

**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. 27-09, passed May 4, 2009.**

See the References to Ordinances for further information.

*Remove old pages*

xix—xxiv

Checklist of up-to-date pages

III:29, III:30

III:44.1

IX:55—IX:58.1

XV:109—XV:132

XV:141—XV:145

CCT:19—CCT:21

CDi:1—CDi:2.1

CDi:9—CDi:10.1

CDi:17, CDi:18

CDi:21, CDi:22

CDi:25—CDi:26.2

CDi:31, CDi:32

*Insert new pages*

xix—xxiv

Checklist of up-to-date pages  
(following Table of Contents)

III:29—III:30.1

III:44.1, III:44.2

IX:55—IX:58

XV:109—XV:132

XV:141—XV:144

CCT:19—CCT:21

CDi:1—CDi:2.1

CDi:9—CDi:10.1

CDi:17, CDi:18

CDi:21, CDi:22

CDi:25—CDi:26.2

CDi:31, CDi:32

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

MUNICIPAL CODE CORPORATION

Post Office Box 2235

1700 Capital Circle, S.W.

Tallahassee, FL 32316

(850) 576-3171

1-800-262-CODE

Website: [www.municode.com](http://www.municode.com)



TABLE OF CONTENTS

	Page
Officials of the City . . . . .	iii
Preface . . . . .	vii
Adopting Ordinances . . . . .	ix
Checklist of Up-to-Date Pages . . . . .	[1]
 Title	
I. General Provisions . . . . .	I:1
Ch. 10. Rules of Construction . . . . .	I:3
Ch. 11. Corporate Boundaries . . . . .	I:7
Ch. 12. Councilmanic Districts . . . . .	I:9
 III. Administration . . . . .	 III:1
Ch. 30. General Provisions . . . . .	III:3
Div. 1. Inventory of City Property . . . . .	III:7
Div. 2. Wages . . . . .	III:2
Ch. 31. Executive . . . . .	III:9
Div. 1. General Organization . . . . .	III:9
Div. 2. Order of Succession for Office of Mayor . . . . .	III:17
Ch. 32. Legislative . . . . .	III:19
Div. 1. General Provisions . . . . .	III:19
Div. 2. Rules of Council . . . . .	III:22
Ch. 33. Judicial . . . . .	III:27
Ch. 34. Boards and Commissions . . . . .	III:29
Div. 1. Plan Commission . . . . .	III:29
Div. 2. Muncie Economic Development Commission . . . . .	III:30
Div. 3. Redevelopment Commission . . . . .	III:30
Div. 4. Police and Firemen's Pension Boards . . . . .	III:31
Div. 5. Human Rights Commission . . . . .	III:31
Div. 6. Industrial Revolving Fund Board . . . . .	III:37
Div. 7. Historic Preservation and Rehabilitation Commission . . . . .	III:39
Div. 8. Muncie Cable Television Commission . . . . .	III:43
Div. 9. Public Transportation Corporation . . . . .	III:44
Div. 10. Animal Care Commission . . . . .	III:44.1
Ch. 35. Police and Fire Division . . . . .	III:45
Div. 1. General Provisions . . . . .	III:45
Div. 2. Police Division . . . . .	III:45
Div. 3. Fire Division . . . . .	III:47
Div. 4. Police Reserve Unit . . . . .	III:47
Div. 5. Police Representation . . . . .	III:48
Div. 6. Firefighters Representation . . . . .	III:52
Ch. 36. Ordinance Violations . . . . .	III:57
Ch. 37. Collective Bargaining . . . . .	III:59

MUNCIE CODE

Title	Page
V. Public Works .....	V:1
Ch. 50. Sewers and Sewage Disposal.....	V:3
Div. 1. General Provisions.....	V:3
Div. 2. Sewer Charges .....	V:7
Div. 3. Sewer Connections.....	V:10
Ch. 51. Water Service.....	V:13
Ch. 52. Waste and Litter; Care of Premises.....	V:15
Div. 1. General Provisions.....	V:15
Div. 2. Care of Premises.....	V:16
Div. 3. Weed Control.....	V:18
Div. 4. Litter .....	V:18
Div. 5. Waste Collection .....	V:19
Div. 6. Administration .....	V:20
Ch. 53. Wastewater Treatment .....	V:23
Div. 1. In General .....	V:23
Div. 2. Pretreatment.....	V:30
Div. 3. Permits .....	V:31
Div. 4. Compliance Monitoring and Reporting.....	V:36
Div. 5. Enforcement.....	V:42
Div. 6. Affirmative Defenses to Discharge Viola- tions.....	V:46
Div. 7. Rates and Charges.....	V:48
Ch. 55. Cable Television .....	V:51
VII. Traffic Code .....	VII:1
Ch. 70. General Provisions .....	VII:3
Div. 1. Traffic-Control Devices .....	VII:8
Ch. 71. Traffic Rules.....	VII:13
Div. 1. Passing Generally .....	VII:14
Div. 2. Turns .....	VII:17
Div. 3. Right-of-Way; Stopping .....	VII:18
Div. 4. Stopping; Standing; Parking.....	VII:19
Div. 5. Emergency Vehicles.....	VII:21
Div. 6. Railroad Crossings.....	VII:21
Div. 7. Railroads.....	VII:23
Div. 8. School Buses .....	VII:23
Div. 9. Processions.....	VII:24
Div. 10. Loads.....	VII:25
Div. 11. General .....	VII:25
Ch. 72. Drivers .....	VII:29
Div. 1. Accidents.....	VII:29
Div. 2. Speed.....	VII:32
Div. 3. Driving While Intoxicated .....	VII:35
Div. 4. Driving While License Impounded or Sus- pended.....	VII:41
Div. 5. Prohibition of Consumption of Alcoholic Bev- erages While Driving.....	VII:42
Div. 6. Passenger Restraint Systems .....	VII:43
Div. 7. Passenger Restraint Systems for Children .	VII:44

TABLE OF CONTENTS—Cont'd.

Title	Page
Ch. 73. Pedestrians.....	VII:47
Ch. 74. Bicycles and Motorcycles .....	VII:49
Div. 1. Bicycles .....	VII:49
Div. 2. Motorcycles .....	VII:52
Ch. 75. Equipment .....	VII:55
Div. 1. General .....	VII:55
Div. 2. Lights and Reflectors .....	VII:60
Ch. 76. Abandoned Vehicles .....	VII:73
Ch. 77. Parking Regulations.....	VII:75
Div. 1. General .....	VII:75
Div. 2. Snow Emergency .....	VII:83
Div. 3. Business District (Loop).....	VII:86
Ch. 78. Commercial Vehicles .....	VII:89
Ch. 79. Traffic Administration; Enforcement.....	VII:93
Div. 1. Traffic Administration.....	VII:93
Div. 2. Enforcement.....	VII:96
Ch. 80. Traffic Schedules.....	VII:99
IX. General Regulations .....	IX:1
Ch. 90. Animals .....	IX:3
Ch. 91. Fire Prevention .....	IX:11
Div. 1. Fire Prevention Code.....	IX:11
Div. 2. Miscellaneous Fire Regulations .....	IX:13
Div. 3. Smoke Detectors.....	IX:15
Ch. 92. Minors .....	IX:19
Div. 1. Curfew Regulations .....	IX:19
Div. 2. Restrictions .....	IX:20
Ch. 93. Beech Grove Cemetery .....	IX:21
Div. 1. Regulations .....	IX:21
Div. 2. Board of Trustees .....	IX:22
Div. 3. Superintendent .....	IX:26
Ch. 94. Pollution of Air; Smoke .....	IX:27
Ch. 95. Parks and Recreation .....	IX:29
Ch. 96. Streets and Sidewalks.....	IX:33
Div. 1. In General .....	IX:34
Div. 2. Obstructions.....	IX:34
Div. 3. Benches at Bus Stops .....	IX:36
Div. 4. Sidewalks .....	IX:38
Div. 5. Regulation of Activities Within Public Rights- of-Way .....	IX:39
Div. 6. Official Thoroughfare Plan .....	IX:43
Div. 7. Access Control.....	IX:45
Div. 8. Bus Shelters .....	IX:46
Ch. 97. Tree Ordinance .....	IX:49
Ch. 98. Nuisances .....	IX:55
Div. 1. Weeds and Rank Vegetation .....	IX:55
Div. 2. Dwellings, Structures, Excavations.....	IX:57
Ch. 99. Sale of City-Owned Property.....	IX:63
Div. 1. Personal Property.....	IX:63

MUNCIE CODE

Title	Page
Div. 2. Real Property .....	IX:63
Ch. 100. Noise .....	IX:65
Ch. 101. Muncie Area Party Plan .....	IX:69
Ch. 102. Reimbursement for Hazardous Materials Emergency Action .....	IX:71
XI. Business Regulations .....	XI:1
Ch. 110. Amusements .....	XI:3
Ch. 111. Budget Service Companies .....	XI:5
Ch. 112. Dance Halls .....	XI:9
Ch. 113. Food-service Establishments .....	XI:11
Ch. 114. Food Markets .....	XI:17
Ch. 115. Pawnbrokers, Junk and Secondhand Dealers .....	XI:21
Ch. 116. Solicitors and Transient Merchants .....	XI:25
Div. 1. General Provisions .....	XI:25
Div. 2. Canvassers, Solicitors or Distributors .....	XI:26
Div. 3. Transient Merchants .....	XI:29
Ch. 117. Taxicabs and Buses .....	XI:31
Div. 1. Taxicabs .....	XI:31
Div. 2. Buses .....	XI:34
Ch. 118. Massage Parlors .....	XI:37
Ch. 119. Precious Metals .....	XI:41
Ch. 120. Motor Vehicle Sales .....	XI:45
Ch. 121. Alarm Systems .....	XI:47
XIII. General Offenses .....	XIII:1
Ch. 130. General Offenses .....	XIII:3
Div. 1. Offenses Against Public Safety .....	XIII:3
Div. 2. Offenses Against Peace .....	XIII:4
Div. 3. Offenses Against Health .....	XIII:5
Div. 4. Offenses Against Property .....	XIII:5
Div. 5. Civil Emergency .....	XIII:7
XV. Land Usage .....	XV:1
Ch. 150. Zoning Code .....	XV:3
Div. 1. General Provisions .....	XV:5
Div. 2. General Exceptions .....	XV:13
Div. 3. Zones .....	XV:13
Div. 4. Farming Zone .....	XV:15
Div. 5. R-1 Residence Zone .....	XV:17
Div. 6. R-2 Residence Zone .....	XV:18
Div. 7. R-3 Residence Zone .....	XV:20
Div. 8. R-4 Residence Zone .....	XV:22
Div. 9. R-4a Residence Zone .....	XV:23
Div. 10. R-5 Residence Zone .....	XV:25
Div. 11. R-6 Residence Zone .....	XV:27
Div. 12. BP Business and Professional Office Zone .....	XV:30
Div. 13. CB Central Business Zone .....	XV:13
Div. 14. BL Limited Business Zone .....	XV:32
Div. 15. BC Community Business Zone .....	XV:33

TABLE OF CONTENTS—Cont'd.

Title	Page
Div. 16. BV Variety Business Zone .....	XV:34
Div. 17. MT Major Trading Zone .....	XV:35
Div. 18. IL Limited Industrial Zone .....	XV:35
Div. 19. II Intense Industrial Zone .....	XV:37
Div. 20. IP Industrial Park Zone .....	XV:38
Div. 21. Flood Areas .....	XV:38
Div. 22. HPD Historic Preservation Zone .....	XV:39
Div. 23. AD Airport Development Zone .....	XV:39
Div. 24. SSS Student Social Service Zone.....	XV:41
Div. 25. MHR Mobile Home Residence Zone .....	XV:41
Div. 26. Performance Standards .....	XV:44
Div. 27. Special Uses.....	XV:70.6
Div. 28. Administration .....	XV:82
Div. 29. Definitions .....	XV:86
Ch. 151. Subdivision Regulations .....	XV:97
Div. 1. Definitions .....	XV:97
Div. 2. Control and Procedure .....	XV:99
Div. 3. Design .....	XV:99
Div. 4. Preliminary Plat and Improvements.....	XV:102
Div. 5. Improvements and Requirements .....	XV:103
Div. 6. Final Plat .....	XV:107
Div. 7. Fees .....	XV:108
Div. 8. Exceptions and Variations .....	XV:108
Div. 9. Conformity to Master Plan .....	XV:109
Div. 10. Changes and Amendments .....	XV:108
Ch. 152. Building Code .....	XV:109
Div. 1. General Provisions.....	XV:109
Div. 2. Administration .....	XV:110
Div. 3. Unsafe Buildings .....	XV:111
Div. 4. Violations and Enforcement .....	XV:115
Div. 5. Permits .....	XV:115
Div. 6. Inspection .....	XV:120
Div. 7. Demolition of Buildings .....	XV:120
Div. 8. Fire Zones.....	XV:121
Div. 9. Residential Building Code General Provi- sions.....	XV:121
Div. 10. Moving Buildings.....	XV:122
Ch. 153. Electric Code .....	XV:125
Div. 1. Electric Contractors.....	XV:125
Div. 2. Heating and Cooling Contractors.....	XV:128
Ch. 154. Plumbing Code .....	XV:141
Ch. 155. Housing Code.....	XV:147
Div. 1. General Provisions.....	XV:147
Div. 2. Administration and Enforcement.....	XV:150
Div. 3. Condemnation.....	XV:151
Div. 4. Tenancy Agreements and Variances .....	XV:153
Div. 5. Environmental Requirements .....	XV:154
Div. 6. Space and Occupancy Requirements.....	XV:156
Div. 7. Responsibilities of Persons.....	XV:161

MUNCIE CODE

Title	Page
Ch. 156. Uniform House Numbering System.....	XV:163
Ch. 157. Open Space Plan.....	XV:167
Ch. 158. Historic Preservation Areas.....	XV:169
Ch. 159. Floodplain Management.....	XV:175
Ch. 160. Urban Homesteading.....	XV:187
Ch. 161. Economic Revitalization Areas.....	XV:191
Div. 1. Real Property Tax Abatement.....	XV:191
Div. 2. Tangible Personal Property Tax Abatement	XV:196
Ch. 162. Wireless Communication Facilities.....	XV:201
Ch. 163. Storm Detention/Retention Facilities for Com- bined Sewers.....	XV:209
Ch. 164. Storm Drainage and Sediment Control.....	XV:211
Table of Special Ordinances.....	TSO:1
Table I. Annexations.....	TSO:3
Table II. Annexations.....	TSO:25
Table III. Street Name Changes.....	TSO:51
Table IV. Zoning Map Changes.....	TSO:75
Table V. Reciprocal Agreements.....	TSO:101
References to Indiana Code.....	SLT:1
Statutory Conversion Table.....	SCT:1
Code Comparative Table.....	CCT:1
Code Index.....	CDi:1

## Checklist of Up-to-Date Pages

(This checklist will be updated with the  
printing of each Supplement)

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.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

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.

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
Title page	OC	III:17, III:18	OC
iii	OC	III:19, III:20	OC
vii, viii	OC	III:21, III:22	OC
ix, x	OC	III:23, III:24	OC
xi, xii	OC	III:25, III:26	OC
xiii, xiv	OC	III:27, III:28	OC
xv, xvi	OC	III:29, III:30	10
xvii	OC	III:30.1	10
xix, xx	10	III:31, III:32	OC
xxi, xxii	10	III:33, III:34	OC
xxiii, xxiv	10	III:35, III:36	OC
I:1	OC	III:37, III:38	OC
I:3, I:4	OC	III:39, III:40	7
I:5	OC	III:41, III:42	7
I:7	OC	III:43,	7
I:9	OC	III:44.1, III:44.2	10
III:1	OC	III:45, III:46	OC
III:3, III:4	OC	III:47, III:48	OC
III:5, III:6	OC	III:49, III:50	OC
III:7, III:8	OC	III:51, III:52	OC
III:9, III:10	OC	III:53, III:54	OC
III:11, III:12	OC	III:55	OC
III:13, III:14	OC	III:57	OC
III:15, III:16	OC	III:59, III:60	OC

MUNCIE CODE

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
III:61	OC	VII:35, VII:36	OC
V:1	OC	VII:37, VII:38	OC
V:3, V:4	OC	VII:39, VII:40	OC
V:5, V:6	OC	VII:41, VII:42	OC
V:7, V:8	OC	VII:43, VII:44	OC
V:9, V:10	OC	VII:45	OC
V:11, V:12	OC	VII:47, VII:48	OC
V:13	OC	VII:49, VII:50	OC
V:15, V:16	OC	VII:51, VII:52	OC
V:17, V:18	OC	VII:53, VII:54	OC
V:19, V:20	OC	VII:55, VII:56	OC
V:21	OC	VII:57, VII:58	OC
V:23, V:24	OC	VII:59, VII:60	OC
V:25, V:26	OC	VII:61, VII:62	OC
V:27, V:28	OC	VII:63, VII:64	OC
V:29, V:30	OC	VII:65, VII:66	OC
V:31, V:32	OC	VII:67, VII:68	OC
V:33, V:34	OC	VII:69, VII:70	OC
V:35, V:36	OC	VII:71	OC
V:37, V:38	OC	VII:73	OC
V:39, V:40	OC	VII:75, VII:76	1
V:41, V:42	OC	VII:77, VII:78	OC
V:43, V:44	OC	VII:79, VII:80	5
V:45, V:46	OC	VII:80.1	5
V:47, V:48	OC	VII:81, VII:82	1
V:49	OC	VII:83, VII:84	1
V:51, V:52	1	VII:84.1	1
VII:1	OC	VII:85, VII:86	OC
VII:3, VII:4	OC	VII:87	5
VII:5, VII:6	OC	VII:89, VII:90	OC
VII:7, VII:8	OC	VII:91, VII:92	OC
VII:9, VII:10	OC	VII:93, VII:94	OC
VII:11, VII:12	6	VII:95, VII:96	OC
VII:13, VII:14	OC	VII:97	OC
VII:15, VII:16	OC	VII:99, VII:100	2
VII:17, VII:18	OC	VII:103, VII:104	OC
VII:19, VII:20	OC	VII:105, VII:106	OC
VII:21, VII:22	OC	VII:107, VII:108	OC
VII:23, VII:24	OC	VII:109, VII:110	OC
VII:25, VII:26	OC	VII:111, VII:112	OC
VII:27	OC	VII:113, VII:114	1
VII:29, VII:30	OC	VII:115, VII:116	OC
VII:31, VII:32	OC	VII:117, VII:118	OC
VII:33, VII:34	OC	VII:119, VII:120	OC

CHECKLIST OF UP-TO-DATE PAGES

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
VII:121, VII:122	OC	VII:201, VII:202	OC
VII:123, VII:124	OC	VII:203	3
VII:125, VII:126	OC	VII:207	OC
VII:127, VII:128	OC	VII:209	OC
VII:129, VII:130	OC	VII:211, VII:212	5
VII:131, VII:132	OC	VII:213	6
VII:133, VII:134	OC	VII:215, VII:216	OC
VII:135, VII:136	OC	VII:217	OC
VII:137, VII:138	OC	VII:219, VII:220	3
VII:139, VII:140	OC	VII:221, VII:222	2
VII:141, VII:142	1	VII:223	3
VII:142.1	1	VII:225	3
VII:143, VII:144	OC	VII:227	OC
VII:145, VII:146	OC	VII:229	OC
VII:147, VII:148	3	VII:231	OC
VII:148.1	3	VII:233	OC
VII:149, VII:150	OC	VII:235, VII:236	1
VII:151, VII:152	OC	IX:1	9
VII:153, VII:154	OC	IX:3, IX:4	8
VII:155, VII:156	2	IX:4.1	8
VII:156.1	2	IX:5, IX:6	5
VII:157, VII:158	1	IX:7, IX:8	5
VII:159, VII:160	1	IX:9, IX:10	8
VII:161, VII:162	9	IX:10.1	8
VII:162.1	9	IX:11, IX:12	OC
VII:163, VII:164	OC	IX:13, IX:14	OC
VII:165, VII:166	OC	IX:15, IX:16	OC
VII:167, VII:168	OC	IX:17	OC
VII:169, VII:170	OC	IX:19, IX:20	4
VII:171, VII:172	3	IX:21, IX:22	OC
VII:173	3	IX:23, IX:24	OC
VII:175, VII:176	9	IX:25, IX:26	OC
VII:177, VII:178	OC	IX:27	OC
VII:179, VII:180	OC	IX:29, IX:30	OC
VII:181	7	IX:31	OC
VII:183, VII:184	OC	IX:33, IX:34	OC
VII:185, VII:186	OC	IX:35, IX:36	OC
VII:187, VII:188	OC	IX:37, IX:38	OC
VII:189	OC	IX:39, IX:40	OC
VII:191, VII:192	OC	IX:41, IX:42	OC
VII:193, VII:194	1	IX:43, IX:44	OC
VII:195, VII:196	OC	IX:45, IX:46	OC
VII:197, VII:198	OC	IX:47, IX:48	OC
VII:199, VII:200	OC	IX:49, IX:50	OC

