

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. 67-09, enacted December 7, 2009.

See the References to Ordinances for further information.

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

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

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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.

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Sec. 30.13. Fees: copies.

(A) There is no charge for the inspection of a public record or in the search for, to examine or review a record to determine whether the record may be disclosed in the city clerk's office.

(B) The fee for copying standard sized documents shall be \$0.10 per page for copies that are not color copies and \$0.25 per page for color copies if color copies are available.

(C) The copy fee will be waived for other City of Muncie Departments.

(D) The fee must be made prior to the copies being made.

(E) The fee for certification of copies shall be \$2.00 for the first page and \$1.00 per page thereafter up to a maximum of \$5.00 per document. (Ord. No. 38-94, 7-11-94; Ord. No. 60-09, § 1, 12-7-09)

Secs. 30.14—30.19. Reserved.

DIVISION 1. INVENTORY OF CITY
PROPERTY

Sec. 30.20. Inventory of city property required by department heads.

The head of each department of the municipal government shall make an annual inventory of all municipally-owned property in the custody or control of such department. (Code 1968, § 30.30)

Sec. 30.21. Transfer to successor.

In the event of the resignation, or at the expiration of the term of service of the department head, such retiring department head shall turn over to his successor in office the inventory required by section 30.20 and receive a clearance receipt for all municipally-owned property accounted for from his successor in office. In the event of the death of any department head during his term of service, the president of the common council shall appoint a committee of three members of the common council to take an inventory of all municipally-owned property in the department of such deceased official, and certify such

inventory to the mayor, who shall receive a clearance receipt for all properties accounted for on behalf of such deceased department head from his successor in office.

(Code 1968, § 30.31)

Secs. 30.22, 30.23. Reserved.**Sec. 30.24. Completion date; filing; presentation to council.**

All department heads' inventories must be completed prior to December 31st of each year, with a complete inventory as of November 15th of each year. This inventory shall be filed with the city clerk, who shall present the same to the common council for acceptance or rejection at the first meeting of each year.

(Code 1968, § 30.34)

Sec. 30.25. File record of city property based on inventories.

The city clerk shall set up and file record of all municipally-owned property based on the inventories required by section 30.20 removing such properties from the file whenever any municipally-owned properties have been disposed of in accordance with existing laws.

(Code 1968, § 30.35)

Sec. 30.26. Expendable properties excepted from inventory requirements.

Expendable properties, such as office supplies, ink, paper, pens, pencils, envelopes, stamps, erasers, etc., shall not be included in the inventory required by section 30.20.

(Code 1968, § 30.36)

Sec. 30.27. Penalty for failure to file on time.

Any department head who fails to file the inventory required by this chapter within the prescribed time shall be subject to a fine not exceeding \$5.00 for each of the first three months that such inventory is overdue, and not exceeding \$10.00 per month for each month following that such inventory is overdue.

(Code 1968, § 30.37)

Secs. 30.28—30.39. Reserved.

DIVISION 2. WAGES

Sec. 30.40. Prevailing scale of wages.

Any sole proprietorship, partnership or corporation which is hereinafter awarded a contract by the city or by the sanitary district for construction projects which are over \$10,000.00 or fall under the federal Davis-Bacon laws or Indiana state prevailing wage laws shall be required to pay the prevailing wage rate as determined by the most current Indiana Department of Labor, Wage and Hour Division, Area Wage Survey for each class of work on the project.

(Ord. No. 8-91, 6-3-91; Ord. No. 20-93, 6-7-93)

Sec. 30.41. Prohibiting payment of less than prevailing wages.

It shall be considered unlawful for any contractor or subcontractor to make payment of wages for skilled, semi-skilled (skilled or unskilled) labor on any project covered herein which are less than the minimum provided for in the applicable national code of fair competition or regional agreement approval by the President of the United States.

(Ord. No. 8-91, 6-3-91)

Sec. 30.42. Filing schedule of wages.

It shall be required that any contractor or subcontractor performing work under the terms of this section shall file a schedule of the wages to be paid to such laborers, workmen, or mechanics with the city. The schedule shall not be less than the prevailing scale of wages stated in section 30.40 herein for the class of work being performed by each laborer, workman or mechanic. Such schedule shall be clearly posted on the job site during construction.

(Ord. No. 8-91, 6-3-91; Ord. No. 20-93, 6-7-93; Ord. No. 37-93, 8-2-93; Ord. No. 24-94, 4-4-94)

Sec. 30.43. Proof of compliance.

The city or its authorized representative shall have the power and the authority to request and receive information which would substantiate proper payment under this chapter. The recipient of the contract shall supply the requested documents or information to the city or its designee

within five working days of receipt of the request. Failure to comply with the request will result in a fine of \$1,000.00 per day for each day after the five working-day response period has passed.

