	9-4-1-29	70.06
5-2-8-6	35.15	9-4-1-30	73.01
5-4-1 et seq.	33.03	9-4-1-33	70.15
5-4-1-1—5-4-1-19	30.03	9-4-1-34	70.16
5-4-1-5.1	30.03	9-4-1-35	70.17, 73.01
5-4-1-8	30.03	9-4-1-36	70.18, 73.01
5-4-1-9	30.03	9-4-1-37	70.19
5-4-1-10	30.03	9-4-1-38	70.20
5-4-1-17	30.03	9-4-1-40	72.01
5-14-1.5-5	33.34	9-4-1-41	72.02
5-14-3	39.04	9-4-1-42	72.03
	72.07	9-4-1-43	72.04
5-16-1	93.28	9-4-1-44	72.05
5-17-1	93.28	9-4-1-45	72.06
5-16-9	77.30	9-4-1-46	72.07
6-1.1-24-4.5	160.03	9-4-1-47	72.08
6-1.1-25-1	160.03	9-4-1-48	72.09
6-1.1-25-4	160.03	9-4-1-49	72.10
6-1.1-25-4.5	160.03	9-4-1-50	72.13
6-1.1-25-7.5	160.03	9-4-1-51	72.11
8-1-32.5-3	122.01	9-4-1-53	72.12
8-2.1-17-15	117.01	9-4-1-57	72.15
8-23-4 et seq.	39.01	9-4-1-58	72.16
9-1-2-1(h)	79.27	9-4-1-59	72.17
9-1-4-52	72.45	9-4-1-60	72.18
9-2-1	72.36	9-4-1-61	72.19
9-2-1 et seq.	74.01	9-4-1-62	72.20
9-4-1-2	70.01	9-4-1-63	71.01
9-4-1-3	70.01	9-4-1-64	71.02
9-4-1-4	70.01	9-4-1-65	71.03
9-4-1-5	70.01	9-4-1-66	71.04
9-4-1-6	70.01	9-4-1-67	71.05
9-4-1-7	70.01	9-4-1-68	71.06
9-4-1-8	70.01	9-4-1-69	71.07

MUNCIE CODE

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