MUNCIE CODE

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
IX:51, IX:52	OC	XV:11, XV:12	OC
IX:53	OC	XV:13, XV:14	OC
IX:55, IX:56	10	XV:15, XV:16	OC
IX:57, IX:58	10	XV:17, XV:18	OC
IX:59, IX:60	OC	XV:19, XV:20	OC
IX:61	OC	XV:21, XV:22	OC
IX:63	OC	XV:23, XV:24	OC
IX:65, IX:66	OC	XV:25, XV:26	OC
IX:67	OC	XV:27, XV:28	OC
IX:69, IX:70	4	XV:29, XV:30	OC
IX:71, IX:72	9	XV:31, XV:32	OC
XI:1	OC	XV:33, XV:34	OC
XI:3	OC	XV:35, XV:36	OC
IX:5, IX:6	OC	XV:37, XV:38	OC
IX:7	OC	XV:39, XV:40	OC
XI:9, XI:10	OC	XV:41, XV:42	OC
XI:11, XI:12	OC	XV:43, XV:44	OC
XI:13, XI:14	OC	XV:45, XV:46	3
XI:15	OC	XV:47, XV:48	3
XI:17, XI:18	OC	XV:49, XV:50	3
XI:19, XI:20	OC	XV:50.1	3
XI:21, XI:22	OC	XV:51, XV:52	OC
XI:23, XI:24	OC	XV:53, XV:54	OC
XI:25, XI:26	2	XV:55, XV:56	OC
XI:27, XI:28	2	XV:57, XV:58	OC
XI:29, XI:30	2	XV:59, XV:60	OC
XI:31, XI:32	OC	XV:61, XV:62	OC
XI:33, XI:34	OC	XV:63, XV:64	OC
XI:35	OC	XV:65, XV:66	3
XI:37, XI:38	OC	XV:67, XV:68	3
XI:39, XI:40	OC	XV:69, XV:70	3
XI:41, XI:42	OC	XV:70.1, XV:70.2	3
XI:43	OC	XV:70.3, XV:70.4	3
XI:45	OC	XV:70.5, XV:70.6	3
XI:47, XI:48	OC	XV:70.7, XV:70.8	3
XIII:1	OC	XV:71, XV:72	OC
XIII:3, XIII:4	OC	XV:73, XV:74	OC
XIII:5, XIII:6	OC	XV:75, XV:76	OC
XIII:7, XIII:8	OC	XV:77, XV:78	OC
XV:1	4	XV:79, XV:80	OC
XV:3, XV:4	OC	XV:81, XV:82	OC
XV:5, XV:6	3	XV:83, XV:84	OC
XV:7, XV:8	OC	XV:85, XV:86	OC
XV:9, XV:10	OC	XV:87, XV:88	OC

CHECKLIST OF UP-TO-DATE PAGES

<b>Page No.</b>	<b>Supp. No.</b>	<b>Page No.</b>	<b>Supp. No.</b>
XV:89, XV:90	OC	XV:179, XV:180	OC
XV:91, XV:92	OC	XV:181, XV:182	OC
XV:93, XV:94	OC	XV:183, XV:184	OC
XV:95, XV:96	OC	XV:185	OC
XV:97, XV:98	OC	XV:187, XV:188	OC
XV:99, XV:100	OC	XV:189, XV:190	OC
XV:101, XV:102	OC	XV:191, XV:192	4
XV:103, XV:104	OC	XV:193, XV:194	OC
XV:105, XV:106	OC	XV:195, XV:196	4
XV:107, XV:108	OC	XV:196.1	4
XV:109, XV:110	10	XV:197, XV:198	OC
XV:111, XV:112	10	XV:199, XV:200	OC
XV:113, XV:114	10	XV:201, XV:202	OC
XV:115, XV:116	10	XV:203, XV:204	OC
XV:117, XV:118	10	XV:205, XV:206	OC
XV:119, XV:120	10	XV:207	OC
XV:121, XV:122	10	XV:209, XV:210	OC
XV:123, XV:124	10	XV:211, XV:212	4
XV:125, XV:126	10	XV:213, XV:214	4
XV:127, XV:128	10	XV:215, XV:216	4
XV:129, XV:130	10	XV:217, XV:218	4
XV:131, XV:132	10	XV:219, XV:220	4
XV:133, XV:134	OC	XV:221, XV:222	4
XV:135, XV:136	OC	TSO:1	OC
XV:137, XV:138	OC	TSO:3, TSO:4	OC
XV:139	OC	TSO:5, TSO:6	OC
XV:141, XV:142	10	TSO:25	OC
XV:143, XV:144	10	TSO:51, TSO:52	OC
XV:147, XV:148	OC	TSO:75, TSO:76	OC
XV:149, XV:150	OC	TSO:77	OC
XV:151, XV:152	OC	TSO:101	OC
XV:153, XV:154	OC	SLT:1, SLT:2	OC
XV:155, XV:156	OC	SLT:3, SLT:4	OC
XV:157, XV:158	OC	SCT:1	OC
XV:159, XV:160	OC	CCT:1, CCT:2	OC
XV:161, XV:162	OC	CCT:3, CCT:4	OC
XV:163, XV:164	OC	CCT:5, CCT:6	OC
XV:165	OC	CCT:7, CCT:8	OC
XV:167	OC	CCT:9, CCT:10	OC
XV:169, XV:170	OC	CCT:11, CCT:12	OC
XV:171, XV:172	3	CCT:13, CCT:14	OC
XV:173, XV:174	4	CCT:15, CCT:16	OC
XV:175, XV:176	OC	CCT:17, CCT:18	4
XV:177, XV:178	OC	CCT:19, CCT:20	10

MUNCIE CODE

<b>Page No.</b>	<b>Supp. No.</b>
CCT:21	10
CDi:1, CDi:2	10
CDi:2.1	10
CDi:3, CDi:4	OC
CDi:5, CDi:6	OC
CDi:7, CDi:8	4
CDi:9, CDi:10	10
CDi:10.1	10
CDi:11, CDi:12	9
CDi:12.1	9
CDi:13, CDi:14	5
CDi:14.1	5
CDi:15, CDi:16	4
CDi:17, CDi:18	10
CDi:19, CDi:20	4
CDi:21, CDi:22	10
CDi:23, CDi:24	4
CDi:25, CDi:26	10
CDi:26.1, CDi:26.2	10
CDi:27, CDi:28	OC
CDi:29, CDi:30	OC
CDi:31, CDi:32	10
CDi:33, CDi:34	3
CDi:35	3

## CHAPTER 34. BOARDS AND COMMISSIONS

### Division 1. Plan Commission

- Sec. 34.01. Delaware-Muncie Plan Commission created.
- Sec. 34.02. Powers and duties.
- Sec. 34.03. Termination of commission.
- Secs. 34.04—34.19. Reserved.

### Division 2. Muncie Economic Development Commission

- Sec. 34.20. Purpose.
- Sec. 34.21. Creation.
- Sec. 34.22. Nomination and appointment.
- Sec. 34.23. Meeting.
- Secs. 34.24—34.39. Reserved.

### Division 3. Redevelopment Commission

- Sec. 34.40. Creation.
- Sec. 34.41. Nomination and appointment.
- Sec. 34.42. Meetings.
- Secs. 34.43—34.69. Reserved.

### Division 4. Police and Firemen's Pension Boards

- Sec. 34.70. Police pension fund board of trustees.
- Sec. 34.71. Firemen's pension fund board of trustees.
- Secs. 34.72—34.79. Reserved.

### Division 5. Human Rights Commission

- Sec. 34.80. Public policy and purpose.
- Sec. 34.81. Definitions and exemptions.
- Sec. 34.82. Human rights commission created.
- Sec. 34.83. Term of office.
- Sec. 34.84. Officers.
- Sec. 34.85. Meetings.
- Sec. 34.86. Powers and duties.
- Sec. 34.87. Unlawful discriminatory practices.
- Secs. 34.88—34.94. Reserved.

### Division 6. Industrial Revolving Fund Board

- Sec. 34.95. Creation.
- Sec. 34.96. Membership.
- Sec. 34.97. Powers and duties of the board.
- Secs. 34.98, 34.99. Reserved.

### Division 7. Historic Preservation and Rehabilitation Commission

- Sec. 34.100. Creation.
- Sec. 34.101. Membership.
- Sec. 34.102. Powers and duties.
- Sec. 34.103. Certificate of appropriateness required.
- Sec. 34.104. Demolition permit.
- Sec. 34.105. Decision subject to review.
- Secs. 34.106—34.119. Reserved.

### Division 8. Muncie Cable Television Commission

- Sec. 34.120. Creation.
- Sec. 34.121. Nomination and appointment; qualifications.
- Sec. 34.122. Powers and duties.
- Secs. 34.123—34.144. Reserved.

### Division 9. Public Transportation Corporation

- Sec. 34.145. Establishment of urban mass transportation system.
- Sec. 34.146. Creation of municipal corporation; board of directors.
- Sec. 34.147. Maximum territorial boundaries; map.
- Sec. 34.148. Governed by state law.
- Secs. 34.149—34.159. Reserved.

### Division 10. Animal Care Commission

- Sec. 34.160. Name.
- Sec. 34.161. Purpose.
- Sec. 34.162. Duties.
- Sec. 34.163. Meetings.
- Sec. 34.164. Membership.

## DIVISION 1. PLAN COMMISSION

### **Sec. 34.01. Delaware-Muncie Plan Commission created.**

There is created the Delaware-Muncie Metropolitan Plan Commission, with its term of existence and its powers, authorities, and duties beginning as of January 1, 1965.

(Code 1968, § 34.01)

**State law reference**—Advisory plan commissions, IC 18-7-4-101 et seq.

### **Sec. 34.02. Powers and duties.**

The Delaware-Muncie Metropolitan Plan Commission shall have the powers, functions, and duties and shall be constituted, all as defined by Chapter 258 of the Acts of the General Assembly of the State of Indiana, 1953, as amended by Chapter 59 of the Acts of the General Assembly of the State of Indiana, 1959, and as further amended by Chapter 114 of the Acts of the General Assembly of the State of Indiana, 1961.

(Code 1968, § 34.02)

### **Sec. 34.03. Termination of commission.**

In the event the board of county commissioners of Delaware County, Indiana, shall fail to adopt an identical ordinance providing for the coopera-

tion of Delaware County in such metropolitan plan commission, or in the event the county council of Delaware County shall, in any year fail to appropriate necessary funds for the use of the said metropolitan plan commission as provided by section 8 of Chapter 258 of the Acts of the General Assembly of the State of Indiana, 1953, as amended, or in the event Chapter 114 of the Acts of the General Assembly of the State of Indiana, 1961, shall be declared to be unconstitutional or inoperative for any reason, with respect to the City of Muncie and Delaware County, Indiana, then and in any such event the Muncie City Plan Commission, as heretofore constituted, and with the powers, functions, and duties as set out in Chapter 258 of the Acts of the General Assembly of the State of Indiana, 1953, as amended, shall be reconstituted and shall function thereafter for the purposes and with the powers set out in the statute, all as if this ordinance of cooperation had never been adopted.  
(Code 1968, § 34.04)

**Secs. 34.04—34.19. Reserved.**

**DIVISION 2. MUNCIE ECONOMIC DEVELOPMENT COMMISSION**

**Sec. 34.20. Purpose.**

The financing of single, identified economic development or pollution control facilities and the provision of a program to finance multiple unidentified economic development or pollution control facilities that promote a substantial likelihood of:

- (A) Creating or retaining opportunities for gainful employment;
- (B) Creating business opportunities;
- (C) Providing reliable water services;
- (D) The abatement, reduction, or prevention of pollution; or
- (E) The removal or treatment of substances in materials being processed that otherwise would cause pollution when used; serve a public purpose and will be of benefit to the health or general welfare of the unit proposing to issue bonds for the

financing or program or of the unit where the facilities that are to be financed are located.

(Ord. No. 13-85, 5-6-85; Ord. No. 33-89, 1989)

**State law references**—Similar provisions, IC 36-7-12-3; promotion of economic development, IC 36-7-12.

**Sec. 34.21. Creation.**

There is created the Muncie Economic Development Commission, which shall consist of five members.

(Code 1968, § 34.60; Ord. No. 13-85, 5-6-85)

**Sec. 34.22. Nomination and appointment.**

(A) Members of the Muncie Economic Development Commission shall be nominated and appointed as provided in IC 36-7-12 and shall serve for the terms as provided in such chapter.

(B) The clerk is directed to notify the mayor and common council of the city and the Delaware County Council of the adoption of these sections and of their duty to nominate, select, and/or appoint members of the Muncie Economic Development Commission as required by IC 36-7-12-9.  
(Code 1968, § 34.61; Ord. No. 13-85, 5-6-85)

**Sec. 34.23. Meeting.**

The Muncie Economic Development Commission shall meet upon call of the mayor to organize and shall notify the director of the Indiana Department of Commerce in writing of the formation of the commission within 30 days of the organization meeting.

(Code 1968, § 34.62; Ord. No. 13-85, 5-6-85)

**Secs. 34.24—34.39. Reserved.**

**DIVISION 3. REDEVELOPMENT COMMISSION**

**Sec. 34.40. Creation.**

There is created the department of redevelopment and the redevelopment commission, which commission shall consist of five members.

(Code 1968, § 34.20)

**Sec. 34.41. Nomination and appointment.**

(A) Trustees and commissioners of the redevelopment commission shall be nominated and appointed as provided in IC 18-7-7 and shall serve for the terms as provided in that chapter.



**Sec. 34.148. Governed by state law.**

The public transportation corporation shall be governed by the provisions of the Urban Mass Transportation Act of 1965, of the Indiana Acts, Chapter 337, and the amendments thereto.

(Ord. No. 81-682, 5-4-81)

**State law reference**—Similar provisions, IC 36-9-4.

**Secs. 34.149—34.159. Reserved.**

## DIVISION 10. ANIMAL CARE COMMISSION

**Sec. 34.160. Name.**

There is hereby established the Muncie Animal Care Commission.

(Ord. No. 56-04, § 1, 1-10-05)

**Sec. 34.161. Purpose.**

The purpose of the animal care commission is to provide guidelines and procedures for the care, protection and control of animals throughout the City of Muncie and at the Muncie Animal Shelter.

(Ord. No. 56-04, § 2, 1-10-05)

**Sec. 34.162. Duties.**

The animal care commission shall establish the necessary procedures, rules and guidelines for the care, protection and control of animals held at the Muncie Animal Shelter. Additionally, the commission shall have the duty to recommend to the mayor of the city a person to act as the director of the Muncie Animal Shelter. The mayor shall accept the recommendation of the commission. The commission shall advertise the fact that there is an opening for the position and conduct such interviews of applicants as it deems necessary.

(Ord. No. 56-04, § 3, 1-10-05)

**Sec. 34.163. Meetings.**

The animal care commission shall in meet January of each year for organizational purposes and to conduct other such business as may come before the commission. All other meetings of the commission shall be at the call of the president of the commission or at the written call of at least two members of the commission. All meetings of

the commission shall be open to the public. Additionally, the commission shall use as its attorney that person who has been appointed city attorney by the mayor, or that person's designee.

(A) At the initial meeting of the commission, it shall: 1) select a President, 2) Cause to be written, a letter requesting the Muncie Area Veterinarians to recommend one (1) additional member to the commission who must be a doctor of veterinary medicine who lives in the City of Muncie, Indiana or in Delaware County, 3) Issue a call for another meeting of the commission, to be held not more than 60 days later for the purposes of considering and approving the recommendation of the Muncie Area Veterinarians to become a commission member, and to conduct any other business that may come before the commission.

(i) In the event that the commission cannot agree, by a majority vote of it's members, to the appointment of the one additional member, the President shall cause a written report of the deadlock to be forwarded to the judge of the Delaware Circuit Court No. 1 within 30 days of the meeting. The Judge of the Delaware Circuit Court No. 1 shall then make one appointment who must be doctor of veterinary medicine who lives in the city or in Delaware County.

(B) At any regular meeting or special meeting of the commission there shall be an agenda provided to each member and the commission shall conduct its business as set out in this division.

(Ord. No. 56-04, § 4, 1-10-05)

**Sec. 34.164. Membership.**

The animal care commission shall consist of five voting members who shall have staggered three-year terms, and shall serve at the pleasure of the person or body who appointed them.

(A) Two members of the commission shall be appointed by the mayor for a period of three years and at least one of whom shall

be a doctor of veterinary medicine living either in the city or in Delaware County, Indiana. Provided, that the initial appointments by the mayor shall be for a term of one year.

- (B) Two members of the commission shall be appointed by the common council of the city for a period of three years and at least one of whom shall be a doctor of veterinary medicine living either in the city or Delaware County. Provided that the initial appointments by the common council shall be for a term of two years.
- (C) One member of the commission shall be appointed by the initial four members pursuant to the procedures set out subsection 34.163(A) and subsection 34.163(A)(i) as set out above. The initial term for this member, and each succeeding member, shall be for a term of three years.

(Ord. No. 56-04, § 5, 1-10-05)

**CHAPTER 98. NUISANCES**

**DIVISION 1. WEEDS AND RANK VEGETATION\***

Division 1. Weeds and Rank Vegetation

- Sec. 98.01. Definitions.
- Sec. 98.02. Duty of property owners.
- Sec. 98.03. Initial inspection; notice of violation.
- Sec. 98.04. Fine for initial violation.
- Sec. 98.05. Failure to abate; abatement by city.
- Sec. 98.06. Unpaid fees and costs.
- Sec. 98.07. Appeals procedures.
- Secs. 98.09—98.19. Reserved.

Division 2. Dwellings, Structures, Excavations

- Sec. 98.20. Declared a public nuisance.
- Sec. 98.21. Board of health may order structure to be repaired, cleaned.
- Sec. 98.22. Notice to be issued upon failure to meet requirements.
- Sec. 98.23. Reinspection after the end of allotted time.
- Sec. 98.24. Second notice to be issued for continued violation.
- Sec. 98.25. Second notice to be posted.
- Sec. 98.26. Second notice to be recorded in county recorder's office.
- Sec. 98.27. Liable to penalties after second notice.
- Sec. 98.28. Authority to issue notice to vacate premises.
- Sec. 98.29. Extending and revoking vacating order.
- Sec. 98.30. Owner liable for costs incurred by city.
- Sec. 98.31. Board of health may make repairs.
- Sec. 98.32. Notice of such repairs to be served.
- Sec. 98.33. Owner to allow such repairs to take place.
- Sec. 98.34. Repairs to constitute a debt in favor of city.
- Sec. 98.35. When dwelling declared unfit for habitation.
- Sec. 98.36. When a vacant building shall be declared unfit.
- Sec. 98.37. Notice to owner to remove unfit structure.
- Sec. 98.38. Reoccupying dwelling pending removal prohibited.
- Sec. 98.39. Owner may seek hearing on decision.
- Sec. 98.40. Application for demolition order if owner fails to comply.
- Sec. 98.41. Demolition to include filling in excavation.
- Sec. 98.42. Revolving fund created.
- Sec. 98.43. Board to have information on maintenance of housing.
- Sec. 98.44. Applying for reconsideration of notice of alleged violation.
- Sec. 98.45. Board to set date for informal conference.
- Sec. 98.46. Applicant permitted to present his grounds at conference.
- Sec. 98.47. Decision of the conference.
- Sec. 98.48. Person may obtain judicial review on final decision.
- Sec. 98.49. Person appealing must file bond.
- Sec. 98.99. Penalty.

**Sec. 98.01. Definitions.**

For purposes of this division, the following definitions shall apply:

- (A) *Property owner* shall mean the record owner or owners of a particular property as reflected by the most current property records of Delaware County.
  - (B) *Weeds and/or rank vegetation* shall mean any vegetable matter which exceeds the height of 12 inches; provided however that such definition does not include:
    - (1) Trees, bushes or shrubs which have been planted or cultivated by the owner or occupant of the land, and which do not interfere with public safety or lawful use of the a public right-of-way or easement;
    - (2) Agricultural crops;
    - (3) Vegetation cultivated in plant beds.
- (Ord. No. 27-09, § 1, 5-4-09)

**Sec. 98.02. Duty of property owners.**

It shall be the duty of all owners of real property located within the corporate limits of the City of Muncie to cut and/or remove weeds and/or rank vegetation growing on their property.

(Ord. No. 27-09, § 1, 5-4-09)

**State law reference**—I.C. 36-7-10.1-3(a)

**Sec. 98.03. Initial inspection; notice of violation.**

(A) It shall be the duty of the Office of the City of Muncie Building Commissioner, or its designee, to inspect properties located within the corporate limits of the city for the purpose of determining whether there exists weeds and/or rank vegetation.

**\*Editor's note**—Ord. No. 27-00, § 11, adopted May 4, 2009, repealed former Div. 1, §§ 98.10—98.15, in their entirety and enacted new provisions as herein set out. Former §§ 98.10—98.15 pertained to similar subject matter and derived from Ord. No. 12-01, § 1, 5-7-01; Ord. No. 55-04, §§ I, II, 1-11-05; Ord. No. 81-05, 4-15-06.

(B) If it is determined that weeds and/or rank vegetation exist on a property located within the corporate limits of the city, a notice of violation (NOV) shall be issued to the property owner.

(C) The NOV shall be in writing and shall be served by delivery in person, by first class mail, and/or by placement in a conspicuous place on the property where the violation exists. The notice shall state (i) the location and nature of the violation and the initial fine imposed; (ii) order the property owner to remove the weeds and/or rank vegetation within ten days; (iii) describe the procedure for appealing the NOV; and (iv) inform the property owner that failure to remedy the violation within the time specified gives the city the right to enter the property to abate the violation and charge the property owner for the costs and administrative fees incurred by the city. (Ord. No. 27-09, § 1, 5-4-09)

**Sec. 98.04. Fine for initial violation.**

Upon the issuance of an NOV, the property owner shall be assessed a fine of \$75.00 as a result of the violation. The city shall bring suit in a court of competent jurisdiction to collect the fine imposed under this chapter. (Ord. No. 27-09, § 1, 5-4-09)

**Sec. 98.05. Failure to abate; abatement by city.**

(A) If, upon reinspection after ten days, it is determined that abatement has not occurred or the NOV has not been appealed within the time specified, representatives of the city building commissioner shall enter the premises for the purpose of cutting and/or removing such weeds and rank vegetation.

(B) After abatement of the violation is complete, the city building commissioner, or his/her designee, shall by certified mail, return receipt requested, send the property owner a bill for the costs and fees associated with abatement. The property owner shall be responsible for the following fees and costs:

- (1) *Administrative fee:* Due to the time, effort and cost associated with inspecting properties, evaluating ownership records and

issuing proper notice to property owners, an administrative fee of \$125.00 shall be charged.

- (2) *Costs of abatement:* Due to equipment and labor costs associated with entering a property and removing weeds and/or rank vegetation, the property owner shall be charged a fee of \$50.00 per half hour for the time spent abating the violation.