(Ord. No. 8-91, 6-3-91)

Sec. 30.99. Penalty.

(A) Any sole proprietorship, partnership or corporation who knowingly or willingly fails to pay the rate of wages required to be paid under terms of this subchapter shall be fined not less than \$1,000.00 for each violation for each day that the violation is permitted to continue past the date the violation was discovered. All wage shortages owed to laborers shall be paid on the date of discovery. Any proprietorship, partnership or corporation who is determined by the Common Council to have committed two violations of this subchapter in any consecutive 24-month period shall be prohibited from submitting any bid for any public work required by the city for a period of 36 consecutive months from the date of the second violation was determined.

(B) A sole proprietorship, partnership or corporation who knowingly or willfully fails to pay the rate of wages determined under this subchapter commits a Class B misdemeanor. If the sole proprietorship, partnership or corporation has committed a prior offense under this subchapter, the contract on which the instant offense occurred shall be forfeited and the sole proprietorship, partnership or corporation may not receive any further payment on the contract, nor may the city making the contract make any further payments on the contract from any of the funds under its charge or control.

(Ord. No. 8-91, 6-3-91)

CHAPTER 38. PUBLIC PURCHASING

Sec. 38.01.	Applicability of chapter.
Sec. 38.02.	Authority.
Sec. 38.03.	Definitions.
Sec. 38.04.	Purchasing agency and agents.
Sec. 38.05.	Competitive bidding.
Sec. 38.06.	Small purchases.
Sec. 38.07.	Special purchasing methods.
Sec. 38.08.	Receiving offers.
Sec. 38.09.	Correction and withdrawal of bids.
Sec. 38.10.	Cancellation of awards or contract.
Sec. 38.11.	Protection of offers; status of documents as public records.
Sec. 38.12.	Discussion with offerors responding to request for proposals.
Sec. 38.13.	Delay of opening of offers.
Sec. 38.14.	Evidence of financial responsibility.
Sec. 38.15.	Use of requests for proposals for purchase of designated types of supplies.
Sec. 38.16.	Modification and termination of contracts.

Sec. 38.01. Applicability of chapter.

(A) Except as provided below, this chapter applies to every expenditure of public funds in the name of the City of Muncie for the purpose of purchasing supplies as defined by state law. Provided, however, this chapter shall not apply to the expenditure of funds by a board, commission or department of the City of Muncie which has its own governing body.

(B) This chapter does not apply to the following:

- (1) A contract between governmental bodies;
- (2) Any public works project, all of which are governed by I.C. 36-1-12;
- (3) A collective bargaining agreement between a governmental body and its employees;
- (4) The employment relationship between a governmental body and an employee of a governmental body;
- (5) An investment of public funds;
- (6) A contract between a governmental body and a body corporate and politic;
- (7) A contract for social services;
- (8) A contract with a body corporate and politic.

(C) No provision herein shall be construed to limit or abrogate the requirement of approval and signature on all contracts entered into by the City of Muncie and every agency, office, branch, council, and department.
(Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.02. Authority.

I.C. 5-22-3-3 permits a governmental body to regulate purchases of the governmental body. A rule adopted pursuant to I.C. 5-22-3-3 may supplement and not be inconsistent with Title 5, Article 22 of the Indiana Code.
(Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.03. Definitions.

(A) "Offer" shall have the same meaning as set forth in I.C. 5-22-2-17.

(B) "Offeror" shall have the same meaning as set forth in I.C. 5-22-2-18.

(C) "Person" shall have the same meaning as set forth in I.C. 5-22-2-20.

(D) "Public funds" shall have the same meaning as set forth in I.C. 5-22-2-23.

(E) "Purchase" shall have the same meaning as set forth in I.C. 5-22-2-24.

(F) "Request for Proposals (RFP)" shall have the same meaning as set forth in I.C. 5-22-2-28.

(G) "Services" shall have the same meaning as set forth in I.C. 5-22-2-30.

(H) "Solicitation" shall have the same meaning as set forth in I.C. 5-22-2-32.

(I) "Specifications" shall have the same meaning as set forth in I.C. 5-22-2-35.

(J) "Supplies" shall have the same meaning as set forth in I.C. 5-22-2-38.
(Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.04. Purchasing agency and agents.

(A) The board of public works and safety of the City of Muncie is designated as the purchasing agency for the city.

(B) The purchasing agency shall have all the powers and duties authorized under I.C. 5-22, as may be amended from time to time by law, or supplemented from time to time by ordinances adopted by the common council of the city, and policies adopted by the purchasing agency.

(C) The purchasing agency shall act as purchasing agency for every agency, office, branch, council, and department. The purchasing director, appointed pursuant to subsection 31.06(E) of the City of Muncie Code of Ordinances, or his designee, shall act as the purchasing agent for every office, branch, council, and department. (Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.05. Competitive bidding.