(Ord. No. 27-09, § 1, 5-4-09)

**State law reference**—I.C. 36-1-6-2.

**Sec. 98.06. Unpaid fees and costs.**

Upon the failure of the owner, after receiving proper notice, to pay the applicable fees and costs within a period of 30 days, the City of Muncie shall obtain a lien upon the property on which the violation was abated in accordance with I.C. 36-7-10.1-4 and I.C. 36-1-6-2. The auditor shall place the amount claimed, plus any additional fees incurred by the auditor, on the tax duplicate against the property affected by the work and the amount shall be collected as taxes are collected and disbursed to the general fund of the city.

(Ord. No. 27-09, § 1, 5-4-09)

**State law reference**—I.C. 36-7-10.1-4.

**Sec. 98.07. Appeals procedures.**

(A) An NOV may be appealed to the city board of public works and safety by providing a written request to the office of the building commissioner within ten days of its issuance. An informal appeal hearing shall take place during the next regularly scheduled meeting of the board of public works and safety.

(B) A property owner may appeal or dispute the accuracy of the statement of costs received as a result of failure to abate a violation to the city board of public works and safety by providing a written request to the office of the building commissioner within ten days of its issuance. An informal hearing shall take place during the next regularly scheduled meeting of the board of public works and safety following the written request.

(Ord. No. 27-09, § 1, 5-4-09)

**Secs. 98.08—98.19. Reserved.**

DIVISION 2. DWELLINGS, STRUCTURES,  
EXCAVATIONS

**Sec. 98.20. Declared a public nuisance.**

The city board of health may declare a public nuisance and order to be removed, abated, suspended, altered, improved, or purified any dwelling, structure, excavation, business, pursuit, or thing in or about a dwelling or its lot, or the plumbing, sewage, drainage, light, or ventilation of the dwelling unfit for human habitation. (Ord. No. 180-B, 4-5-70)

**Sec. 98.21. Board of health may order structure to be repaired, cleaned.**

The city board of health may order any dwelling, excavation, building, structure, sewer, plumbing, pipe, passage, premises, ground, or thing in or about a dwelling or its lot to be purified, cleansed, disinfected, renewed, altered, repaired, or improved. (Ord. No. 180-B, 4-5-70)

**Sec. 98.22. Notice to be issued upon failure to meet requirements.**

Whenever the city board of health or the health officer determines that any dwelling, dwelling unit, rooming unit, or the premises surrounding any of these fails to meet the requirements set forth in §§ 98.20 through 98.49, or in applicable rules and regulations issued pursuant thereto, he shall issue a notice setting forth the alleged failures and advising the owner, occupant, or other person in charge that such failures must be corrected. This notice shall:

- (A) Be in writing.
- (B) Set forth the alleged violations of §§ 98.20 through 98.49 or of applicable rules and regulations issued pursuant thereto.
- (C) Describe the dwelling, dwelling unit, or rooming unit where the violations are alleged to exist or to have been committed.
- (D) Provide a reasonable time, not to exceed 60 days, for the correction of any violation alleged.

- (E) Be served upon the owner, occupant, or other person in charge of the dwelling, dwelling unit, or rooming unit personally or by registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, or other person in charge. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice in or about the dwelling, dwelling unit, or rooming unit described in the notice, or by causing such notice to be published in a newspaper of general circulation for a period of two consecutive days.

(Ord. No. 180-B, 4-5-70)

**Sec. 98.23. Reinspection after the end of allotted time.**

At the end of the time allowed for the correction of any violation alleged, the local health officer shall reinspect the dwelling, dwelling unit, or rooming unit described in the notice. (Ord. No. 180-B, 4-5-70)

**Sec. 98.24. Second notice to be issued for continued violation.**

If upon reinspection the violations alleged are determined by the local health officer not to have been corrected, he shall issue a second notice of violation which shall constitute an order requiring that the failure to meet the requirements of §§ 98.20 through 98.49, or of applicable existing rules or regulations issued pursuant thereto, shall be corrected within five days after the date of such reinspection, if the person served with such notice does not request a reconsideration or petition for a hearing on the matter in the manner hereinafter provided. (Ord. No. 180-B, 4-5-70)

**Sec. 98.25. Second notice to be posted.**

The city board of health shall cause a copy of the second notice to be posted in a conspicuous place in or about the dwelling, dwelling unit, or

rooming unit where the violations are alleged to exist, and shall serve it in the manner provided hereafter.  
(Ord. No. 180-B, 4-5-70)

**Sec. 98.26. Second notice to be recorded in county recorder's office.**

The city board of health, after the expiration of time granted the person served with such a notice to seek reconsideration or a hearing in the manner hereinafter provided by §§ 98.20 through 98.49, or after a final decision adverse to such person served has been rendered by the city board of health or by circuit or superior court to which an appeal has been taken, shall immediately cause the second notice to be recorded in the county recorder's office.  
(Ord. No. 180-B, 4-5-70)

**Sec. 98.27. Liable to penalties after second notice.**

All subsequent transferees of the dwelling, dwelling unit, or rooming unit in connection with which a second notice has been recorded shall be deemed to have notice of the continuing existence of the violations alleged. The transferees shall be liable to all penalties and procedures provided by §§ 98.20 through 98.49, and by applicable rules and regulations issued pursuant thereto, to the same degree as was their transferor.  
(Ord. No. 180-B, 4-5-70)

**Sec. 98.28. Authority to issue notice to vacate premises.**

Whenever it is determined by the city board of health that a dwelling is unfit for human habitation, the city board of health may issue an order or notice requiring all persons living in the dwelling to vacate it within 15 days. The notice shall serve it in the manner provided in § 98.22.  
(Ord. No. 180-B, 4-5-70)

**Sec. 98.29. Extending and revoking vacating order.**

The city board of health making such order shall, for a good reason, extend the time within which to comply with the vacating order. When

the board is satisfied that the danger from the dwelling has ceased to exist and that it is fit for habitation, it may revoke the order.  
(Ord. No. 180-B, 4-5-70)

**Sec. 98.30. Owner liable for costs incurred by city.**

Any owner, occupant, or other person in charge of a dwelling, dwelling unit, or rooming unit who has received the order or notice to vacate such dwelling, dwelling unit, or rooming unit violating any provision of §§ 98.20 through 98.49, or failing to comply with any order of the city board of health, shall be liable for all costs and expenses paid or incurred by the board of health, its duly authorized agents, or the local health officer, in executing the order. This may be recovered in a

**CHAPTER 152. BUILDING CODE**

Division 1. General Provisions

- Sec. 152.01. Title; purpose; scope.
- Sec. 152.02. Adoption of regulations by reference.
- Sec. 152.03. Effective date.
- Sec. 152.04. Reserved.

Division 2. Administration

- Sec. 152.05. Powers and duties of building director.
- Sec. 152.06. Right of entry.
- Sec. 152.07. Stop order.
- Sec. 152.08. Certificate of occupancy.
- Sec. 152.09. Standards.
- Secs. 152.10—152.14. Reserved.

Division 3. Unsafe Buildings

- Sec. 152.15. Unsafe building law.
- Secs. 152.16—152.24. Reserved.

Division 4. Violations and Enforcement

- Sec. 152.25. Violations.
- Sec. 152.26. Right of appeal.
- Sec. 152.27. Legal proceedings.
- Secs. 152.28, 152.29. Reserved.

Division 5. Permits

- Sec. 152.30. Permit required.
- Sec. 152.31. Application for permits.
- Sec. 152.32. Compliance with other regulations.
- Sec. 152.33. Review of application.
- Sec. 152.34. Issuance of permit.
- Sec. 152.35. Permit fees.
- Secs. 152.36—152.39. Reserved.

Division 6. Inspection

- Sec. 152.40. Inspections.
- Secs. 152.41—152.44. Reserved.

Division 7. Demolition of Buildings

- Sec. 152.45. Permit for demolition of buildings.
- Sec. 152.46. Safety measures and cleanup.
- Secs. 152.47—152.64. Reserved.

Division 8. Fire Zones

- Sec. 152.65. Fire zones.
- Sec. 152.66. Commercial, industrial, apartments, and public buildings fire limits.
- Sec. 152.67. One- or two-family dwellings, fire limits.
- Secs. 152.68, 152.69. Reserved.

Division 9. Residential Building Code General Provisions

- Sec. 152.70. Definitions.
- Sec. 152.71. Occupancy of structure.
- Secs. 152.72—152.134. Reserved.

Division 10. Moving Buildings

- Sec. 152.135. Application for permit required; contents of application.
- Sec. 152.136. Amount and payment of permit fees.
- Sec. 152.137. Agreement of applicant to be filed with application.
- Sec. 152.138. Examination of building to be moved.
- Sec. 152.139. Notice and hearing for determination by board of zoning appeals.
- Sec. 152.140. Notification to public utilities to file estimate of damages.
- Sec. 152.141. Notice to applicant that permit will be issued upon posting of bond and deposit to cover damages.
- Sec. 152.142. Issuance or refusal of permit.
- Sec. 152.143. Notice of completion of moving.
- Sec. 152.144. Moving building without permit; leaving building in street for unreasonable time; failure to complete building after moving.
- Sec. 152.145. Injunctive relief against violation; recovery of costs.
- Sec. 152.999. Penalty.

**DIVISION 1. GENERAL PROVISIONS**

**Sec. 152.01. Title; purpose; scope.**

(A) *Title.* This chapter, and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the City of Muncie, Indiana," may be cited as such, and will be referred to herein as "this code."

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

(C) *Scope.* The provisions of this code apply to the construction, alterations, repair, use, occupancy, maintenance and additions to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4, in the city.  
(Ord. No. 26-85, 7-1-85; amend. Ord. No. 16-88, 5-9-88)

**Sec. 152.02. Adoption of regulations by reference.**

(A) 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 code, 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:

- (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 Code; Amendments.
  - (c) Standard for Permanent Installation of Manufactured Homes.
- (3) Article 16-Plumbing Codes.  
Indiana Plumbing Code.
- (4) Article 17-Electrical Codes.
  - (a) Indiana Electrical Code.
  - (b) Safety Code for Health Care Facilities.
- (5) Article 18-Mechanical Codes.  
Indiana Mechanical Code.
- (6) Article 19-Energy Conservation Codes.
  - (a) Indiana Energy Conservation Code.
  - (b) Modifications to the Model Energy Code.
- (7) Article 20-Swimming Pool Codes.  
Indiana Swimming Pool Code.

(B) Copies of this code, and rules, regulations, and codes adopted herein by reference are on file as required by law in the office of the building director of the city, 300 N. High Street, Muncie, Indiana.

(Ord. No. 26-85, 7-1-85; amend. Ord. No. 61-86, 11-10-86; amend. Ord. No. 16-88, 5-9-83; Ord. No. 1-09, § 1, 3-2-09)

**Sec. 152.03. Effective date.**

This code shall be in full force and effect from and after its adoption, approval by the State Fire Prevention and Building Safety Commission.

(Ord. No. 61-86, 11-10-86)

**Sec. 152.04. Reserved.**

DIVISION 2. ADMINISTRATION

**Sec. 152.05. Powers and duties of building director.**

The building director is authorized and directed to administer and enforce all of the provisions of this code. Whenever in the building regulations, it is provided that anything must be done to the approval of or subject to the direction the building director or any other officer of the city, this shall be construed to give the officer only the discretion of determining whether the rules and standards established by this code have been complied with. No such provision shall be construed as giving any officer discretionary powers as to what the regulations, codes, or standards shall be, or power to require conditions not prescribed by ordinances or to enforce the provisions of this code or ordinances in an arbitrary or discriminatory manner.

(Ord. No. 26-85, 7-1-85)

**Sec. 152.06. Right of entry.**

Upon presentation of proper credentials, the building director or his duly authorized representatives may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this code.

(Ord. No. 26-85, 7-1-85)

**Sec. 152.07. Stop order.**

Whenever any work is being done contrary to the provisions of this code, the building director may order the work stopped by notice in writing, or attached to the property where the work is being performed, served on any persons engaged in the doing, or causing such work to be done, and any such persons shall forthwith stop the work until authorized by the building director to proceed with the work.

(Ord. No. 26-85, 7-1-85; Ord. No. 2-09, § 1, 3-2-09)

**Cross reference**—Penalty, § 152.999.

**Sec. 152.08. Certificate of occupancy.**

No certificate of occupancy for any building or structure erected, altered, or repaired after the adoption of this code shall be issued unless the building or structure was erected, altered, or repaired in compliance with the provisions of this code.

(Ord. No. 26-85, 7-1-85)

**Sec. 152.09. Standards.**

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. No. 26-85, 7-1-85)

**Secs. 152.10—152.14. Reserved.**

## DIVISION 3. UNSAFE BUILDINGS

**Sec. 152.15. Unsafe building law.**

(A) *Establishment.* Under the provisions of IC 36-7-9-3 there is established the Muncie Unsafe Building Law.

(B) *Definitions.* The definitions as stated in IC 36-7-9-2 are amended and the following definitions shall apply in the enforcement of this section. Words in the singular include the plural and words in the plural include the singular.

*Building.* Includes *structure* and shall be construed as if followed by the words "or part thereof".

*Department.* The building department shall be the "department" as set out in IC 36-7-9-2 and shall have the powers and duties of the "department" as set out in IC 36-7-9-1 through IC 36-7-9-28 in addition to the powers and duties enumerated in this code and municipal ordinances of the city.

*Enforcement authority.* The building director shall be the "enforcement authority" within the meaning of IC 36-7-9-2 and shall have the powers and duties of the "enforcement authority" as set out in IC 36-7-9-1 through IC 36-7-9-28 in addition to the powers and duties enumerated in this Code and the municipal ordinances of the city.

*Substantial property interest.* Any right in real property that may be affected in a substantial way by actions authorized by this section including a fee interest, a life estate interest, a future interest, a present possessory interest, or an equitable interest of a contract purchaser. The interest reflected by a deed, lease, license, mortgage, land sale contract, or lien is not a "substantial property interest" unless the deed, lease, license, mortgage, land sale contract, lien, or evidence of it is:

- (1) Recorded in the office of the county recorder; or
- (2) The subject of a written information that is received by the building director and includes the name and address of the holder of the interest described.

*Unsafe building hearing authority.* There shall be created a five-member "unsafe building hearing authority" to be appointed by the mayor and serve during his term of office. This hearing authority shall consist of the historic preservation officer, a member of the common council of the city, and three private citizens who are residents of the corporate limits of the city, and it shall be the hearing authority within the meaning of IC 36-7-9-2 and shall have the powers and duties of the hearing authority as set out in IC 36-7-9-1 through IC 36-7-9-28 in addition to the powers and duties enumerated in this Code and the municipal ordinances of the city.

(C) (1) Adoption of state law. I.C. 36-7-9-1, 36-7-9-3 through 36-7-9-10, 36-7-9-11, and 36-7-9-12 as modified herein, and 36-7-9-13 through 36-7-9-28 are adopted by reference as the Muncie Unsafe Building Law together with any and all amendments thereto that are made following this date. All proceedings in the city for inspection, repair, and removal of unsafe buildings shall be governed by this law and the provisions of this section.

(2) Vacant structures.

- (a) In Muncie there exists a large number of unoccupied structures that are not maintained and that constitute a hazard to public health, safety and welfare.
- (b) Vacant structures often become dilapidated because the structures are not maintained and repaired by the owners or persons in control of the structures.
- (c) Vacant structures attract children, become harborage for vermin, serve as temporary abodes for vagrants and criminals, and are likely to be damaged by vandals or set ablaze by arsonists.
- (d) Unkept grounds surrounding vacant structures invite dumping of garbage, trash, and other debris.
- (e) Many vacant structures are situated on narrow city lots and in close proximity to neighboring structures, thereby increasing the risk of conflagration and spread of insect and rodent infestation.
- (f) Vacant, deteriorated structures contribute to blight, cause a decrease in property values, and discourage neighbors from making improvements to properties.
- (g) Structures that remain boarded up for an extended period of time also exert a blighting influence and contribute to the decline of the neighborhood by decreasing property val-

ues, discouraging persons from moving into the neighborhood, and encouraging persons to move out of the neighborhood.

- (h) Vacant structures often continue to deteriorate to the point that demolition of the structure is required, thereby decreasing available housing in a community and further contributing to the decline of the neighborhood.
- (i) The blighting influence of vacant, deteriorated structures adversely affects the tax revenues of local government.
- (j) The city finds that vacant, deteriorated structures create a serious and substantial problem in urban areas and are public nuisances.
- (k) In recognition of the problems created in the community by vacant structures the city finds that vigorous and disciplined action should be taken to ensure proper maintenance and repair standards set forth in section 152.15(H) and all remedies and penalties associated with violations thereof, shall and do apply to vacant structures.

(D) *Nuisances.* All buildings or portions thereof within this city which are determined, after inspection by the building director or his agent acting in his behalf, to be unsafe as defined in this section are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in the unsafe building law.

(E) *Authorization of building director.* The building director for the city is authorized to administer and proceed under the provisions of this law in ordering the repair or removal of any buildings found to be unsafe as defined by state law adopted herein and the definition as set forth herein.

(F) *Decision; appeal.* Whenever in the building regulations of the city or the unsafe building law it is provided that anything must be done to the approval or subject to the direction of the building

director, or any other officer acting for and on behalf of the building director, this shall be construed to give the officer the discretion of determining whether the rules and standards established by this chapter have been complied with. Any aggrieved party may request the unsafe building hearing authority to review the action of the building director.

(G) *Definition of unsafe building amended.* The definition of an unsafe building contained in IC 36-7-9-4 is supplemented to provide minimum standards for building condition or maintenance in the city by adding the following definitions: Any building or structure which has any or all the conditions or defects hereinafter described shall be deemed to be an unsafe building, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered.

- (1) 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.
- (2) Whenever the stress in any 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 or similar structure, purpose, or location.
- (3) 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 the catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.
- (4) 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.
- (5) 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 into 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.
- (6) 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.
- (7) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay, or inadequacy of its foundation; or any other cause is likely to partially or completely collapse.
- (8) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (9) 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.
- (10) Whenever the building or structure, exclusive of foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or covering.
- (11) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become an

attractive nuisance to children; or freely accessible to persons for the purpose of committing unlawful acts.

- (12) Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirements or prohibition applicable to the building or structure provided by the building regulations of the city, or of any law or ordinance of this state or city relating to the condition, location, or structure of buildings.
- (13) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinance has in any nonsupporting part, member, or portion less than 50 percent or in any supporting part, member, or portion less than 66 percent of the strength, fire-resistant qualities or characteristics, or weather-resistant qualities or characteristics required by law in the case of a newly constructed building or like area, height, and occupancy in the same location.
- (14) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air, or sanitation facilities, or otherwise, is determined by the building director to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.
- (15) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of fire-resistant construction, faulty electric wiring, gas connections, or heating apparatus, or other cause is determined by the building director to be a fire hazard.
- (16) 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.

(H) *Standards.* All work for the reconstruction, alteration, 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 rules and regulations pertaining to construction, plumbing, electrical, mechanical, and one- and two-family dwellings, promulgated by the state administrative building council, shall be considered standard acceptable practice for all matters covered by this section by the building director of the city.

(I) *Building director.* In any instance where the word "director" is used in the provisions of the Indiana Code as adopted herein the same shall be construed to apply to the building director for the city.

(J) *Unsafe building fund.* An unsafe building fund is established, currently known as the Clearance Fund Account 96 of Community Development. This is in accordance with the provisions of IC 36-7-9-14 and pursuant to the provisions contained therein, any balance remaining at the end of the fiscal year shall be carried over in the fund for the following year and does not revert to the general fund.

(K) *Contractors.* In any instance where the words "contractor" or "contractor licensed and qualified under law" are used in IC 36-7-9-11, IC 36-7-9-12 or any other sections of the statute, as adopted herein, requirements are modified in that any contractor approved by the building director may perform any work that is required in complying with the orders of the building director.

(L) *Violation; penalty.* No person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done contrary to or in violation of the provisions of this section or any order by the building director. Any person violating the provisions of this section or the provisions of the Indiana Code as adopted herein

shall commit a separate violation for each day that such violation continues and shall be subject to a penalty of not more than \$2,500.00 for each violation, subject to execution as by law provided. (Ord. No. 962-82, 1-10-83; Ord. No. 29-84, 6-11-84; Ord. No. 10-85, 4-1-85; Ord. No. 17-87, 8-3-87; Ord. No. 36-90, 9-10-90; Ord. No. 42-91, 12-9-91; Ord. No. 3-09, § 1, 3-2-09)

**Secs. 152.16—152.24. Reserved.**

**DIVISION 4. VIOLATIONS AND ENFORCEMENT**

**Sec. 152.25. Violations.**

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure, other than fences, in the city or cause or permit the same to be done, contrary to or in violation of the provisions of this Code. (Ord. No. 26-85, 7-1-85)

**Sec. 152.26. Right of appeal.**

All persons shall have the right to appeal any order of the building commissioner first through the Delaware-Muncie Metropolitan Board of Zoning Appeals, and then to the State Fire Prevention and Building Safety Commission in accordance with the provisions of IC 22-13-2-7 and IC 4-21.5-3-7. (Ord. No. 26-85, 7-1-85; Ord. No. 16-88, 5-9-88)

**Sec. 152.27. Legal proceedings.**

The building director shall in the name of the city bring actions in the Circuit or Superior Courts of Delaware County, Indiana, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the building director, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code. (Ord. No. 26-85, 7-1-85)

**Secs. 152.28, 152.29. Reserved.**

**DIVISION 5. PERMITS**

**Sec. 152.30. Permit required.**

A permit shall be obtained before beginning construction, alteration, or repair of any building or structure, using forms furnished by the building director. All permits shall be issued by the building director, and all the fees provided for herein shall be paid to the city.

(Ord. No. 26-85, 7-1-85; Ord. No. 2-09, § 2, 3-2-09)

**Cross reference**—Penalty, § 152.999.

**Sec. 152.31. Application for permits.**

No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. All plans for building construction under the authority of the State Fire Prevention and Building Safety Commission must also be filed with the commission. No local permits shall be issued hereunder until a copy of a release for construction from the State Building Commissioner is received by the local building commissioner.

(Ord. No. 26-85, 7-1-85; Ord. No. 2-09, § 3, 3-2-09)

**Cross reference**—Penalty, § 152.999.

**Sec. 152.32. Compliance with other regulations.**

All work done under any permit issued hereunder shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits hereinafter provided for, there shall be paid the fees prescribed in the ordinances.

(Ord. No. 26-85, 7-1-85; Ord. No. 2-09, § 4, 3-2-09)

**Cross reference**—Penalty, § 152.999.

**Sec. 152.33. Review of application.**

Prior to the issuance of any building permit hereunder, the building director, or his duly authorized representative, shall:

- (A) Review all building permit applications to determine full compliance with the provisions of this Code.
- (B) Review all building permit applications for new construction or substantial im-

provements to determine whether proposed building sites will be reasonably safe from flooding.

(C) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine that the proposed repair uses construction materials and utility equipment that are resistant to flood damage, and uses construction methods and practices that will minimize flood damage.

(D) Review building permit applications for new construction or substantial improvements within the flood plain area having special flood hazards to assure that the proposed construction (including prefabricated and mobile homes):

- (1) Is protected against flood damage.
- (2) Is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, and flood damage.
- (3) Uses of construction methods and practices that will minimize flood damage.

(Ord. No. 26-85, 7-1-85)

**Sec. 152.34. Issuance of permit.**

Permits required by section 152.30 shall be issued upon prior payment of inspection fees according to the schedule set forth in section 152.35. The placard issued by the building director must be posted on the front of the property, such that the placard is visible from the street, upon receipt. Failure to display the placard will result in a minimum \$50.00 fine pursuant to section 152.999.

(Ord. No. 26-85, 7-1-85; Ord. No. 4-09, § 1, 3-2-09)

**Sec. 152.35. Permit fees.**

(A) *Building permits.*

(1) Plan review:

- (a) Any residential application submitted plan review fee . . . . . \$25.00

- (b) Any commercial application submitted plan review fee . . . . . 75.00

- (c) Any inquiry of information on a property for code violations, use and zoning or occupancy certificate requests must be done in writing, review fee . . . . . 35.00

(2) Fee schedule: The schedule for permits, inspections, and certificates of occupancy shall be as follows:

(a) New construction:

- 1. One- and two-family dwelling—\$200.00.
- 2. Three or more family dwelling, commercial, institutional, industrial, school or church structure—minimum \$200.00 plus \$0.15 per square foot.
- 3. Private residential garages, carports and accessory buildings and structures (attached or detached)—\$50.00.
- 4. Installation of modular or manufactured home on a permanent foundation—\$100.00.

(b) Replace, alter, addition or repair:

- 1. Residential—\$75.00 minimum plus \$0.10 per square foot.
- 2. Commercial—\$100.00 minimum plus \$0.13 per square foot.

(c) Moving (Residential and commercial):

- 1. Any building or structure—\$100.00.

(d) Demolition:

- 1. Wrecking of one- and two-family dwelling—\$50.00.
- 2. Wrecking of three or more family dwelling, institutional, commercial, industrial, school or church building—\$100.00 min-

imum up to 5,000 square feet, plus \$10.00 per each additional 1,000 square foot.

- 3. Wrecking of private residential garage or other accessory building or structure—\$30.00.
- (e) Swimming pools. Swimming pools must meet requirements as set forth in section 150.214.
  - 1. Public swimming pool—\$100.00.
  - 2. Other swimming pools:
    - In ground—\$100.00.
    - Above ground—\$50.00.
    - Plus an inspection fee of \$25.00 on either type of pool.
- (f) Temporary structures.
  - 1. Temporary commercial mobile unit—\$100.00 (per year).
  - 2. Residential temporary structure—\$50.00 (per year).
  - 3. Tents (with or without sides)—\$50.00.
- (g) Fuel service stations. Minimum \$50.00 up to 1,000 square feet. Figure at \$3.50 per 100 square feet. Square footage of canopy over pumps is to be included in gross square footage of structure.
 

1 to 12 pumps . . . . .	\$300.00
12 to 20 pumps . . . . .	500.00
Over 20 pumps, each . .	50.00
- (h) Mineral extraction: \$500.00 minimum plus \$50.00 per acre with an annual inspection fee of \$100.00.
- (i) Mobile home parks: \$600.00 minimum plus \$75.00 per lot.
- (j) Salvage yards: \$2,000.00 minimum plus \$500.00 per acre with an annual inspection fee of \$750.00 which is due by June 1 of each year.
- (k) 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.

- (l) Occupancy permit.
  - 1. One- and two-family residence—\$25.00 per unit.
  - 2. Multi-family, school, churches, all commercial and industrial - 0 to 5,000 square feet - \$75.00 plus \$1.00 for each additional 100 square feet.
- (m) Certificate of occupancy. It shall be unlawful for any owner, lessee or tenant to occupy a commercial building or structure without an occupancy inspection fee. The inspection fee is \$25.00.

(B) *Plumbing permits.* Applications for installation and inspection of plumbing 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 plumbing cost—minimum \$50.00 plus \$25.00 inspection fee.
  - (c) New water heater—\$25.00 plus \$25.00 inspection fee.
- (2) Replace, alter, addition or repair:
  - (a) Extension or repair of plumbing system within any existing building or structure \$2.00 per \$1,000.00 of actual plumbing cost—minimum of \$50.00 plus \$25.00 inspection fee.

- (3) Plumbers registration fee—New registration—\$150.00.

Annual renewal—\$100.00.

Registrations expire April 1 of every year.

Plumbing contractors must have a state master plumber license on file to become registered locally. Local registration must be current before a permit will be issued to a plumbing contractor.

- (4) 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.

(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 April 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 heating and air conditioning cost—Minimum \$50.00 plus \$25.00 inspection fee (per unit).
- (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 heating 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 inspection 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 classifications) . . . . .	\$150.00
Annual renewal . . . . .	\$100.00

HVAC license expires April 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 insurance 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 April 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. (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)

**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.**

## DIVISION 8. FIRE ZONES

**Sec. 152.65. Fire zones.**

For the purpose of the building ruler and regulations incorporated in this code, there are established fire zones within the city limits, as follows:

- (A) Fire zone 1. All the areas within the city limits which are zoned: CB Central Business; and MT Major Trading, under the terms of the city comprehensive zoning ordinances-1973, and all amendments thereto.
- (B) Fire zone 2. All the areas within the city limits which are zoned: BL Limited Business; BC Community Business; and BV Variety Business, under the terms of the city comprehensive zoning ordinances-1973, and all amendments thereto.
- (C) Fire zone 3. All the remaining areas within the city limits which are not classified in the zone classifications listed above in fire zones 1 and 2, under the terms of the city comprehensive zoning ordinances-1973, and all amendments thereto.

(Code 1968, § 132.75; amend. Ord. No. 247-76, 12-6-76)

**Sec. 152.66. Commercial, industrial, apartments, and public buildings fire limits.**

There is specifically incorporated by reference the Uniform Building Code promulgated by the Administrative Building Council of Indiana, governing restriction in fire zones for industrial, apartments, and public buildings, and all amendments thereto. The fire zone regulations so incorporated by reference shall be supplemental to local and state regulations and the zoning ordinances of the city.

(Code 1968, § 132.76; amend. Ord. No. 247-76, 12-6-76)

**Sec. 152.67. One- or two-family dwellings, fire limits.**

All the regulations governing commercial, industrial, apartments, and public buildings as set

forth in § 152.66 of this chapter shall also apply to one- and two-family dwellings when the dwellings are constructed, altered, or moved within fire zones 1 and 2 designated in § 152.65 of this chapter.

(Code 1968, § 132.77)

**Secs. 152.68, 152.69. Reserved.**DIVISION 9. RESIDENTIAL BUILDING  
CODE GENERAL PROVISIONS**Sec. 152.70. Definitions.**

For purposes of §§ 152.70 through 150.132 the following words and phrases shall have the following meanings ascribed to them respectively.

*Apartment.* One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

*Approved.* (As to materials and types of construction.) Approval by the building commissioner as the result of investigations and tests conducted by him, or by reason of accepted principles of tests by national authorities or technical or scientific organizations.

*Approved agency.* An established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when the agency has been approved by the building commissioner.

*Building commissioner.* The officer or other designated authority, or his duly authorized representative, charged with the administration and enforcement of this code.

*Dead load.* The weight of all permanent construction including walls, floors, roofs, partitions, stairways, and fixed service equipment.

*Felt.* A fabric saturated with bitumen weighing up to 15 pounds per 108 square feet used as an underlayment or sheeting paper. Not commonly acceptable as flashing.

*Fire-resistance rating.* The time in hours that the material or construction will withstand the standard fire exposure as determined by a fire

test made in conformity with the "Standard Methods of Fire Tests of Building Construction and Materials." See NBFU Building Code 55.

*Hollow masonry unit.* A masonry unit whose net cross-sectional area in any plane parallel to the bearing surface is less than 75 percent of its gross cross-sectional area measured in the same plane.

*Solid masonry unit.* A masonry unit whose net cross-sectional area in every plane parallel to the bearing surface is 75 percent or more of its gross cross-sectional area measured in the same plane. (Code 1968, § 132.81)

*Veneer.* A facing of brick, stone, concrete, tile, metal, or similar material attached to a wall for the purpose of providing ornamentation, protection, or insulation, but not counted as adding strength to the wall. (Code 1968, § 132.83)

*Walls.*

- (1) *Bearing wall.* A wall which supports any vertical load in addition to its own weight.
- (2) *Cavity wall.* A wall built of masonry units or plain concrete or a combination of these materials, so arranged as to provide an air space within the wall, one in which the inner and outer wythes of the wall are tied together with metal ties.
- (3) *Faced wall.* A wall in which the masonry facing and backing are of different materials and are so bonded as to exert a common reaction under load.
- (4) *Foundation wall.* A wall below the floor nearest grade serving as a support for a wall, pier, column, or other structural part of a building.
- (5) *Nonbearing wall.* A wall which supports no vertical load other than its own weight. (Code 1968, §§ 132.80, 132.81, 132.83)

**Sec. 152.71. Occupancy of structure.**

No residential, duplex, or row house can be occupied for habitual use until all constructions

conditions required by this code have been fully complied with and certified by the building commissioner. (Code 1968, § 132.82)

**Secs. 152.72—152.134. Reserved.**

DIVISION 10. MOVING BUILDINGS

**Sec. 152.135. Application for permit required; contents of application.**

Any person desiring to remove any building or structure from the place where it is located in the city shall file with the building commissioner of the city a written application for a permit describing:

- (A) The present location of the building or structure and the place where it is to be moved, if such place is within a radius of four miles of the city.
- (B) The proposed route of moving over the streets of the city. (Code 1968, § 132.145)

**Sec. 152.136. Amount and payment of permit fees.**

At the time of filing an application for a permit to move a building or structure as provided in section 152.135 of this chapter, the applicant shall pay to the office of the building commissioner an application fee of \$100.00 for the benefit of the general fund of the city. However, if the area of the building or structure to be moved does not exceed 400 square feet, then the application fee shall be \$10.00. (Code 1968, § 132.146; Ord. No. 8-09, 3-2-09)

**Sec. 152.137. Agreement of applicant to be filed with application.**

The applicant described in § 152.135 of this chapter shall also file with the application a written agreement, duly executed, providing that, if the permit is granted, the applicant will:

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

- (B) Upon completion of the removal, if within four miles of the corporate limits of the city, promptly complete the remodeling of the building in conformity with the provisions of all applicable sections of this code, or other ordinances of the city then in force.
- (C) Pay all damages of every kind and character occasioned to the city, any public utility, and any other person as a result of the moving.

(Code 1968, § 132.147)

**Sec. 152.138. Examination of building to be moved.**

Upon the filing of the application required by section 152.135 of this chapter, the building commissioner and the city engineer shall immediately proceed to determine:

- (A) Whether or not the economic life of the building is more than 50 percent exhausted.
- (B) The approximate extent, nature, and amount of damage to the streets, alleys, and other public improvements over the proposed route of moving.
- (C) Whether or not the neighborhood into which it is proposed to move the building is a neighborhood in which are located buildings of the same size, type, age, and character as the building to be moved.
- (D) Whether or not the building when completed in the new location will violate any of the provisions of this code, or other ordinances of the city.

(Code 1968, § 132.148; Ord. No. 9-09, 3-2-09)

**Sec. 152.139. Notice and hearing for determination by board of zoning appeals.**

If the city engineer and building commissioner shall disagree in any of the matters to be determined as provided in § 152.137 of this chapter, they shall submit the matter to the board of zoning appeals of the city, and the board of zoning appeals shall thereupon determine the matter

after holding a public hearing at the expense of the applicant, giving notice of the hearing as provided by the zoning code.

(Code 1968, § 132.149)

**Sec. 152.140. Notification to public utilities to file estimate of damages.**

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

(B) The notice shall be given only in case the building director and the city engineer shall determine, or, in event of their disagreement, in case the board of zoning appeals shall determine that:

- (1) More than 50 percent of the economic life of the building is not exhausted.
- (2) The moving will not cause irreparable damage to the streets, alleys, and other public improvements along the route of moving.
- (3) The neighborhood into which it is proposed to move the building has located therein buildings of the same age, type, and character as the building to be moved.
- (4) The building when completed will not violate the provisions of this code, or other ordinances of the city.

(Code 1968, § 132.150)

**Sec. 152.141. Notice to applicant that permit will be issued upon posting of bond and deposit to cover damages.**

Upon expiration of the 48-hour period provided for in the preceding section, the building director shall notify the applicant that a moving permit will be granted upon the applicant's:

- (A) Filing with the city controller a bond payable to the city and any person who may be damaged by the moving, in the

penal sum of \$5,000.00, conditioned that applicant will cause to be performed the agreement filed with the application, and pay all damages, public or private, occasioned by the moving, including expenses of collection and attorney's fees, without relief from valuation of appraisal laws.

- (B) Paying to the office of the city controller for the use of the city and persons entitled thereto the estimated amount of such damages.

(Code 1968, § 132.151)

**Sec. 152.142. Issuance or refusal of permit.**

No permit required by §§ 152.135 through 152.145 of this code shall be granted if any of the matters set out in § 152.138 of this chapter are determined in the negative; otherwise, the permit shall be issued upon performance of the conditions set out in § 152.140 of this chapter.

(Code 1968, § 132.152)

**Sec. 152.143. Notice of completion of moving.**

Within two weeks after completion of the moving, the applicant shall file with the building director notice thereof, and the city engineer, on behalf of the city and any other person affected thereby, shall file with the building director an itemized and verified statement of the cost, expense, and damage incurred on account of the moving. The building director shall thereupon approve so much of the claims as in his judgment shall be deemed just and reasonable, and if there be sufficient money on deposit with the city controller, shall direct the city controller to pay the claims to the persons entitled thereto. If the sum on deposit is insufficient, the same shall be prorated, and the applicant shall be notified by the building director of the deficiency, and it shall be the duty of the applicant to pay the deficiency. Four weeks after the filing of notice of completion of the moving, if any of the deposit remains unclaimed, the head of the department of finance shall refund the same.

(Code 1968, § 132.153)

**Sec. 152.144. Moving building without permit; leaving building in street for unreasonable time; failure to complete building after moving.**

It shall be unlawful to:

- (A) Remove any building or structure of any kind or character whatsoever located within the city without first obtaining the permit provided for by §§ 152.135 through 152.145 of this chapter.
- (B) Leave any building or structure upon the public streets of the city for an unreasonable time, or fail to immediately complete the building in conformity with the provisions of this code, or other ordinances of the city then in force.

(Code 1968, § 132.154)

**Sec. 152.145. Injunctive relief against violation; recovery of costs.**

Any violation of §§ 152.135 through 152.145 of this chapter may be restrained, enjoined, and prevented by injunctive relief at the suit of the building director or any other person, either in the name of the person or in the name of the city, and the party bringing the action, if successful, shall be entitled to recover all costs, expenses, and attorneys' fees incurred in connection with the prosecution of the suit.

(Code 1968, § 132.155)

**Sec. 152.999. Penalty.**

If any person, firm, or corporation shall violate any of the provisions of this code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the building director, or shall fail, neglect, or refuse to obey any lawful order given by the building director in connection with the provisions of this code, for each such violation, failure, or refusal, such person, firm, or corporation shall be fined in any sum not less than \$1.00 nor more than \$1,000.00. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

(Ord. No. 26-85, 7-1-85)

**CHAPTER 153. ELECTRIC CODE**

## Division 1. Electric Contractors

- Sec. 153.01. Definitions.  
 Sec. 153.02. Board of electrical examiners.  
 Sec. 153.03. Permit required; submission of plans and specifications.  
 Sec. 153.04. Compliance with regulations prerequisite to issuance of permit.  
 Sec. 153.05. Effect of approval of plans and specifications.  
 Sec. 153.06. Permit fees.  
 Sec. 153.07. Revocation of permits; authority of building commissioner.  
 Sec. 153.08. Notice of revocation.  
 Sec. 153.09. Expiration of permits.  
 Sec. 153.10. Inspection of wiring; generally; duty of building commissioner.  
 Sec. 153.11. Notice to building commissioner and owner of property involved.  
 Sec. 153.12. Adoption of rules and regulations; applicability to utilities and manufactures.  
 Sec. 153.13. License required; bond.  
 Sec. 153.14. Record of licenses to be kept.  
 Sec. 153.15. License fee; expiration of license; renewal.  
 Sec. 153.16. Certificate and bond prerequisite to issuance of license.  
 Sec. 153.17—153.19. Reserved.  
 Sec. 153.20. Licenses for members or officers of firms.  
 Sec. 153.21. Reserved.  
 Sec. 153.22. Violations of regulations.  
 Secs. 153.23—153.39. Reserved.

## Division 2. Heating and Cooling Contractors

- Sec. 153.40. License required.  
 Sec. 153.41. Board of heating and cooling examiners.  
 Sec. 153.42. Organization of board.  
 Sec. 153.43. Meetings of board.  
 Sec. 153.44. Record of proceedings.  
 Sec. 153.45. Register of application.  
 Sec. 153.46. Qualifications for a person to be licensed as a heating and cooling contractor.  
 Sec. 153.47. Written examination.  
 Sec. 153.48. Experience.  
 Sec. 153.49. Equivalent examination.  
 Sec. 153.50. Eligibility for license renewal.  
 Sec. 153.51. Partnership or corporate agent status.  
 Sec. 153.52. Inspector status.  
 Sec. 153.53. Qualifications for a partnership or corporation to be licensed as heating and cooling contractor.  
 Sec. 153.54. Bond.  
 Sec. 153.55. Insurance.  
 Sec. 153.56. Types of licenses.  
 Sec. 153.57. Board's approval for licensure.  
 Sec. 153.58. License personal, not transferable.  
 Sec. 153.59. Supervision by licensee.  
 Sec. 153.60. Heating and cooling work on one's own property.

- Sec. 153.61. License suspension revocation or determination of ineligibility for renewal for a person.  
 Sec. 153.62. License suspension; revocation or determination of ineligibility for receipt of a successor license for a partnership or corporation.  
 Sec. 153.63. Hearing and appeal.  
 Sec. 153.99. Penalty.

## DIVISION 1. ELECTRIC CONTRACTORS

**Sec. 153.01. Definitions.**

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

- (A) *Electrician*. A person with a regular established place of business and who is engaged in the business of electrical contracting. That person, or if a firm or corporation, a member thereof, shall have passed an examination before the appointed electrical examiners, and shall have made a grade of 75, or better; in which case, he shall be granted a license which shall permit the person to engage in the installation, alteration, and repair of any electric wiring, devices, or appliances.
- (B) *Wiring*. The art and science of installing in buildings the wires, conduits, apparatus, fixtures, or other appliances for carrying or using electricity for light, heat, or power purposes.
- (Code 1968, § 132.200; Ord. No. 11-09, § 1, 3-2-09)

**Sec. 153.02. Board of electrical examiners.**

The board of electrical examiners shall be appointed by the mayor and shall be composed of a registered architect, the building commissioner and one master electrician.

(Code 1968, § 132.201; Ord. No. 12-09, § 1, 3-2-09)

**Sec. 153.03. Permit required; submission of plans and specifications.**

Before any electrical work shall be commenced in any residence, building, or structure of any kind, or on any lot or premises in the city, plans and specifications thereof shall be filed with the building commissioner, and if such plans and specifications are approved by the building com-

missioner, then he shall endorse his approval thereon; or the building commissioner may be notified of the proposed installation of electricity by the property owner as above designated, and the commissioner shall approve of the method, plans and specifications of the owner, shall reduce the same to writing, and the building commissioner shall endorse approval thereon. After the approval of such plans and specifications and the methods of proposal, a permit to do such wiring work shall be obtained by a licensed and bonded electrical contractor from the building commissioner of the city.

(Code 1968, § 132.202; Ord. No. 13-09, § 1, 3-2-09)

**Sec. 153.04. Compliance with regulations prerequisite to issuance of permit.**

No application for a permit to do electrical work in the city shall be approved by the building commissioner unless the person making such application agrees to do all work for which such permit is granted in accordance with the provisions of this chapter and the approval of the building commissioner.

(Code 1968, § 132.203)

**Sec. 153.05. Effect of approval of plans and specifications.**

Approval of all plans and specifications by the building commissioner shall not guarantee any person that the approved plans and specifications are in exact accordance with this chapter, and no errors or omissions found later by the applicant or by the building commissioner shall be construed to permit any person to violate the provisions of this chapter, or other laws. Such errors or omissions shall be immediately rectified so that such plans and specifications conform with the provisions of this title, and other ordinances and laws of the city.

(Code 1968, § 132.204)

**Sec. 153.06. Permit fees.**

The permit fees for the installation and inspection or reinspection of wiring shall be as set out in the building code of the city in §§ 152.01 through 152.144.

(Code 1968, § 132.205)

**Sec. 153.07. Revocation of permits; authority of building commissioner.**

Should the building commissioner become convinced that the work called for in the wiring permit is not proceeding according to the plans and specifications upon which the permit was issued, it shall be his duty to notify, in writing, the owner of the property involved, or his agent, and the electrical contractor installing the work, that the work is being done in violation of the approval permit or this chapter, that such work shall be corrected to conform to the provisions of this section, and if such work is not corrected as required, the permit shall be revoked.