Except as otherwise provided in this chapter and/or as authorized by statute, the purchasing agent and agency shall follow the procedure described in I.C. 5-22-7 et seq., in awarding a contract for supplies. As such, I.C. 5-22-7-1 et seq., as may be amended from time to time by law, is hereby incorporated by reference. (Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.06. Small purchases.

(A) This section applies to a purchase estimated by the purchasing agent to be less than \$150,000.00.

(B) Purchases below \$5,000.00: A purchasing agent may make a purchase estimated to be less than \$5,000.00 pursuant to policies established by the purchasing agency.

(C) Purchases between \$5,000.00 and \$50,000.00. If the purchase is estimated to be between \$5,000.00 and \$50,000.00, the head of the department making the purchase shall supply the purchasing agent with prices received either by phone, in writing, or in person from at least three suppliers. The purchasing agent shall keep a file for purchases made under this subsection with the following information:

- (1) The name, address, and phone number of each supplier who provided a price;
- (2) The price provided by each supplier;

(3) The supplier chosen and the reason for the choice, if the supplier did not provide the lowest price.

(D) Purchases between \$50,000.00 and \$150,000.00. If the purchase is estimated to be between \$50,000.00 and \$150,000.00, the purchasing agent may purchase supplies by inviting quotes from at least three persons known to deal in the lines or classes of supplies to be purchased. The procedure to be followed is as follows:

- (1) The purchasing agent shall mail an invitation to quote to the persons selected at least seven days before the time fixed for receiving quotes.
- (2) If the purchasing agent receives a satisfactory quote, the purchasing agent shall award a contract to the lowest responsible and responsive offeror for each line or class of supplies required.

(3) The purchasing agent may reject all quotes. (Ord. No. 59-09, § 1, 11-2-09)
 State law reference—I.C. 5-22-8.

Sec. 38.07. Special purchasing methods.

Notwithstanding any other provisions in this chapter, a purchasing agent may make a purchase under this chapter without soliciting bids or proposals if permitted pursuant to I.C. 5-22-10 et. seq., as amended from time to time. As such, I.C. 5-22-10 et. seq. is hereby incorporated by reference. (Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.08. Receiving offers.

- (A) *Opening of offers.*
 - (1) Bids received in response to an invitation of bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation of bids.
 - (2) Proposals received in response to a request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation.

(3) Specifications received in response to a request for specifications may be opened as specified in the request for specifications.

(B) *Electronic receipt of offers.*

(1) The purchasing agent or agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications.

(2) The purchasing agencies may only receive an electronic offer if the solicitation includes the procedure for electronic submission of the offer and the offer is received on a fax machine or other system with a security feature that protects the contents of an electronic offer with the same degree of protection as provided to an offer not transmitted electronically.

(Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.09. Correction and withdrawal of bids.

(A) An offeror may correct inadvertent errors in a bid up to the time at which bids will be opened by supplementing the erroneous bid and submitting a revised bid. A bidder may supplement an inadvertently erroneous bid after the time at which the bids were opened.

(B) An offeror may withdraw a bid containing inadvertent errors up to the time at which bids will be opened and for a period of not more than 24 hours after the time at which the bids were opened.

(Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.10. Cancellation of awards or contract.

(A) When the purchasing agency determines, in wilting, that a mistake has been made in a bid and it is in the city's best interest, it may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

(Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.11. Protection of offers; status of documents as public records.

(A) *Protection of offers prior to opening.* The clerk of the City of Muncie, or the purchasing agent who receives offers, shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.

(B) *Unobstructed evaluation of offers.* After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

(C) *Public records status of bids.* Bids submitted in response to an invitation for bids must be made available for public inspection and copying after the time of the bid opening, unless the bid opening is delayed, as authorized in this section or any other statute or ordinance.

(D) *Register of proposals.* The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

(Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.12. Discussion with offerors responding to request for proposals.

The purchasing agent may conduct discussions with parties who are submitting proposals. Final offers may be obtained from responsible offerors who submit proposals and are determined to be reasonably susceptible of being selected for a contract award.

(Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.13. Delay of opening of offers.

When the board of public works and safety makes a written determination that it is in the city's best interest, offers may be opened after the time stated in the solicitation. The date, time, and

place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.
(Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.14. Evidence of financial responsibility.

(A) *Purchases less than \$100,000.00.* The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent of the estimated cost of the project.

(B) *Purchases over \$100,000.00.* The solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent of the estimated cost of the purchase.
(Ord. No. 59-09, § 1, 11-2-09)

State law reference—I.C. 5-22-16-5

Sec. 38.15. Use of requests for proposals for purchase of designated types of supplies.

If the board of public works and safety determines that it is either not practicable or not advantageous to purchase certain types of supplies by sealed competitive bidding, they shall authorize the appropriate purchasing agent to receive proposals.
(Ord. No. 59-09, § 1, 11-2-09)

Sec. 38.16. Modification and termination of contracts.