(Code 1968, § 132.206)

**Sec. 153.08. Notice of revocation.**

The revocation of a wiring permit shall be by letter to the applicant at the address shown on the wiring permit application, or to the wiring concern installing the work, or in lieu thereof, the building commissioner or his authorized assistants may cause a tag, sticker, or notice of such revocation of a permit to be attached to the electrical work under construction or in the vicinity of such work.

(Code 1968, § 132.207)

**Sec. 153.09. Expiration of permits.**

Every wiring permit shall expire by limitation if active work has not been commenced within two months of the date of issue.

(Code 1968, § 132.208)

**Sec. 153.10. Inspection of wiring; generally; duty of building commissioner.**

The building commissioner, when notified that any electrical work is ready for inspection, shall examine the same and approve or reject all such work, or parts thereof. All work shall be left uncovered for examination until the inspection is made.

(Code 1968, § 132.209; Ord. No. 14-09, § 1, 3-2-09)

**Sec. 153.11. Notice to building commissioner and owner of property involved.**

The electrician in charge shall notify the building commissioner, and also the owner of the

property involved, or his authorized agent, by telephone or in writing, between the hours of 8:00 a.m. and 4:00 p.m., not less than eight work hours before the work is to be inspected or tested. It shall be the duty of the electrician, before giving the notification above, to make sure that the work will stand inspection. If the building commissioner finds that the work will not pass the inspection, the electrician shall be required to renotify as above, and to pay the sum of \$1.00 for each renotification or reinspection.  
(Code 1968, § 132.210)

**Sec. 153.12. Adoption of rules and regulations; applicability to utilities and manufactures.**

(A) The current National Electrical Code and Current International Building Code is accepted and adopted as the minimum requirements for the installation of all wiring within the city in the type of buildings set forth under section 153.03.

(B) This section shall not apply to public utilities or manufacturing companies, or their regularly employed electricians, while engaged in electrical maintenance on the property or equipment of such utility or manufacturing company.  
(Code 1968, § 132.211; Ord. No. 15-09, § 1, 3-2-09)

**Sec. 153.13. License required; bond.**

No person shall engage in or operate a business of wiring, heating, or air conditioning in the city without having first obtained a license to do so from the city controller. No license shall be issued until the applicant has filed with the city clerk a bond in the sum of \$5,000.00, payable to the city, for the use and benefit of any person who shall suffer any damage because of any violation of this chapter or damage to the property owned by him. Such bond shall be executed by such person, together with a surety company authorized to do business in the state, or with two resident freeholders of the city, who shall own unencumbered real estate of at least twice the amount of such bond. Such bond shall be approved by the clerk of the city and such approval shall be endorsed thereon; and such bond shall be maintained so long as the person engages in the business of

wiring in the city. A cash bond in the sum of \$5,000.00 may be accepted by the clerk in lieu of the bond herein provided.  
(Code 1968, § 132.212; Am. Ord. No. 17-87, 8-3-87; Ord. No. 16-09, § 1, 3-2-09)

**Sec. 153.14. Record of licenses to be kept.**

The city clerk shall keep a record of all persons licensed to engage in the electrical, heating, or air conditioning business in the city, together with the amount and date of their bonds and the sureties thereon.  
(Code 1968, § 132.213; Am. Ord. No. 17-87, 8-3-87)

**Sec. 153.15. License fee; expiration of license; renewal.**

(A) The fee for a license to operate an electrical, heating, or air conditioning business or engage in wiring as an independent contractor in the city shall be at the rate of \$150.00 per annum payable at the time the application for the license is filed with the city controller. All licenses shall expire April 1 of each year and no license shall be issued for a longer period than one year, but such license may be renewed without reexamination. Any person holding a license who shall allow the same to lapse shall not be entitled to renew the same without examination, unless he renews the same within 30 days from the expiration of the license. No license shall be transferable and the license shall be conspicuously posted in the place of business for which it is issued. The renewal fee shall be \$100.00 per year.

(B) All holders of a present contractor's license shall, 30 days before the expiration date of April 1 of each year, make application for renewal of such license before being granted the new master electrician's license, and the new master electrician's license shall state master electrician thereon.  
(Code 1968, § 132.214; Am. Ord. No. 17-87, 8-3-87; Ord. No. 17-09, § 1, 3-2-09)

**Sec. 153.16. Certificate and bond prerequisite to issuance of license.**

(A) The city controller shall not be entitled to issue a license as provided in this chapter until the applicant shall produce and show to the

controller either his old license which has expired or a certificate from the board of electrical examiners that he has passed the examination successfully as provided in this chapter and also a certificate from the city clerk showing that a bond has been filed or a cash deposit made as provided in § 153.13.

(B) In case any person properly applying to the city controller shall produce the required evidence that he is actively connected with any firm or corporation engaged in the electrical business in the city and shall request that such license be issued in the name of such firm or corporation, then the city controller is authorized to issue such license to the firm or corporation; provided that all parts of §§ 153.01 through 153.11 have been complied with. Any withdrawal of members of any firm must be reported immediately to the board of electrical examiners.

(Code 1968, § 132.215)

**Secs. 153.17—153.19. Reserved.**

**Editor's note**—Ord. No. 10-09, § 1, adopted March 2, 2009, repealed former §§ 153.17—153.19 in their entirety which derived from the Code of 1968. Former § 153.17 pertained to examination of applicant for license. Former § 153.18 pertained to issuance of license; disposition of fee. Former § 153.19 pertained to failure to pass examination; reexamination.

**Sec. 153.20. Licenses for members or officers of firms.**

No firm or corporation shall engage in or operate an electrical business in the city unless one member of such firm, or officer or agent of such corporation, has been licensed according to the provisions of this chapter and has had the license issued in the name of the firm or corporation as provided in § 153.16. A person requesting a license to be issued in the name of a firm or corporation shall file with the clerk of the city the names of all members of the firm or the name of the corporation. The examination and all provisions of this chapter relating thereto shall be binding on all members of the firm or corporation. (Code 1968, § 132.219)

**Sec. 153.21. Reserved.**

**Editor's note**—Ord. No. 10-09, § 1, adopted March 2, 2009, repealed former § 153.21 in its entirety which pertained to wiring standards and derived from the Code of 1968.

**Sec. 153.22. Violations of regulations.**

No person shall have the occupation of electrician within the city, or do any electrical work for hire within the city, without first having complied with the provisions of this chapter. No such person shall fail to comply with any of the requirements of these sections, or assist in any violation of these sections.

(Code 1968, § 132.221)

**Secs. 153.23—153.39. Reserved.**

DIVISION 2. HEATING AND COOLING CONTRACTORS

**Sec. 153.40. License required.**

(A) Licensure as a heating and cooling contractor of the appropriate type is required to install, modernize, replace, service or repair all or any part of a heating system, a cooling system, space heating equipment, space cooling equipment or refrigeration equipment.

(B) Construction activity which this subchapter allows licensed heating and cooling contractors to carry out is hereafter referred to in this subchapter as "heating and cooling work."

(C) A person not licensed under this subchapter who is employed by a licensed heating and cooling contractor may, however, accomplish heating and cooling work while working under the direction and control of a person who is a licensed heating and cooling contractor, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in the heating and cooling work. The scope of activity of such nonlicensed person shall not extend beyond that allowed by the license type of the licensed heating and cooling contractor providing direction and control over the nonlicensed person.

(D) A person not licensed under this subchapter may, however, accomplish heating and cooling work in carrying out ordinary maintenance and

repair if such work is accomplished by the person in the regular course of his sole, full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnerships or corporations engaged in the business of service and repair, however, must be licensed under this subchapter.  
(Ord. No. 74-89, 12-4-89)

**Sec. 153.41. Board of heating and cooling examiners.**

A board of heating and cooling examiners (hereinafter in this subchapter referred to as the "board") shall consist of five members and shall be responsible for carrying out the provisions relative to licensure of heating and cooling contractors. The building commissioner, or his agent shall be a member of the board. The other four members of the board shall be appointed by the mayor for two year terms in such manner that two terms expire on January 1 of each year and the two other terms expires on January 1 of the next year. Three of the four members appointed by the mayor shall be persons to whom a license has been issued in accordance with this subchapter and the remaining appointed member shall be a person (not licensed under this subchapter) representing the public at large. Each of the appointed members shall be a resident of Delaware County. Members shall not receive compensation for serving on the board. Those members appointed by the mayor shall serve at his pleasure.  
(Ord. No. 74-89, 12-4-89)

**Sec. 153.42. Organization of board.**

(A) The board shall meet annually in each January on a date specified for regular monthly meetings in offices of the building commissioner, or his agent, and elect a chairman and any other officers, who shall serve one year or until a successor is chosen, whichever is longer.

(B) At its annual meeting each January, the board shall promulgate written policies and regulations concerning the administration of the written examination stated in § 153.47 and of the equivalent examination stated in § 153.49.  
(Ord. No. 74-89, 12-4-89)

**Sec. 153.43. Meetings of board.**

The board shall hold regular meetings once each month if there are one or more applications for license pending or other official business to come before the board. Special meetings may be called by the chairman or any three members upon giving written notice fixing the time and place of the meeting at least two days in advance of the special meeting. Three appointed members of the board shall constitute a quorum for the transaction of all business.  
(Ord. No. 74-89, 12-4-89)

**Sec. 153.44. Record of proceedings.**

The board shall keep a summary record of its proceedings.  
(Ord. No. 74-89, 12-4-89)

**Sec. 153.45. Register of application.**

The building commissioner, or his agent, shall maintain a register of all persons, partnerships and corporations which apply for licensure and persons who apply for renewal of licensure under this subchapter.

- (A) If the applicant is a person, the register shall show the date of application, the name of the applicant, the age, education, years of experience and other qualifications of the applicant, the addresses of the places of business and the residence of the applicant, the type of license for which application is made, whether the application is for an initial license or renewal of a license and whether the application was rejected or approved and date of such action.
- (B) If the applicant is a partnership, the register shall show the date of application, the name of the partnership, the addresses of its places of business, names of all partners and their respective residential addresses, the type of license for which application is made, and whether the application was rejected or approved and the date of such action.
- (C) If the applicant is a corporation, the register shall show the date of application,

the name of the corporation, state of incorporation, addresses of its places of business, names of all officers and their respective residential addresses, the type of license for which application is made and whether the application was rejected and the date of such actions.

(Ord. No. 74-89, 12-4-89)

**Sec. 153.46. Qualifications for a person to be licensed as a heating and cooling contractor.**

A person shall be entitled to receive one license of the appropriate type as a heating and cooling contractor (either initially or by renewal of a license) if the following requirements are met:

- (A) The person:
  - (1) Meets the written examination requirement stated in § 153.47, and the experience requirement stated in § 153.49; or
  - (2) Meets the equivalent examination requirement stated in § 153.49 and the experience requirement stated in § 153.49; or
  - (3) Meets the eligibility for renewal requirements stated in § 153.50; or
  - (4) Presently holds a license equivalent to the license described under § 153.56(B), below, but a license granted under this last provision shall have the limits of the license issued under § 153.56(B), and
- (B) The person does not presently have a license issued under this subchapter suspended nor has he had such a license revoked within a period of the preceding 730 days; and
- (C) The board has not, within the preceding 365 days, determined in accordance with § 153.61 that the person is not eligible for license renewal; and
- (D) The person has submitted an acceptable bond and certificates of insurance as required by §§ 153.54 and 153.55 unless this requirement is relieved because such

person either meets the partnership or corporate agent status requirement stated in § 153.51 or such person meets the inspector status requirement stated in § 153.62; and

- (E) The person has paid all specified fees.

Unless these requirements are met a person shall not be entitled to a heating and cooling contractor's license of the appropriate type.

(Ord. No. 74-89, 12-4-89)

**Sec. 153.47. Written examination.**

The written examination requirement of § 153.46 is met by a person who demonstrates his understanding of the following subject matter areas by attaining a passing score on a written examination administered by the board relative to heating and cooling work for which such license of the applicable type is required:

- (A) General knowledge of the provisions of this subchapter and other relevant ordinances of the city; and
  - (B) General knowledge of the rules and regulations of the administrative building council, state and federal agencies applicable in the city; and
  - (C) Expert; knowledge about the proper, practical and safe methods of accomplishing heating and cooling work.
  - (D) In the event a person fails to obtain a passing score on the written examination administered by a testing entity approved by the board, re-examination shall only be allowed pursuant to the written policies and regulations promulgated by the board.
- (Ord. No. 74-89, 12-4-89; Ord. No. 18-09, § 1, 3-2-09)

**Sec. 153.48. Experience.**

The experience requirement of § 153.46 is met by a person who has had at least five years of practical work experience pertaining to heating and cooling work or a combination of experience and school which totals five years.

(Ord. No. 74-89, 12-4-89)

**Sec. 153.49. Equivalent examination.**

The equivalent examination requirement of § 153.46 is met by a person who demonstrates, either orally or in writing to the satisfaction of the board, his familiarity with this subchapter and presents evidence satisfactory to the board at one of its meetings that he currently practices the craft of a heating and cooling contractor and that he is presently licensed in good standing as a result of his successfully completing an examination administered by a licensure board for another state or another municipality which was then the equivalent in scope of subject matter and difficulty as the examination presently administered by the board for the applicable license type. (Ord. No. 74-89, 12-4-89)

**Sec. 153.50. Eligibility for license renewal.**

The eligibility for renewal requirement of § 153.46 is met by a person who:

- (A) Has held an unrevoked license of the same type under this subchapter within the preceding 730 days;
- (B) Has held an unrevoked license of the same type under this subchapter within the preceding 1,460 days (four years) and demonstrates to the satisfaction of the board that during at least two years of that period the person has been actively engaged, in the city or elsewhere, in heating and cooling work.

(Ord. No. 74-89, 12-4-89)

**Sec. 153.51. Partnership or corporate agent status.**

The partnership or corporate agent status requirement of § 153.46 is met by a person who:

- (A) Is a partner or employee of a partnership or an officer or employee of a corporation which is licensed under this subchapter; and
- (B) Does not make any use of his license as a heating and cooling contractor other than as an agent of the partnership or corporation.

Whenever such person has occasion to enter into a transaction or take action for which licensure under this subchapter is required, he shall clearly state the fact he is acting as agent for an identified partnership or corporation principal. (Ord. No. 74-89, 12-4-89)

**Sec. 153.52. Inspector status.**

The inspector status requirement of § 153.46 is met by a person who is employed by the city in a position in which she or he makes or supervises the making of inspections to determine compliance with building standards and procedures relating to heating and cooling work and the Uniform Mechanical Code (Article II) provisions of this subchapter. Such a person shall not use a license as a heating and cooling contractor other than with respect to his employment by the city. Licensure under this section terminates by operation of law when the person is no longer employed by the building commissioner and does not meet the requirements of §§ 153.46 and 153.55. (Ord. No. 74-89, 12-4-89; Ord. No. 31-92, 8-3-92)

**Sec. 153.53. Qualifications for a partnership or corporation to be licensed as heating and cooling contractor.**

A partnership or corporation shall be entitled to receive one license of the appropriate type as a heating and cooling contractor if the following requirements are met:

- (A) At least one general partner (who is a person) or employee of a partnership or at least one officer or employee of a corporation holds a license of the same type under this subchapter as that relative to which the partnership or corporation has made application, provided, however, that an unlicensed general partner or employee of a partnership or an unlicensed officer or employee of a corporation shall be deemed to fulfill the requirement of this division if such person is prevented from meeting the requirements of § 153.46 for licensure of the applicable type solely because the partnership or corporation of which he is a partner or employee or officer or employee is not licensed under

this subchapter and such partner or employee or officer or employee has submit-

**CHAPTER 154. PLUMBING CODE\***

- Sec. 154.01. Definitions.
- Sec. 154.02. Reserved.
- Sec. 154.03. Permit required; submission of plans and specifications.
- Sec. 154.04. Compliance with regulations prerequisite to issuance of permit.
- Sec. 154.05. Effect of approval of plans and specifications.
- Sec. 154.06. Repairs.
- Sec. 154.07. Permit fees.
- Sec. 154.08. Revocation of permits; authority of building commissioner.
- Sec. 154.09. Notice of revocation.
- Sec. 154.10. Expiration of permits.
- Sec. 154.11. Inspection of plumbing; duty of building commissioner.
- Sec. 154.12. Reserved.
- Sec. 154.13. Adoption of rules and regulations.
- Sec. 154.14. License required; bond.
- Sec. 154.15. Reserved.
- Sec. 154.16. License fee; expiration of license; renewal; renewal fee.
- Sec. 154.17. Certificate from board of plumbers' examiners and bond certificate prerequisite to issuance.
- Sec. 154.18. Reserved.
- Sec. 154.19. Issuance of license; disposition of fee.
- Sec. 154.20. Reserved.
- Sec. 154.21. Plumbing contractors.
- Sec. 154.22, 154.23 Reserved.
- Sec. 154.24. Violations of regulations.
- Sec. 154.99. Penalty.

**Sec. 154.01. Definitions.**

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

*Fixture.* A water closet, lavatory, bathtub, shower, floor drain, laundry tub, icebox drain, drinking fountain, sink, or similar appliances.

*Plumber.* A person engaged in plumbing.

*Plumbing.* The art and science of installing in buildings the pipes, fixtures, and other apparatus for bringing the water supply and removing liquid and water-carried wastes.

(Code 1968, § 132.300)

**Sec. 154.02. Reserved.**

**Editor's note**—Ord. No. 19-09, § 1, adopted March 2, 2009, repealed former § 154.02 in its entirety which pertained to the board of plumbers' examiners and derived from the Code of 1968.

\***State law reference**—Contractor's regulation and licensing, IC 18-5-21-1.

**Sec. 154.03. Permit required; submission of plans and specifications.**

Before any plumbing work shall be commenced in any residence, building, or structure of any kind or on any lot or premises in the city, plans and specifications thereof shall be filed with the building commissioner, and, if such plans and specifications are approved by the building commissioner, then he shall endorse his approval thereon; or the building commissioner may be notified of the proposed installation of plumbing by the property owner, as above designated, and thereupon the commissioner shall visit the premises and, after inspection of the methods, plans, and specifications of the owner, shall reduce the same to writing and the building commissioner shall endorse his approval thereon. After the approval of such plans and specifications and methods of proposal, a permit to do such plumbing work shall be obtained from the building commissioner of the city.

(Code 1968, § 132.302)

**Sec. 154.04. Compliance with regulations prerequisite to issuance of permit.**

No application for a permit to do plumbing work shall be approved by the building commissioner unless the person making such application agrees to do all the work for which such permit is granted in accordance with the provisions of this chapter and the approval of the building commissioner.

(Code 1968, § 132.303)

**Sec. 154.05. Effect of approval of plans and specifications.**

Approval of all plans and specifications by the building commissioner shall not guarantee any person that the approved plans and specifications are in exact accordance with this chapter, and no errors or omissions found later by the applicant or by the building commissioner shall be construed to permit any person to violate the provisions of this chapter, or other laws. Such errors or omissions shall immediately be rectified, so that such

plans and specifications conform with the provisions of this title, and other ordinances and laws of the city.  
(Code 1968, § 132.304)

**Sec. 154.06. Repairs.**

Repairs shall be taken to mean the repairing or replacing of any old fixture by a new one to be used for the same purpose, forcing out waste, and repairing leaks in pipes; but such repairs or alterations shall not be construed to include cases where new vertical or horizontal lines of soil, waste, vent, or leader pipes are proposed to be used. A building condemned by the board of health because of insanitary conditions shall not be considered as coming under the head of repairs, but any plumbing in such building shall be considered new work. Repairs of plumbing, as above defined and limited, shall not come within the provisions of this chapter.  
(Code 1968, § 132.305)

**Sec. 154.07. Permit fees.**

The permit fees for the installation and inspection or reinspection of plumbing shall be as set out in the building code of the city in §§ 152.01 through 152.144, as adopted and approved by the common council.  
(Code 1968, § 132.306)

**Sec. 154.08. Revocation of permits; authority of building commissioner.**

Should the building commissioner become convinced that the work called for in the plumbing permit is not proceeding according to the plans and specifications upon which the permit was issued, it shall be his duty to notify, in writing, the owner of the property involved, or his agent, and the plumbing contractor installing the work, that the work is being done in violation of the approval, permit, or provisions of this chapter, and that such work shall be corrected to conform to this section; and if such work is not corrected as required, then the permit shall be revoked.  
(Code 1968, § 132.307)

**Sec. 154.09. Notice of revocation.**

The revocation of a plumbing permit shall be by letter to the applicant at the address shown on the plumbing permit application, or to the plumbing concern installing the work; or in lieu thereof, the building commissioner or his authorized assistants may cause a tag, sticker, or notice of such revocation of permit to be attached to the plumbing work under construction or in the vicinity of the work.  
(Code 1968, § 132.308)

**Sec. 154.10. Expiration of permits.**

Every plumbing permit shall expire by limitation if active work has not been commenced within two months of the date of issue.  
(Code 1968, § 132.309)

**Sec. 154.11. Inspection of plumbing; duty of building commissioner.**

The building commissioner, when notified that any plumbing work or other pipe fitting is ready for inspection and test, shall examine the same and approve or reject all such work, or parts thereof, not less than eight working hours from the time of such notification. All work shall be left uncovered for examination until the inspection is made.  
(Code 1968, § 132.310)

**Sec. 154.12. Reserved.**

**Editor's note**—Ord. No. 19-09, § 1, adopted March 2, 2009, repealed former § 154.12 in its entirety which pertained to notice to building commissioner and property owner; reinspection fee and derived from the Code of 1968.

**Sec. 154.13. Adoption of rules and regulations.**

The plumbing rules and regulations of the administrative building council of the state, and revisions thereto, two certified copies of which are on file in the office of the city clerk for public inspection, are accepted and adopted as the minimum requirements for the installation of all plumbing within the city in the type of buildings as set forth under § 154.03.  
(Code 1968, § 132.312)

**Sec. 154.14. License required; bond.**

No person shall engage in or operate a business of plumbing in the city without first obtaining a license to do so as hereinafter provided. No license shall be issued until the applicant has filed with the city clerk his bond in the sum of \$3,000.00, payable to the city, for the use and benefit of any person who shall suffer any damage because of any violation of provisions of this chapter or damage to the property owned by him. Such bond shall be executed by such person, together with a surety company authorized to do business in the state, or with two resident freeholders of the city who shall own unencumbered real estate of at least twice the amount of such bond. The bond shall be approved by the clerk of the city, and shall be maintained so long as such person engages in the business of plumbing in the city. A cash bond in the sum of \$3,000.00 may be accepted by the clerk in lieu of the bond herein provided.

(Code 1968, § 132.313)

**Sec. 154.15. Reserved.**

**Editor's note**—Ord. No. 19-09, § 1, adopted March 2, 2009, repealed former § 154.15 in its entirety which pertained to a record of all people licensed to do plumbing and derived from the Code of 1968.

**Sec. 154.16. License fee; expiration of license; renewal; renewal fee.**

The fee for a license to operate a plumbing business or to engage in plumbing as an independent contractor in the city shall be at the rate of \$75.00 per annum payable at the time the application for a license is filed with the city controller. All licenses shall expire one year after the date of issue, and no license shall be issued for a longer period than one year; but such license may be renewed without reexamination as hereinafter specified. Any person holding a license who shall allow the same to lapse shall not be entitled to renew the same without examination of the license. No license shall be transferable, and the license shall be conspicuously posted in the place of business for which it was issued. The renewal fee, after one year's license fee of \$75.00 has been paid, shall be \$25.00 per year, payable at the city controller's office.

(Code 1968, § 132.315)

**Sec. 154.17. Certificate from board of plumbers' examiners and bond certificate prerequisite to issuance.**

The city controller shall not be entitled to issue a license as provided in this chapter until the applicant shall produce and show to the controller either his old license which has expired or a certificate from the board of plumbers' examiners that he has passed the examination successfully as provided in § 154.18, and also a certificate from the city clerk showing that a bond has been filed, or a cash deposit made, as provided in § 154.14. In case any person properly applying to the controller shall produce the required evidence that he is actively connected with any firm or corporation engaged in the plumbing business in the city and shall request that such license be issued in the name of such firm or corporation, then the city controller is authorized to issue such license to such firm or corporation; provided, that all parts of this section have been complied with. Any change in the location of business or the addition or withdrawal of members of any firm must be reported immediately to the board of plumbers' examiners.

(Code 1968, § 132.316)

**Sec. 154.18. Reserved.**

**Editor's note**—Ord. No. 19-09, § 1, adopted March 2, 2009, repealed former § 154.18 in its entirety which pertained to examination of applicant for plumber's license and derived from the Code of 1968.

**Sec. 154.19. Issuance of license; disposition of fee.**

The license provided for in § 154.14 shall be issued by the city controller to any person qualified in accordance with this chapter, and the license fee shall be deposited in the general fund. (Code 1968, § 132.318)

**Sec. 154.20. Reserved.**

**Editor's note**—Ord. No. 19-09, § 1, adopted March 2, 2009, repealed former § 154.20 in its entirety which pertained to failure to pass examination; fee and reexamination and derived from the Code of 1968.

**Sec. 154.21. Plumbing contractors.**

No firm or corporation shall engage in or operate a plumbing business in the city, unless one

member of such firm or officer or agent of such corporation has been licensed according to the provisions of this chapter and has had the license issued in the name of the firm or corporation. A person requesting a license to be issued in the name of a firm or corporation shall file with the clerk of the city the names of all members of the firm or the name of the corporation. The examination and all provisions of this section relating thereto shall be binding on all members of the firm or corporation.  
(Code 1968, § 132.320)

**Secs. 154.22, 154.23. Reserved.**

**Editor's note**—Ord. No. 19-09, § 1, adopted March 2, 2009, repealed former §§ 154.22, 154.23 in their entirety which derived from the Code of 1968. Former § 154.22 pertained to the examination of journeyman plumbers. Former § 154.23 pertained to reexamination upon failure to pass exam.

**Sec. 154.24. Violations of regulations.**

No person shall follow the occupation of plumber, either as a master plumber or journeyman plumber within the city, or do any plumbing work for hire within the city, without first having complied with the provisions of this chapter. Any person who shall violate any of the provisions of this chapter, or who shall fail to comply with any of the requirements thereof, or shall assist in any violation, shall be guilty of a misdemeanor.  
(Code 1968, § 132.323)

**Sec. 154.99. Penalty.**

Any person convicted a second time of violation of any of the provisions of this chapter, or of failing to comply with any of the requirements thereof shall, be deemed guilty of a misdemeanor, and his plumber's license shall be revoked for a period of from six months to one year, the time being at the discretion of the court.  
(Code 1968, § 132.323)

REFERENCES TO ORDINANCES

Ord. No.	Date Passed	Code Sec.
59-98	11- 9-98	50.13
60-98	11- 9-98	163.01—163.05
63-98	12- 7-98	152.15(C)
64-98	12- 7-98	161.035
66-98	12- 7-98	162.01—162.13
7-99	4- 5-99	90.26
37-99	10- 4-99	158.05(27)—(30)
57-99	2-23-00	161.02(D), 161.03(A)(3), (B)(4), (C)(4)
58-99	2-23-00	161.21(D)(3), (4)
59-99	2-23-00	161.035(A)(4), (B)(5), (C)(5)
60-99	1-10-00	Ch. 80, Sched. II, Pt. 2 Ch. 80, Sched. III
61-99	1-10-00	Ch. 80, Sched. II, Pt. 2 Ch. 80, Sched. III
62-99	1-10-00	Ch. 80, Sched. VI
9-00	4- 3-00	Rpld 90.01—90.13, 90.20—90.26
		Added 90.01—90.16
10-00	4- 3-00	121.01—121.06
14-00	5- 8-00	159.06(B)(1)
15-2000	5- 8-00	117.08
24-00	7-10-00	158.05(31)
25-00	7-10-00	158.05(32)
27-00	8- 7-00	100.100
56-00	11-13-00	100.100
3-01	5- 7-01	Rpld 96.40—96.45 Added 96.40—96.49
12-01	5- 7-01	Rpld 98.10—98.14 Added 98.05—98.14
18-01	7- 9-01	Rpld 90.01—90.16 Added 90.01—90.23
37-01	10- 1-01	161.05
41-01	9-10-01	Ch. 80, Sched. XIII
44-01	10- 1-01	Ch. 80, Sched. VI, Ch. 80, Sched. IV
45-01	10- 1-01	Ch. 80, Sched. IV
51-01	12- 3-01	77.99
2-02	2- 4-02	121.03, 121.05
3-02	2- 4-02	158.05(33)—(37)
4-02	3- 4-02	Rnbd 72.99 as 72.59 Added 72.61—72.69, 72.71—72.77
8-02	4- 1-02	Ch. 80, Schedules IV, VI
9-02	4- 1-02	Ch. 80, Sched. XVI
10-02	4- 1-02	Ch. 80, Schedules IV, VI
11-02	4- 1-02	Ch. 80, Schedules IV, VI
13-02	5-13-02	Rpld 77.11
14-02	5-13-02	96.44
15-02	6- 3-02	Rpld 155.01—155.07, 155.10—155.16, 155.20—155.23, 155.25—155.27, 155.30—155.34, 155.40—155.50 Added 155.01—155.07, 155.10—155.16,

MUNICE CODE

Ord. No.	Date Passed		Code Sec.
			155.20, 155.21, 155.25—155.27, 155.30—155.34, 155.40—155.50
18-02	6- 3-02	Rpld	116.01—116.06
		Added	116.20—116.32, 116.01—116.30, 116.40
21-02	6- 3-02		164.01—164.18
24-02	8- 5-02		12.03—12.08
42-02	9- 8-02		12.06, 12.07
45-02	10- 7-02		Ch. 80, Sched. III
47-02	11- 4-02		152.35(D)(2)
53-02	12- 2-02		Ch. 80, Sched. XX
54-02	12- 2-02		Ch. 80, Sched. IV
55-02	12- 2-02		Ch. 80, Sched. IV, Sched. VI
56-02	12- 2-02		Ch. 80, Sched. II, Sched. III
58-02	1- 6-03		Ch. 80, Sched. IV
4-03	2- 4-03		121.01
5-03	3- 3-03		97.01
11-03	5- 8-03		Ch. 80, Sched. XVII
16-03	8- 4-03	Rpld	90.01—90.24
		Added	90.01—90.27
25-04	10- 4-04		55.02
28-03	10- 6-03		96-80—96.86
34-03	12- 1-03		158.05
17-04	8- 2-04		161.21
41-04	10- 4-04		77.34
			Ch. 80, Sched. IV
42-04	10- 4-04		Ch. 80, Sched. VIII
43-04	10- 4-04		90.23
46-04	12- 6-04		Ch. 80, Schedules. III, XVI
47-04	12- 6-04		Ch. 80, Schedules. I, II
50-04	4- 4-05		150.211(C)(6), (7), 150.214.5(B)(3)(c), (f), 150.214.7
55-04	1-11-05		98.08, 98.15
56-04	1-10-05		34.160—34.164
14-05	2- 7-05		116.01, 116.02, 116.31
16-05	3- 7-05		Ch. 80, Sched. XVII
17-05	3- 7-05		Ch. 80, Sched. I
18-05	3- 7-05		Ch. 80, Schedules. III, XVI
19-05	2- 7-05		Ch. 80, Sched. XIII
27-05	5- 2-05		Ch. 80, Sched. IV
32-05	6- 6-05		Ch. 80, Sched. XVII
33-05	6- 6-05		Ch. 80, Sched. X
38-05	6- 6-05	Rpld	158.05(25)
46-05	6- 6-05		Ch. 80, Sched. XIII
51-05	8- 1-05		Ch. 80, Schedules. II, XVI
70-05	10- 3-05		101.01—101.09
81-05	1- 9-06		98.08
5-06	2- 6-06	Rpld	92.01—92.06
		Rnbd	92.07—92.09
		as	92.08—92.10
		Added	92.01—92.07
10-06	4- 3-06		158.05(44)
11-06	4- 3-06		158.05(45)

REFERENCES TO ORDINANCES

Ord. No.	Date Passed		Code Sec.
41-06	7-10-06		77.30, 77.99(F), (G)
4-93	3- 1-93		Ch. 80, Sched. IV
53-06	12- 4-06		Ch. 80, Sched. XIII
54-06	1- 9-07		34.102(C)(1.5)
56-06	12- 4-06		90.01, 90.28
57-06	12- 4-06		90.07(B)
58-06	12- 4-06		90.29
21-07	7- 9-07		Ch. 80, Sched. XIII
26-07	8- 6-07		70.99
28-07	9-10-07		31.100—31.105
		Rpld	31.100—31.105
		Added	31.100—31.105
1-08	2- 4-08		Ch. 80, Sched. V
14-08	7- 7-08		90.01
15-08	7- 7-08		90.28
33-08	10- 6-08		Ch. 80, Sched. IV
34-08	10- 6-08		Ch. 80, Sched. IV
40-08	10- 6-08		Ch. 80, Sched. V
47-08	12- 1-08	Added	102.01—102.05
1-09	3- 2-09		152.02(B)
2-09	3- 2-09		152.07
			152.30—152.32
3-09	3- 2-09		152.15(C)(2)(k)
4-09	3- 2-09		152.34
5-09	3- 2-09		154.40
6-09	3- 2-09		152.45
7-09	3- 2-09		152.46
8-09	3- 2-09		152.136
9-09	3- 2-09		152.138
10-09	3- 2-09	Rpld	153.17—153.19,
			153.21
11-09	3- 2-09		153.01
12-09	3- 2-09		153.03
13-09	3- 2-09		153.02
14-09	3- 2-09		153.10
15-09	3- 2-09		153.12
16-09	3- 2-09		153.13
17-09	3- 2-09		153.15
18-09	3- 2-09		154.47
19-09	3- 2-09	Rpld	154.02, 154.12
			154.15, 154.18,
			154.20, 154.22,
			154.23
20-09	3- 2-09		152.35
27-09	5- 4-09	Rpld	98.05—98.15
		Added	98.01—98.07



## CODE INDEX

### A

#### ABANDONED VEHICLES

- Officer designated, 76.02
- Procedures, 76.04
- Public nuisance, 76.03
- Purpose, 76.01

#### ACCIDENTS (See TRAFFIC CODE)

#### ACCESS CONTROL

- Adoption of manual, 96.7
- Application, 96.60
  - Fees, 96.61
- Authorization to begin work, 96.67
- Bond requirement, 96.63
- Design standards, 96.62
- Existing access, 96.66
- Existing structures, construction not to interfere with, 96.70
- Liability during construction, 96.69
- Liability insurance, 96.63
- Notice of beginning work required, 96.68
- Penalty, 96.99
- Permit
  - Display of, 96.64
  - Requirement, 96.60
  - Time limit, 96.65

#### ADMINISTRATIVE ZONING OFFICER (See ZONING CODE)

#### ADVERTISING

- Benches at bus stop, 96.21
- Hanging across streets, 96.10
- Highways and roadways, on or near, prohibition of, 70.20(A)-(F)
  - Removal, 70.20(F)
- Massage parlors, 118.03(D)
- Traffic signs or signals not to bear, 70.20(A)

#### ADVERTISING OF REAL ESTATE, FALSE OR MISLEADING, 130.26

- Penalty, 130.99

#### AFFIRMATIVE ACTION OFFICER, 31.05

#### AGE REQUIREMENTS

- Fire division members, 35.21

#### AIR POLLUTION (See SMOKE)

#### AIR RIFLES, 130.03(A)

#### ALARM SYSTEMS

- Alarm silencer required, 121.04
- False alarms, 121.03
- Definitions, 121.01
- Duties of responding police or fire department officer, 121.02
- Penalties, 121.05
- Proceeds of fines, 121.06

#### ALCOHOLIC BEVERAGES (see INTOXICATING LIQUOR)

#### AMMUNITION (See FIREARMS)

#### AMUSEMENTS

- License requirements, 110.01
  - Fees, 110.02-110.04
  - Issuance, 110.01

#### ANIMAL CARE COMMISSION

- Duties, 34-162
- Meetings, 34-163
- Membership, 34.164
- Name, 34.160
- Purpose, 34.161

#### ANIMALS

- Animal care commission, 34.160 et seq.
  - See: ANIMAL CARE COMMISSION
- Animal shelter
  - Administration, 90.03
  - Establishment, 90.02
    - Resistance or obstruction unlawful, 90.10
- Beech Grove Cemetery, molesting in, 93.09
- Cruelty to animals, 90.27
- Definitions, 90.01
- Dogs and cats
  - Adoption, spaying or neutering of cats and dogs, 90.09
  - Barking, howling, and yelping dogs, 90.14
  - Capturing dogs, 90.11
  - Cats, 90.16
    - Control licensing and registration of dogs, 90.04
  - Fierce, dangerous, or vicious dogs; female dogs in heat, 90.08
    - Microchip implants for adopted dogs and impounded dogs, 90.29
  - Poisoning dogs or cats, 90.05
  - Rabies; method of handling suspected dogs, 90.15
  - Running at large, 90.06
- Fighting contests
  - Animal fighting contests, 90.13
  - Purchasing or possessing an animal for fighting contests, 90.12
- Impounding of animals and fowl; sale of same, 90.22
- Keeping or harboring of livestock prohibited in certain residential areas, 90.19
- Keeping or harboring undomesticated animals in residential areas, 90.20
- Kennels, 90.23
- Livestock, keeping or harboring prohibited in certain residential areas, 90.24
- Motor vehicles
  - Striking animal with motor vehicle, 90.24
- Neglected or abandoned animals, 90.07
- Pet shops, 90.28
- Prior laws repealed, 90.26
- Selling baby chicks, rabbits, 90.17
- Running at large
  - Dogs and cats, 90.06
  - Fowl, 90.21
  - Generally, 90.18
- Traffic code application to, 70.08
- Violations, 90.25

#### ANIMAL SHELTER DIVISION, 31.11(E)

MUNCIE CODE

ANTENNAS

Communications facilities (wireless), 162.01 et seq.

ANNEXATION

Subdivision regulations, 151.41

ANTIDISCRIMINATION LAW (See HUMAN RIGHTS COMMISSION)

APPEALS

Budget Service Company license denial or revocation, 111.05, 111.09

Building code, 152.26

Dwellings, structures and other such nuisances, 98.48, 98.49

Economic revitalization areas, 161.08, 161.28

Fire prevention code, 91.09

Impeachment of public officers or employees, 32.08(E)

Metropolitan board of zoning appeals, 150.234(B)

Muncie area party plan, 101.06

Wastewater treatment decisions, 53.26

APPROPRIATION ORDINANCES, 32.07(A)

ARRESTS

Park officers and employees authorized to make, 95.16

Police powers of, 35.10(B)

ATTORNEY (See CORPORATE COUNSEL)

AUDITS

Metropolitan homeownership and housing foundation, 34.133(Q)

AUTHORIZED EMERGENCY VEHICLES (See EMERGENCY VEHICLES)

AUTOMOBILES

Abandoned (See ABANDONED VEHICLES)

Animals, striking of, 90.22

Bicycle paths not to be used by, 74.16(A)

Bullet marks, garage report of, 72.13

Junk, 98.01 et seq. (see also JUNK VEHICLES)

Parks, driving in, 95.06

Sales

Dealer sale, 120.02

Definitions, 120.01

Penalty, 120.99

Sidewalks, driving on, 96.30

AWNINGS, 96.35, 96.36

**B**

BAILIFF

Bond requirement, 33.05

Duties, 33.05

Police officer of city, 33.05

Police to assist, 35.10(D)

Salary of, 33.05

BEECH GROVE CEMETERY

Alcoholic beverages, prohibition of, 93.02, 93.03

Animals, birds, fowl, etc., molesting of, 93.09

BEECH GROVE CEMETERY (Cont'd.)

Board of trustees

Acceptance of gifts, legacies, or bequests, 93.31(A)

Safekeeping of, 93.31(A)

Tax exemption, 93.31(A)

Acquisition of property by, 93.26, 93.29

Appointment to, 93.22

Awarding of contracts by, 93.28

Budget to be prepared by, 93.27(B)

Composition, 93.21

Creation, 93.20

Disposition of moneys received by, 93.30

Duties, 93.25

Of, 93.31(A)

Eligibility for appointment to, 93.33

Eminent domain, exercise of power of, 93.29

Function, 93.20

Improvement and development with federal aid, 93.31(B)

Application for, 93.31(B)

Investment of funds and property

Officers of, 93.23

Bond requirement, 93.24

Organization, 93.23

Powers, 93.25, 93.32

Report required of, 93.27(A)

Terms of office, 93.21

Vacancies, filling of, 93.22

Burial at place other than, prohibition of, 93.06

Closing time, 93.38

Dogs prohibited, 93.01

Entrance at place other than gates, prohibition of, 93.05

Firearms, carrying of, 93.11

Firearms, discharge of, 93.08

Hunting, prohibition of, 93.11

Injury to monuments, plantings, etc., 93.07

Interment of body in, permission for, 93.37

Military funerals, 93.08, 93.11

Public ground for graves without charge, 93.12

Sale of lots or parts of lots, 93.25

Sitting on private lots, 93.10

Speed limit, 93.04

Superintendent of duties, 93.35

Interference with performance of duties of, 93.38

Permission for interment of bodies, 93.37

Records to be kept by, 93.36

Selection of, 93.23

Term of office, 93.35

Walking on private lots, 93.10

BEGGING PROHIBITED, 130.14

BENCHES AT BUS STOPS

Advertising and signs on, 96.21

Clean condition, 96.25

Inspection of, 96.25

Installation and maintenance of, 96.21

Insurance required, 96.27

Maintenance of, 96.21, 96.25

Permit

Awarding of, 96.23

Required, 96.22

CODE INDEX

BENCHES AT BUS STOPS (Cont'd.)

Public liability insurance requirement, 96.27

Purpose of regulations, 96.20

Regulations promulgated for, 96.21

Removal by city, 96.24

Notice for, 96.24

Specifications, 96.26

BICYCLE RENTAL AGENCIES OR DEALERS

Equipment required, 74.12(B)



CODE INDEX

DWELLINGS, STRUCTURES AND OTHER SUCH NUISANCES, 98.20 et seq. (Cont'd.)  
Reinspection after end of allotted time for correction, 98.23  
Second notice issued after, 98.24 (See also Second notice, hereunder)  
Repairs by board of health, 98.31  
Debt in favor of city for, 98.34  
Civil action to recover, 98.34  
Limitation on cost of, 98.31  
Notice to owner of intention to make, 98.32  
Owner to provide access for, 98.33  
Penalty for refusal, 98.33  
Revolving fund to support costs of repair or demolition made by city, creation of, 98.42  
Funds payable into, 98.42  
Second notice for continued violation, 98.24  
Posting of, 98.25  
Recording of, 98.26  
Subsequent transferees' liability after, 98.27  
Unfit for human habitation  
Application by city for demolition order upon owner's failure to remove, 98.40  
Cost of removal by city a debt in favor of city, 98.40  
Civil action to recover, 98.40  
Demolition to include filling in excavation, 98.41  
Notice to owner to remove, 98.37  
Reconsideration and hearing upon decision of, owner to seek, 98.39  
Reoccupation pending removal, prohibition of, 98.38  
Vacant building declared to be, 98.36  
When declared to be, 98.35  
Vacation of premises, notice or order for, 98.28  
Extension of, 98.29  
Revocation of, 98.29

**E**

ECONOMIC DEVELOPMENT COMMISSION (See DEVELOPMENT COMMISSION)

ECONOMIC REVITALIZATION AREAS

Real property tax abatement  
Fee schedule, 161.04  
Low and moderate income multi-family residential projects, 161.035  
Office projects, 161.03  
Procedure established, 161.02  
Single-family residences, 161.05  
Tax abatement committee established, 161.01  
Tangible personal property tax abatement  
Fee schedule, 161.22  
Procedure established, 161.21  
Tax abatement committee established, 161.20

ELECTIVE OFFICERS, 30.01 (See also specific type)

ELECTRIC CODE

Adoption of rules and regulations, 153.12  
Board of electrical examiners, 153.02  
Compliance with, 155.31  
Definitions, 153.01

ELECTRIC CODE (Cont'd.)

Heating and cooling contractors  
Board of heating and cooling examiners, 153.41  
Board's approval for licensure, 153.57  
Bond, 153.54  
Eligibility for license renewal, 153.50  
Equivalent examination, 153.49  
Experience, 153.48  
Hearing and appeal, 153.63  
Heating and cooling work on one's own property, 153.60  
Inspector status, 153.52  
Insurance, 153.55  
License personal, not transferable, 153.58  
License required, 153.40  
License suspension, revocation or determination of ineligibility for receipt of a successor license for a partnership or corporation, 153.62  
License suspension, revocation or determination of ineligibility for renewal for a person, 153.61  
Meetings of board, 153.43  
Organization of board, 153.42  
Partnership or corporate agent status, 153.51  
Qualifications for a partnership or corporation to be licensed as heating and cooling contractor, 153.53  
Qualifications for a person to be licensed as a heating and cooling contractor, 153.46  
Record of proceedings, 153.44  
Register of application, 153.45  
Supervision by licensee, 153.59  
Types of licensee, 153.56  
Written examinations, 153.47  
Inspections, 153.03, 153.10  
Notice for, 153.11  
Journeyman electrician  
License fees, 153.15  
License as electrician, 153.13, 153.20  
Bond requirement, 153.13  
Cash in lieu of, 153.13  
Certificate of passing examination required for, 153.16  
Expiration date, 153.15  
Expired old license as prerequisite to issuance of, 153.16  
Fee, 153.15  
Firm or corporation name, issuance in, 153.16, 153.20  
Nontransferability, 153.15  
Period of, 153.15  
Posting requirement, 153.15  
Record of, 153.13  
Renewal, 153.15  
Fee, 153.15  
Revocation, 153.99  
Manufacturing companies, 153.12(C)  
Master electrician's license, 153.15(B)  
Outdoor advertising and signs, 152.60  
Penalty, 153.99  
Permit for electrical work, 153.03  
Compliance with regulations as prerequisite to issuance of, 153.04  
Expiration, 153.09  
Fees, 153.06

MUNCIE CODE

ELECTRIC CODE (Cont'd.)

- Revocation, 153.07
  - Notice of, 153.08
  - Plans and specifications, approval of, 153.03
    - Effect of, 153.05
    - Errors or omissions in, 153.05
  - Utility companies, 153.12(C)
  - Violations, 153.22, 153.99
- ELECTRICAL EXAMINERS, BOARD OF, 153.02
- ELECTRICIAN (See ELECTRIC CODE)
- ELEVATED HIGHWAY STRUCTURES
- Speed limits, 72.18
- EMERGENCY VEHICLES
- Audible signal devices, 75.37(A)
  - Bells, 75.05(D), 75.37(A)
  - Direction of movement, 70.04(D)(4)
  - Duty of driver to drive with due regard for safety of others, 70.04(F), 71.45(B)
  - Exemptions applicable when signals in operation, 70.04(E)
  - Flashing lights, 75.46(C)
  - Following too closely, 71.56
  - Funeral processions yielding right-of-way to, 71.75(A)
  - Parking, 70.04(D)(1)
  - Police vehicle, operation as, 70.04(E)
  - Police vehicle used as, 75.37(C)
  - Proceeding past red or stop signal or sign, 70.04(D)(2)
  - Reckless disregard for safety of others, 70.04(F)
  - Right-of-way, 71.45
  - Sirens, 75.05(D), 75.37(A)
  - Speed, 70.04(D)(3)
  - Traffic code application to, 70.04(C)
  - Turning, 70.04(D)(4)
  - Whistles, 75.05(D), 75.37(A)
- EMINENT DOMAIN
- Beech Grove Cemetery board of trustees' exercise of power of, 93.29
- ENDURANCE CONTESTS PROHIBITED, 130.21
- Exceptions, 130.21
- ENGINEER (See CIVIL ENGINEER)
- EQUAL EMPLOYMENT OPPORTUNITY OFFICER, 31.05
- ERRORS AND OMISSIONS, 10.10
- EXECUTIVE BRANCH, Ch. 31 (See also specific topics)
- Organization, 31.01
  - Titles of officers and departments, 31.02
- EXPLOSIVES
- Storage of, 91.07, 91.28
  - Vehicles transporting, markings and requirements for, 75.14
  - Vehicles transporting, railroad grade crossing rules for, 71.52
- EXPLOSIVES, PROHIBITION OF, 130.05
- Exception for business with a permit, 130.05

F

- FACSIMILE MACHINES
- Charges for use, 30.12
- FALSE FIRE ALARMS, 91.27
- FALSE REPORTS OR INFORMATION RELATING TO CRIMES, 32.14, 32.15
- FARM TRACTORS, 75.01(C)
- Lights requirements, 75.34
- FEES
- Benches at bus stops, permits for, 96.23
  - Bicycle registration, 74.11(D)
  - Budget Service Company license, 111.02
  - Building code requirements, 152.35
  - Building permits, 152.35(A)
  - Canvassers, solicitors, distributors permit, 116.12
  - Carnival license, 110.03
  - Circus license, 110.02
  - Dance hall license, 112.03
  - Economic revitalization areas
    - Application, 161.03, 161.23
  - Electrical permits, 152.35(C)
  - Electrical work permits, 153.06
  - Electrician's license, 153.15
    - Renewal, 153.15
  - Facsimile machines, charges for use, 30.12
  - Firefighters mediation and arbitration, 35.90
  - Food-service establishment licenses, 113.30(B), (C)
  - Heating system permits, 152.35(D)
  - Journeyman electrician's license, 153.15
  - Junkyard license, 115.04
  - Massage parlor licenses, 118.08
  - Menagerie license, 110.02
  - Moving building permit, 152.136
  - Outdoor advertising and sign permits, 150.212(J)
  - Pawnbroker license, 115.08
  - Plumbers' licenses, 154.16
    - Renewal, 154.16
  - Plumbing permits, 152.35(B), 154.07
  - Police mediation and arbitration, 35.60
  - Public buildings, 152.27
  - Records; copies, 30.13
  - Secondhand dealer license, 115.08
  - Septic tank cleanings at sewage treatment plan, 50.05(A), (B)
  - Subdivision regulations, 151.50
  - Taxicab driver's license, 117.12
  - Taxicab license, 117.05
    - Additional vehicles and equipment, 117.07
  - Tent show license, 110.04
  - Transient merchant's license, 116.21
  - Waste collection permit, 52.11
  - Zoning code requirements, 150.232(G)
- FENCES, 150.21
- Junkyards, 115.06, 115.07
  - Limited industrial zones, 150.162(B)

CODE INDEX

FINANCE, DEPARTMENT OF

- Controller, 31.06(C)
- Creation, 31.06(A)
- Data processing division, 31.06(F)
- Duties, 31.06(B)
- Finance division, 31.06(D)
- Purchasing division, 31.06(E)

FIRE DIVISION

- Age requirements for members, 35.21
- Alarm systems
  - Duties of responding police or fire department officer, 121.02
- Members, requirements, 35.20
- Merit system, 35.02
- Residence requirement, 35.01
- Traffic direction by, 79.15(C)
- Traffic order or direction by, failure or refusal to obey, 70.05

FIRE HOSE

- Driving over, 71.47

FIRE PREVENTION, BUREAU OF

- Chief in charge of, 91.04(B)
- Duties, 91.04(A)
- Establishment of, 91.03
- Modification of provisions of fire prevention code, 91.08
- Report of, 91.04(D)



CODE INDEX

MOBILE FOOD-SERVICE ESTABLISHMENT (See FOOD-SERVICE ESTABLISHMENTS)

MOBILE HOME PARKS, 150.205(B) (See also MOBILE HOME RESIDENCES)

MOBILE HOME RESIDENCES, 150.41

- Electrical distribution, 150.206(I)
- Establishment of zone for, 150.205(A)
- Lots, 150.205(C)
- Mobile home park features for, 150.205(B)
- Parking, 150.206(A)
- Permitted uses, 150.205(C)
- Pest control, 150.206(G)
- Recreation areas, 150.206(D)
- Refuse collection, 150.206(H)
- Roads, 150.206(A)
- Service buildings, 150.206(E)
- Sewerage, 150.206(F)
- Standards, 150.206
- Walkways, 150.206(B)
- Water supply, 150.206(F)
- Zoning code provisions, 150.41, 150.205—150.207 (See also subtopics hereunder)
- Zoning permit requirement, 150.207
  - Applications for, 150.207
  - Zoning code compliance for, 150.207

MOBILE HOMES, 155.02(D)

- Floodplain management, 159.08, 159.09
- Permanent placement, 150.14(A)
- Temporary replacement, 150.14(B)
- Zoning code requirements, 150.14

MOLOTOV COCKTAILS, 130.07

- Penalty, 130.99

MOTOR VEHICLES, (See AUTOMOBILES)

MOTORBOATS ON WHITE RIVER, 130.06

MOTORCYCLE RENTAL AGENCIES

- Licensed operator required, 74.28
- Safe operating condition, 74.28(B)

MOTORCYCLES

- Abreast riding, 74.26(F)
- Brake requirements, 74.27(B), 75.02(B)
- Footrests, 74.27(C)
- Full use of traffic lane, 74.26(F)
- Handlebar height, 74.27(A)
- Headlights, 74.26(E), 75.22(B)
- Lamps and reflectors, 74.27(D)
- Manner of riding as operator or passenger, 74.26(D)
- Number of passengers on, 74.26(A)
- Operator's license from state required for, 74.25
- Packages, carrying of, 74.26(C)
- Penalty, 74.99
- Position for carrying passenger on, 74.26(B)
- Reflectors, 75.24
- Traffic regulations governing, 74.26(G)

MOVING BUILDINGS

- Application for permit required, 152.135
- Agreement of applicant to be filed with, 152.137
- Fees for, 152.136
- Disagreement, hearing on matters subject to, 152.139
- Examination requirement, 152.138
- Issuance of permit for, 152.142
- Notice of completion of, 152.143
- Notice to applicant that permit will be issued, 152.141
  - Bond requirement, 152.14(A)
  - Damage deposit requirement, 152.141(B)
- Notification to public utilities to file estimate of damages, 152.140
- Penalty, 152.999
- Permit requirement, 152.144
- Refusal of permit for, 152.142
- Violations, 152.144
  - Injunctions against, 152.145
  - Penalty for, 152.999

MUNCIE AREA PARTY PLAN

- Appeal, 101.06
- Certification procedure, 101.03
- Definitions, 101.01
- Notification of owners and occupants, 101.04
- Penalty, 101.07
- Recordkeeping, 101.02
- Venue, 101.08
- Violation, 101.05

MUNCIE DEPARTMENT OF DEVELOPMENT (See DEVELOPMENT COMMISSION)

MUNCIE ECONOMIC DEVELOPMENT COMMISSION (See DEVELOPMENT COMMISSION)

MUNCIE PUBLIC TRANSPORTATION CORPORATION (See PUBLIC TRANSPORTATION CORPORATION)

MUSICAL INSTRUMENTS, PLAYING AT CERTAIN HOURS PROHIBITED, 110.10

N

NOISE

- Disposition of fines, 100.05
- Exemptions, 100.06
- Failure to obey citation, 100.03
- Generation of sound; regulations, 100.100
- Penalty, 100.99
- Procedure of proper city authority, 100.02
- Prohibited, 100.01
- Warrant, when to be issued, 100.04

NONRESIDENTS

- Bicycle riders, 74.17(B)

NOTICES

- Condemnation of structures under housing code, 155.11, 155.12
- Damage to public utilities by moving of buildings, estimate of, 152.140
- Demolition of buildings, 152.45(A)

## MUNCIE CODE

### NOTICES (Cont'd.)

- Electrical work inspections, 153.11
- Electrical work permit revocation, 153.08
- Housing code inspections, citations, 155.07(B),(D)
- Housing code violations, 155.12
- Impounding of vehicles, 79.26(B)
- Moving of building, completion of, 152.143
- Moving of building, permit issuance, 152.141
- Plumbing permit revocation, 154.09
- Slowing moving vehicles and equipment crossing grade crossing, 71.53
- Traffic accidents, 72.03—72.06
- Unlawful signs or displays, removal of, 152.59
- Unsafe buildings, 152.15
- Waste and litter, 52.47

### NUISANCES

- Abandoned vehicles, 76.03
- Advertising on traffic signs or signals or on highways, on roadways or near highways, 70.20(A)—(F)
  - Removal, 70.20(F)
- Dirt and rubbish on sidewalks, 96.31
  - Action against owner to remove, 96.31
- Dwellings, structures, excavations, 98.20 et seq. (See also DWELLINGS, STRUCTURES AND OTHER SUCH NUISANCES)
- Furnaces in violation of smoke regulations, 94.03
- Smoke emission, 94.01
- Unauthorized traffic signs or signals or railroad signs or signals, 70.20(A), (F)
  - Removal, 70.20(F)
- Unsafe buildings, 152.15(D)
- Wastewater discharges, 53.27
  - Injunction against, 53.28
- Weeds (See WEEDS AND RANK VEGETATION)

### NURSERY/DAY CARE CENTERS

- Zoning provisions, 150.226

## O

### OFFENSES

- Advertising of real estate, false or misleading, 130.26
- Against health, 130.20 et seq.
- Against peace, 130.10 et seq.
- Against property, 130.25 et seq.
- Against public property, 130.01 et seq.
- Air guns, 130.03(A)
- Begging, 130.14
- Civil emergency (See CIVIL EMERGENCY)
- Consuming or spilling food and beverages on public transit vehicles, 130.28
- Driving while intoxicated, 72.26
- Explosives, prohibition of, 130.05
  - Exceptions for business with a permit, 130.05
- Firearms, discharge of, 130.04
  - Exception, 130.04
- Guy wires, protection of, 130.01
- House trailers, restriction on, 130.21
- Incendiary missiles, 130.07
- Knives, 130.03(B)

### OFFENSES (Cont'd.)

- Loitering in certain places, 130.12
- Lying or sleeping in certain places, 130.12
- Molotov cocktails, 130.07
- Motorboats on White River, 130.06
- Musical instruments, playing at certain hours prohibited, 130.10
- Outside speakers, restriction of use of, 130.11
- Pellet guns, 130.03(A)
- Penalties, 130.99
- School property, protection of, 130.25
- Smoking on public transit vehicles, 130.27
- Spitting in certain places, 130.20
- Spitting on public transit vehicles, 130.27
- Throwing missiles, 130.02

### OFFICIAL THOROUGHFARE PLAN

- Classifications, 96.53
- Definitions, 96.50
- Interchanges, 96.55
- Purpose, 96.51
- Road dedications, 96.54

### OFFICIAL TIME, 10.11

### OPEN SPACE PLAN

- Amendment to, 157.06
- Authority for, 157.03
- Objectives, 157.04
- Purpose, 157.02
- Title, 157.01
- Use of, 157.05

### ORDINANCE VIOLATIONS, Ch. 36

### ORDINANCES

- Appropriations, 32.07(A)
- Committed and recommitted at pleasure of council, 32.28

CODE INDEX

PEDESTRIANS (Cont'd.)

- Soliciting rides, 73.06
- Soliciting watching or guarding of vehicles, 73.07(B)
- Tunnel, crossing at point of, 73.03(B)
- Walk and wait signals, 70.18
- Walking along highway, when permissible and not permissible, 73.05(B), (C)

PELLET GUNS, 130.03(A)

PENALTIES

- Bicycles, 74.99
- Budget Service Company, 111.99
- Building code, 152.999
- Business district (loop) parking, 77.99
- Civil emergency, 130.99
- Conflict of interest of public officer or employee, 30.05
- Driving under influence of liquor or drugs, 72.26
- Electric code, 153.99
- Failure to file inventory of city property on time, 30.27
- False or misleading advertising of real estate, 130.99
- Fire prevention code, 91.99
- Fire regulations, 91.99
- Flood plain management, 159.13
- Food markets, 114.99
- Food-service establishments, 113.99
- Funeral processions, 71.999
- General, 10.99
- House numbering system, 156.99
- Housing code, 155.42
- Incendiary missiles, 130.99
- Litter, 52.99
- Massage parlors, 118.99
- Molotov cocktails, 130.99
- Motorcycles, 74.99
- Moving building, 152.99
- Noise, 100.99
- Offenses, 130.99
- Oppression, malconduct or misfeasance of mayor or public officers, 30.06
- Outdoor advertising and signs, 152.999
- Parking, 77.99
- Passenger restraint systems
  - Belt and installation specifications, 72.69
  - Nonrestraint of a child less than four, 72.72, 72.73
  - Retail sales, leases, trades and transfers, 72.69
  - Safety belts for children under 4, 72.68
- Plumbing code, 154.99
- Precious metals, 119.99
- Residential building code, 152.999
- Safety belts in vehicles, 75.99
- Snow emergency parking, 77.99
- Soliciting funds from motor vehicle, 73.99
- Speed contest, 72.59
- Speed limit of railroad trains, 71.999
- Streets and sidewalks, 96.99
- Television sets in vehicles, 75.99
- Traffic code, 70.99
- Wages, 30.99
- Waste, 52.99
- Wastewater treatment, 53.99

PENALTIES (Cont'd.)

- Weeds, 98.99

PERMITS

- Banner or other advertising handling from one building to another, 96.10
- Benches at bus stops, 96.22
- Building code, 152.30 (See also BUILDING CODE)
- Canvassers permit, 116.10 et seq.
- Demolition of buildings, 34.104, 152.45
- Distributors permit, 116.10 et seq.
- Earth, gravel or pavement removal from streets or alleys, 96.04
- Electrical work, 153.03
- Explosives, 130.05
- Flanged, cleated or other rough surface wheels on vehicles, 78.06
- Floodplain improvement location, 159.06
- Food markets, 114.02(A)(1)
- Food-service establishments, 113.02(A)
- Freight loading zones, 77.17
- Improvement location, 151.60
- Junkyard construction of brick wall or board fence, 115.07
- Loading and unloading at angle to curb, 77.05
- Mineral extraction, 150.217(G)
- Mobile home residences, 150.207
- Moving buildings, 152.135, 152.144
- Outdoor advertising and signs, 150.212(I), 152.56(A)
- Parades or processions, 71.80
- Parking permit, restricted, 77.33
- Plumbing work, 154.03
- Regulation of activities within public rights-of-way (See STREETS AND SIDEWALKS)
- Residential neighborhood permit parking zones, 77.32
- Sewer connections, 50.41
- Solicitors permit, 116.10 et seq.
- Storm detention/retention facilities for combined sewers
  - Discharge permit application, 163.02
- Waste collection, 52.10, 52.11
- Wastewater discharge permits, 53.26 et seq.
- Zoning code requirements, 150.232(E)

PERSONAL PROPERTY, CITY-OWNED

- Sale of (See CITY-OWNED PROPERTY, SALE OF)

PERSONNEL DIRECTOR, 31.05

PERSONNEL DIVISION, 31.05

PHYSICIANS

- All-night parking prohibition, exemption from, 77.09

PICNICS IN PARKS, 95.07

PINBALL MACHINES

- Minors prohibited from playing, 92.08

PLAN COMMISSION (See METROPOLITAN PLAN COMMISSION)

PLANNED MULTIPLE-FAMILY DEVELOPMENT UNIT (See ZONING CODE)

PLUMBERS' LICENSES (See PLUMBING CODE)

MUNCIE CODE

PLUMBING CODE

- Adoption of rules and regulations, 154.13
- Approval of plans and specifications, effect of, 154.05
  - Errors or omissions in, 154.05
- Change in location of business or firm members, report of, 154.17
- Compliance with, 155.31
- Compliance with regulations required, 154.24
- Definitions, 154.01
- Inspections, 154.11
- License as plumber, 154.14
  - Bond requirement, 154.14
    - Cash in lieu of, 154.14
  - Certificate of passage of examination and posting of bond or cash required, 154.17
  - Expiration date, 154.16
  - Expiration of old license as prerequisite to issuance of, 154.17
  - Fee, 154.16
    - Deposit of, 154.19
  - Firm or corporation, issuance in name of, 154.17, 154.21
  - Issuance of, 154.19
  - Nontransferability, 154.16
  - Period of, 154.16
  - Posting requirement, 154.16
  - Renewal, 154.16
    - Fee, 154.16
  - Revocation, 154.99
- Penalty, 154.99
- Permit for plumbing work, 154.03
  - Application for, approval of, 154.04
  - Expiration, 154.10
  - Fees, 154.07
  - Revocation, 154.08
    - Notice of, 154.09
- Plumbing contractors, 154.21
- Repairs, what does or does not constitute, 154.06
- Violations of, 154.24, 154.99

PLUMBING CONTRACTORS, 154.21

POLICE ATTACK OR K-9 DOGS, 35.16

- Injury to, 35.18
- Interference with, 35.17
- Privileges with, 35.17

POLICE DIVISION (See also POLICE RESERVE UNIT),  
31.11(C)

- Alarm systems
  - Duties of responding police or fire department officer, 121.02
- Arrest powers, 35.10(B)
- Bailiff to be assisted by, 35.10(D)
- Bicycle license issuance, 74.11(C)
- Bicycle registration card issued by, 74.11(D)
- Bicycle rental agencies or dealers to report to, 74.12(C)
- Collective bargaining representation, 35.50 et seq.
- Conservators of peace, 35.10(B)
- Conveyance of prisoners by, 35.10(D)
- Court to be attended by, 35.10(D)
- Dance halls, right of entry to, 112.10

POLICE DIVISION (See also POLICE RESERVE UNIT),  
31.11(C) (Cont'd.)

- Driver's file to be maintained, 79.05
- Execution of warrants by, 35.10
- Investigation of traffic accidents, 79.03
- Merit system, 35.02
- Pawnbroker's reports to, 115.10
- Police attack or K-9 dogs, 35.12
  - Injury to, 35.14
  - Interference with, 35.13
  - Privileges granted to, 35.12
- Powers of, 35.10
- Records of traffic violations, 79.02
- Residence requirement, 35.01
- Secondhand dealer's reports to, 115.10
- Service of process by, 35.10(B), (C)
- Special powers of, 35.11

CODE INDEX

- RECORDS (Cont'd.)
    - Pawnbrokers, 115.09
    - Secondhand dealers, 115.09
    - Traffic violations, 79.02
    - Vacant lots, 52.33
  - RECREATION (See PARKS)
  - REDEVELOPMENT COMMISSION
    - Appointment to, 34.41, 34.42
    - Creation of, 34.40
    - Economic revitalization areas, 161.05, 161.25
    - Meetings, 34.42
    - Nomination to, 34.41(A)
    - Number of members, 34.40
  - REDEVELOPMENT, DEPARTMENT OF, 31.15
  - REDEVELOPMENT TRUSTEES (See REDEVELOPMENT COMMISSION)
  - REFEREE FOR CITY COURT
    - Appointment of, 33.07(C)
    - Creation of position of, 33.07(A)
    - Number of, 33.07(B)
    - Salary, 33.07(D)
    - Term of, 33.07(B)
  - REFUSE DISPOSAL SITE (See ZONING CODE)
  - REGISTRATION REQUIREMENTS
    - Bicycles, 74.11(A), (F)
  - REPORTS
    - Automobiles striking animals, 90.22
    - Beech Grove Cemetery board of trustees, 93.27
    - Bicycle rental agencies or dealers, 74.12(C)
    - Bullet marks on vehicles, 72.13
    - Bureau of fire prevention, 91.04(D)
    - Filing schedule of wages, 30.42
    - House numbering, 156.10
    - Human rights commission, 34.88
    - Mineral extraction, 150.217(E)
    - Pawnbrokers, 115.10
    - Police impounding of vehicles, 79.26(C)
    - Secondhand dealers, 115.10
    - Traffic accidents, 72.01(C), 72.07, 72.10, 79.04, 79.05, 79.06
    - Wastewater discharge, 53.14
  - RESIDENCE REQUIREMENT
    - Firemen, 35.01
    - Police officer, 35.01
    - Police reserve unit, 35.34
  - RESIDENTIAL BUILDING CODE (See also BUILDING CODE)
    - Definitions, 152.70
    - Occupancy of structure, 152.71
    - Penalty, 152.999
  - RESISTING POLICE, 35.13
  - RESOLUTIONS (See ORDINANCES)
  - RETAIL LIQUOR STORES
    - Closing during emergency, 130.33(A)
  - RIGHT OF ENTRY
    - Building commissioner, 152.06
    - Dance halls, 112.10
  - ROAD MACHINERY, 75.01(C)
  - ROAD ROLLERS, 75.01(C)
  - ROOMING HOUSES, 155.40 (See also HOUSING CODE)
- S**
- SALARIES (See COMPENSATION)
  - SALVAGE YARD (See ZONING CODE)
  - SANITARY DISTRICT RATES AND CHARGES
    - Sanitary district established, 50.01
    - Sewage treatment charges
      - Billing and collections, 54.05
      - Definitions, 54.01
      - Discharge quantities, 54.04
      - Effective date, 54.09
      - Equipment replacement, 54.06
      - Review of rates, 54.07
      - Rules and regulations, 54.08
      - User charges, 54.02
        - Calculation of, 54.03
  - SCHOOL BUSES
    - Flashing lights, 75.46(C)
    - Misconduct of employee, 71.71(B)
    - Multiple lane highway, stopping on, 71.71
    - Railroad grade crossings, 71.52
    - Regulations governing design and operation of, 71.71(A)
    - Sign on, 71.70(B)
    - Stopping for discharging or receiving passengers, 71.70
  - SCHOOL CROSSINGS
    - Motorists to obey directions at, 70.25
    - Pedestrians to obey directions at, 70.25
    - Traffic control at, 70.25
  - SCHOOL PROPERTY, PROTECTION OF, 130.25
  - SCHOOL ZONES
    - Speed limits, 72.22
  - SCHOOLS
    - Fire drills, 91.25
    - Parking adjacent to, signs prohibiting, 77.15
    - Snow emergency parking, 77.38
  - SEASONAL WORK CAMPS (See ZONING CODE)
  - SECONDHAND DEALERS (See PAWNBROKERS)
  - SEPTIC TANK CLEANINGS AT SEWAGE TREATMENT PLANT, 50.05
    - Fees, 50.05(A), (B)
  - SEPTIC TANKS PROHIBITED, 50.12
  - SERVICE OF PROCESS, 35.10(B), (C)
  - SEVEN ZERO ONE (701) PLANNING OFFICE (See COMMUNITY PROGRAMS OFFICE)

## MUNCIE CODE

### SEVERABILITY CLAUSE

Code of ordinances, 10.07

### SEWAGE TREATMENT CHARGES (See SANITARY DISTRICT RATES AND CHARGES SEWER CHARGES (See also SEWERS)

Adjustment based on strength and character of sewage, 50.27

Adjustment for metered water supply used for fire protection, 50.30

Billing to tenants, 50.29

Collection of, 50.20

General provision for, 50.21

Minimum, 50.23

Exception, 50.23

Nonusers of city water, 50.24

Quantity of water used, 50.22

Responsibility of owner, 50.29

Rules and regulations, 50.20

Sanitary district rates and charges (See SANITARY DISTRICT RATES AND CHARGES)

Service rendered to city, 50.28

Users of city water and water from other sources, 50.25

### SEWER CONNECTIONS (See also SEWER CHARGES; SEWERS)

Abandoned, 50.48

Backfilling, 50.45

Barricading and lighting trenches, 50.45

Grade of building sewer, 50.44

Inspection fee for reconnection, 50.48

Licensed person to lay building sewer, 50.40

Material for building sewer, 50.42

Permit for, 50.41

Application for, 50.41

Safety measures in blasting, 50.45

Tap-in and inspection charges, 50.46

Payment of, 50.49

Schedule of, 50.47

Unlawful acts, 50.50

Penalty, 50.50

Unused, 50.48

"Y" branch used for, 50.43

Exception, 50.43

Inspections, 50.43

Notice for, 50.43

### SEWERS

Building (See SEWER CONNECTIONS)

Cesspools prohibited, 50.08

Charges for (See SEWER CHARGES; SANITARY DISTRICT RATES AND CHARGES)

Connections (See SEWER CONNECTIONS)

Construction of new combined sewers within jurisdiction of sanitary district prohibited, 50.13

Definitions, 50.02

Depositing waste from private into public sewer system, 50.04

Housing code, 155.30(A),(B)

Inflow sources to sanitary sewers prohibited, 50.11

Inspections of private systems, 50.06

### SEWERS (Cont'd.)

Mobile home parks, 150.206(F)

Privy vaults prohibited, 50.08

Sanitary district established, 50.01

Sanitary district (See SANITARY DISTRICT RATES AND CHARGES)

Sanitary privies, requirement for, 50.09

Sanitary system, subdivision regulations for, 151.36

Separation of clear water and sanitary building laterals, 50.12

Septic tank cleanings at sewage treatment plant, 50.05

Fees, 50.05(A), (B)

Septic tanks prohibited, 50.08

Storm detention/retention facilities for combined sewers  
Design criteria for stormwater detention or retention facilities, 163.03

Discharge permit application, 163.02

Exempt facilities, 163.05

Maintenance responsibility, 163.04

Purpose, 163.01

Storm, subdivision regulations for, 151.37

Stream pollution prohibited, 50.10

Supervisor, designation of, 50.03

Surcharges, computation and rates of, 50.27

Unlawful deposits of human excrement, garbage or other organic waste, 50.07

### SHRUBS (See TREES AND SHRUBS)

### SIDEWALKS (See STREETS AND SIDEWALKS)

### SIGNS (See OUTDOOR ADVERTISING AND SIGNS)

### SKATEBOARDS, PROHIBITION OF USE OF, 92.10

### SMOKE

Emission declared a nuisance, 94.01

Furnaces in violation of regulations as nuisance, 94.03

Injunction against furnace operated in violation of regulations, 94.03

Preventatives for furnaces, 94.02

### SMOKE DETECTORS

Compliance, 91.46

Definitions, 91.40

Installation, 91.43

Date of, 91.47

Liability, 91.48

Location, 91.42

Maintenance, 91.44

Required, 91.41

Responsibility, 91.45

### SMOKING RESTRICTIONS AND PROHIBITIONS, 91.26

### SNOW CONTROL ROUTE ORDINANCE (See SNOW EMERGENCY PARKING)

### SNOW EMERGENCY PARKING

Declaration of snow emergency by mayor, 77.43

Definition of snow emergency, 77.42

Duration of snow emergency, 77.43

Penalty, 77.99

## CODE INDEX

### SNOW EMERGENCY PARKING (Cont'd.)

- Piles of snow obstructing view, unlawful to allow or cause, 77.46
- Public policy declaration, 77.41
- Regulations governing, 77.40
- Removal of violator's vehicle, 77.46
- Restrictions, 77.44
- School buildings, 77.48
- Streets designated as snow control routes, 77.42
- Unlawful to park contrary to regulations, 77.45

### SNOW REMOVAL EQUIPMENT

- Flashing lights, 75.46(C)
- Light standards and specifications, 75.47

### SOLICITORS, TRANSIENT MERCHANTS

- Canvassers, solicitors, distributors
  - Application for permit, 116.11
  - Conditions of permit, 116.14
  - Duration, expiration of permit, 116.13
  - Identification permit
    - Application for identification permit, 116.17
    - Fee; issuance; denial, 116.18
    - Identification permit required, 116.16
  - Issuance of permit; fee; grounds for refusal, 116.12
  - Permit required, 116.10
  - Presentation of permit, 116.19
  - Revocation of permit; notice, 116.15
- Definitions, 116.01
- Exceptions, 116.02
- Transient merchants
  - Application for license; fee, 116.21
  - Bond required, 116.22
  - Issuance of license, 116.23
  - License required, 116.20
  - Penalty, 116.40
  - Record of license; forms, 116.24
  - Revocation of license or permit, 116.30
- Use, disposition of receipts, 116.03

### SOUND DEVICES, USE OF, 150.212(G)

### SPEED CONTESTS, 72.21

- Penalty, 72.59

### SPITTING IN CERTAIN PLACES PROHIBITED, 130.20

### STORM DRAINAGE AND SEDIMENT CONTROL

- Administration, 164.05
- Bonds, covenants and easements, 164.08
- Definitions, 164.04
- Enforcement, 164.10
- Fees, 164.12
- General Drainage Standards adopted by reference, 164.18
- Investigations and inspections, 164.09
- Jurisdiction, 164.02
- Land alterations, 164.03
- Minimum drainage standards and regulations, 164.15
- Minimum standards for erosion and sediment control, 164.16
- Nonconforming sites, 164.06
- Permit duration, 164.07

### STORM DRAINAGE AND SEDIMENT CONTROL (Cont'd.)

- Procedure for promulgation of regulations, 164.17
- Professionally prepared and certified drainage plans, 164.13
- Purpose, 164.01
- Regulated drain clearance, 164.14
- Variances and deviations from plan, 164.11

### STORMWATER

- Storm detention/retention facilities for combined sewers, 163.01 et seq.
- Subdivision regulations, storm sewers, 151.37

### STREAM POLLUTION PROHIBITED, 50.10

### STREET DIVISION, 31.08(E)

### STREET SIGNS

- Subdivision regulations, 151.39

### STREETS AND SIDEWALKS

- Access control (See ACCESS CONTROL)
- Ball playing prohibited, 96.01
- Barricades not to be removed, 96.03
- Benches at bus stops (See BENCHES AT BUS STOPS)
- Cleanliness of, 96.05
- Earth, gravel or pavement not to be removed without permit, 96.04
- Goodwill Industries receptacles, placing articles in, 96.06
- Lanterns not to be removed from, 96.03
- Littering prohibited, 96.05
- Loose material on vehicles
  - Securing of vehicles, 96.02
  - Spilling, etc., prohibited, 96.02
  - Removal of debris from, 96.02
- Obstructions
  - Banner or other advertising hanging from one building to another, permit for, 96.10
  - Defacing posts, 96.11
  - Parking and assembly on walkways, driveways, and parking areas, 96.18
  - Posting handbills or advertisements, 96.11
  - "Sidewalk days," observance of, 96.13(E)
  - Signposts in front of buildings, 96.12
  - Signs or merchandise at or near intersections, 96.13
  - Street lights, 96.15
  - Trees and shrubs, 96.16, 96.17
    - Notice for removal, 96.17
    - City to correct, 96.17
    - Lien for costs, 96.17
- Parking vehicles on sidewalks, 96.031
- Regulation of activities within public rights-of-way
  - Board to establish rules and regulations, 96.46
  - Definitions, 96.41
  - Emergencies, 96.47
  - Notifications, 96.49
  - Penalties, 96.48
  - Permit
    - Activities requiring a right-of-way use permit, 96.42
    - Application, 96.44
    - Fees, 96.45
  - Title, 96.40
  - Unlawful activities within the right-of-way, 96.43

MUNCIE CODE

STREETS AND SIDEWALKS (Cont'd.)

Sidewalks (See also other subtopics hereunder)

- Animals on, 96.30
  - Awnings over, 96.35, 96.36
  - Bicycle riding on, 74.10(I)
  - Cellarways under, 96.34
    - Opening doors to, 96.34
  - Dirt and rubbish on, 96.31
    - Action against owner to remove, 96.31
  - Driving prohibited on, 71.99
  - Ice and snow removal, 96.32
  - Merchandise, loading and unloading of, 96.32
  - Obstructions, freedom from, 96.32
  - Sheds over, 96.35
  - Subdivision regulations, 151.40
  - Sweeping of, 52.06
  - Vehicles on, driving of, 96.30
  - Width of, 96.33
- Signal lights not to be removed from, 96.03
- Subdivision regulations, 151.12, 151.34
- Thoroughfare plan
- Contents, 96.50
  - Policy, 96.51
- Tree ordinance
- Distance from curbs and sidewalks, 97.06

CODE INDEX

- TRAFFIC CODE (Cont'd.)
    - Wipers on, 75.10(C)
    - Yield right-of-way signs, 71.27(C)
      - Through highways, 71.29
  - TRAFFIC DIVISION, 31.08(D)
  - TRAFFIC ENGINEER
    - Appointment of, 79.07(A)
    - Bicycle paths designated by, 74.15
    - Duties, 79.07-79.12 (See also TRAFFIC CODE)
    - Establishment of office of, 79.07(A)
    - Powers, 79.07(A) (See also TRAFFIC CODE)
    - Signs erected by (See PARKING)
    - Timing of traffic-control devices by, 70.23
  - TRAFFIC-CONTROL DEVICES (See TRAFFIC CODE)
  - TRAILERS, 75.01(D)
  - TRANSIENT MERCHANTS (See SOLICITORS, TRANSIENT MERCHANTS)
  - TRAVEL TRAILERS, 155.02(D)
  - TREE ORDINANCE
    - Bond requirement, 97.15
    - Damage to public trees, 97.16
    - Dead or diseased trees on private property, 97.12
    - Definitions, 97.01
    - Distance from curbs and sidewalks, 97.06
    - Distance from street corners or fireplugs, 97.07
    - Enforcement and penalties, 97.17
    - Inventory, 97.18
    - Muncie urban forestry committee
      - Duties and responsibilities, 97.03
      - Interference with, 97.14
      - Official status, 97.02
    - Permissible and unauthorized trees, 97.04
    - Planning, placement and spacing, 97.05
    - Pruning and corner clearance, 97.11
    - Stump removal, 97.13
    - Tree care, 97.09
    - Tree cutting, 97.10
    - Urban forester, interference with, 97.14
    - Utilities, 97.08
  - TRUCK TERMINALS (See ZONING CODE)
  - TRUCK TRAFFIC, 78.10
    - Application of regulation, 78.10(B)
    - City destination points, 78.10(E)
    - Definitions, 78.10(A)
    - Designated streets for use of, 78.10(D)
      - Maps of, 78.10(F)(1)
    - Detours, 78.10(B)(1)(e)
    - Emergency vehicles, 78.10(B)(1)(b)
    - Enforcement, 78.10(F)
    - Exemptions, 78.10(B)(1)
    - Left turns, 78.10(B)(1)(d)
    - Operation on street destination, 78.10(B)(1)(a)
    - Public carriers, 78.10(B)(1)(f)
    - Public utilities, 78.10(B)(1)(c)
  - TRUCK TRAFFIC, 78.10 (Cont'd.)
    - Routes established, 78.10(C)
      - Maps of, 78.10(F)(1)
    - Traffic engineer to maintain signs, 78.10(F)(2)
    - Weigh-in requirement, 78.10(F)(3)
- U**
- UNFIT HABITATION AS NUISANCE (See DWELLINGS, STRUCTURES AND OTHER SUCH NUISANCES)
  - UNIFORM HOUSE NUMBERING SYSTEM (See HOUSE NUMBERING SYSTEM)
  - UNSAFE BUILDING FUND, 152.15 (J)
  - UNSAFE BUILDINGS, 152.15 (See also BUILDING CODE)
  - URBAN HOMESTEADING
    - Acquisition of property, 160.03
    - Administration, 160.02
    - Agreement
      - Failure to fulfill, 160.08
    - Applications, 160.04
      - Approval procedure, 160.04
      - Fees, 160.04(F)
    - Bid, 160.04(A)
    - Board of Public Works and Safety to administer, 160.02
    - Conveyance
      - Authorized methods of, 160.07
    - Duties of recipients, 160.05
    - Establishment of program, 160.01
    - Failure to fulfill agreement, 160.08
    - Fee simple title, 160.09
    - Inspections, 160.06
    - Open house, 160.04(H)
    - Public sale of surplus property, 160.12
      - Recipients, duties of, 160.05
      - Rules and regulations, 160.10
      - Surplus property, public sale of, 160.12
    - Tax exemption, 160.11
    - Title to property, 160.07
  - UTILITY COMPANIES
    - Electric code inapplicable to, 153.12(C)
- V**
- VACANCIES
    - Mayor, office of, 31.20-31.22
  - VACANT LOTS, 52.22
- W**
- WAGES
    - Filing schedule of wages, 30.42
    - Penalties, 30.99
    - Prevailing scale of wages, 30.40
    - Prohibiting payment of less than prevailing scale of wages, 30.41
    - Proof of compliance, 30.43

## MUNCIE CODE

### WASTE COLLECTION

- Permits for, 52.36
  - Bond required for, 52.37
  - Care of receptacles by holders, 52.38
- Use of vehicles, 52.35

### WASTEWATER TREATMENT

- Abbreviations, 53.02
- Accidental discharge/slug control plans, 53.17
- Administration, 53.03
- Affirmative defenses to discharge violations, 53.81 et seq.
- Analytical requirements, 53.50
- Appeals, 53.70
- Appeals, permit, 53.36
- Baseline monitoring reports, 53.41
- Bypass, 53.83
- Cease and desist orders, 53.66
- Changed conditions, report of, 53.45
- Civil penalties, 53.72
- Compliance monitoring, reporting, 53.41 et seq.
- Compliance orders, 53.65
- Compliance schedule progress report, 53.42
- Compliance with categorical pretreatment standard deadline, report, 53.43
- Confidential information, 53.57
- Consent orders, 53.63
- Content of application, 53.31
- Contents, permit, 53.35
- Damage to facilities, 53.90
- Decisions, permit, 53.33
- Definitions, 53.01
- Dilution, 53.10
- Duration, permit, 53.34
- Emergency suspensions, 53.68
- Enforcement, 53.61 et seq.
- Enforcement response guide (ERG), 53.61
- Estimated volume, 53.88
- Existing connections, 53.28
- Extra jurisdictional users, 53.30
- Facilities required, when, pretreatment, 53.16
- Federal categorical pretreatment standards, 53.05
- Fines, administrative, 53.67
- Hauled wastewater, 53.19
- Hazardous waste discharge, notification of, 53.49
- Injunctive relief, 53.71
- Inspection, sampling, 53.55
- Liability insurance, 53.74
- Metered water supply, 53.86
- Metering of volume, diversions, 53.87
- Modification, permit, 53.37
- New connections, 53.29
- Noncompliance, determination of, 53.52
- Nonsignificant industrial users, reports from, 53.47
- Notice of violation; repeat sampling, reporting, 53.48
- Notification of violation, 53.62
- Periodic compliance reports, 53.44
- Permit required, 53.27
- Permits, 53.26 et seq.
- Potential problems, reports of, 53.46
- Pretreatment, 53.16 et seq.

### WASTEWATER TREATMENT (Cont'd.)

- Prohibited discharge standards, 53.04
- Prohibitions, general/specific, 53.82
- Publication of users in significant noncompliance, 53.58
- Rates and charges, 53.86 et seq.
- Record keeping, 53.54
- Reissuance, permit, 53.40
- Remedies nonexclusive, 53.73
- Revocation of permit, 53.39
- Sample collection, 53.51
- Sanitary district right of revision, 53.08
- Search warrants, 53.56
- Show cause hearing, 53.64
- Signatories, certification, application, 53.32
- Special agreements, 53.09
- Specific pollutant limitations, 53.07
- State requirements, 53.06
- Surcharge costs, 53.89
- Survey, wastewater, 53.26
- Tenant responsibility, 53.18
- Termination of discharge, 53.69
- Timing, 53.53
- Transfer of permit, 53.38
- Underground storage tank wastewater, 53.20
- Upset, 53.81
- Vandalism of equipment, etc., 53.21

### WATER SERVICE

- Fluoride compound in water supply, 51.01
  - Periodic tests for content, 51.02
- Housing code, 155.30(B)
- Mobile home parks, 150.206(F)
- Subdivision regulations for, 151.38

### WEAPONS (See FIREARMS AND WEAPONS)

### WEEDS AND RANK VEGETATION

- Appeals procedures, 98.07
- Control requirement, 52.20
- Definitions, 98.01
- Duty of property owners, 98.02
- Failure to abate; abatement by city, 98.05
- Fine for initial violation, 98.04
- Initial inspection; notice of violation, 98.03
- Removal, 52.21
- Unpaid fees and costs, 98.06
- Vacant lots, removal from, 52.22

## Z

### ZONING CODE

- Accessory use or structure, 150.23
- Administration, 150.230 et seq.
- Administrative officers, 150.231
- Administrative zoning officer, 150.232
  - Appointment, 150.232(A)