(A) *Price adjustments.* Any purchasing agent for the city may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

- (1) Price adjustments must be computed by agreement on a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning of performance as possible;

- (2) Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;
- (3) Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;
- (4) Price adjustments must be computed in such other manner as the contracting parties may mutually agree upon.

(B) *Adjustments in time of performance.* The purchasing agent may include provisions in a purchase contract concerning adjustments for time of performance under the contract.

(C) *Unilateral rights of the city.* The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the purchasing agent, or the board of public works and safety, to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

(D) *Quantity variations.* The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

(Ord. No. 59-09, § 1, 11-2-09)

State law reference—I.C. 5-22-20-1, 5-22-20-2.

CHAPTER 115. PAWNBROKERS, JUNK AND SECONDHAND DEALERS*

- Sec. 115.01. Definitions.
- Sec. 115.02. License to operate junkyard required.
- Sec. 115.03. Application for license.
- Sec. 115.04. Fee.
- Sec. 115.05. Junkyards prohibited near schools, churches, or parks.
- Sec. 115.06. Fences.
- Sec. 115.07. Building permit required for wall or fence around junkyard.
- Sec. 115.08. Licenses required for pawnbrokers and secondhand stores.
- Sec. 115.09. Records to be kept.
- Sec. 115.10. Report to police.
- Sec. 115.11. Certain items may be held for identification.
- Sec. 115.12. Operating regulations.
- Sec. 115.13. Suspension of license.

Sec. 115.01. Definitions.

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

Junkyard. Any lot, parcel of real estate, or building used for storing old automobiles, or used in the wrecking of old automobiles and storing of wrecked parts on the premises, or storing and keeping old wastepaper, rags, rubber, junk, iron or other metal in piles, where old parts of vehicles are bought, sold and offered for sale, or where old iron or other metals, rags, rubber or waste materials are burned on the premises, or where old lumber and other waste materials are stored and offered for sale or where old iron or other metals are cut and broken in parts by use of shears or by use of sledges and such metals are piled or stored preparatory to being shipped; provided, that the term "junkyard", as used in this chapter, shall not be construed to mean or include any lot, part of lot, parcel of real estate, or buildings used by any foundry or manufacturing plant for the storing of scrap, junk, or waste material that has been used or is to be used in conjunction with such manufacturing or foundry business. The term "junkyard" shall apply in general to any business or establishment concerned mainly or primarily with the storage, processing, or salvaging of used or secondhand materials.

*State law reference—State law, pawnbrokers, see IC 28-7-5-1.

Pawnbrokers. Any person who loans money on deposit or pledge of personal property or other valuable thing on condition of selling the same back again at a stipulated price.

Secondhand dealer. Any person who loans money on deposit or pledge or who purchases secondhand property of any description.
(Code 1968, § 116.01)

Sec. 115.02. License to operate junkyard required.

No person shall operate, maintain, open, or establish any junkyard in the city without first having obtained a license to do so from the city controller.

(Code 1968, § 116.02)

Cross reference—Penalty, see § 10.99.

Sec. 115.03. Application for license.

The application for a license to operate a junkyard in the city shall be made on a form which shall be prescribed and furnished by the city controller and shall set forth the name of the owner, manager, trustee, lessee, or other person desiring such license, the name of the junkyard, the location, including the street number of the junkyard, and other facts as the city controller may require. Every person applying for a license to operate a junkyard, as defined herein, shall be given a copy of city ordinances and regulations concerning their operation and shall sign a statement, which shall be part of the application, that he has read, understood, and intends to comply with these provisions as a condition of issuance of the license. No license may be issued without the presentation of a certificate of passing from an officer of the city department of health for an inspection made during the preceding month. The time of renewal of licenses already in effect shall be during the first ten days of January of each year.

(Code 1968, § 116.03)

Sec. 115.04. Fee.

Every person opening, establishing, operating, or maintaining a junkyard within the city shall

pay, for the privilege of opening, establishing, operating or maintaining such junkyard, an annual license fee of \$10.00.
(Code 1968, § 116.04)

Sec. 115.05. Junkyards prohibited near schools, churches, or parks.

No person shall maintain or operate a junkyard or a building wherein junk is kept or stored, within 300 feet of school grounds, churches, or public parks within the limits of the city. Any junkyard may be located only where current zoning regulations specify.
(Code 1968, § 116.05)

Sec. 115.06. Fences.

Any junkyard which fronts on a public street or other public area or which is adjacent to residential property shall be completely enclosed by a fence sufficient to keep the materials from public view. Where the junkyard is remote from public or residential areas, the fencing requirement may be waived by specific agreement in writing from the city controller. When fencing is required, the area between the fence and the lot line shall be kept free of weeds and debris and a 6-foot distance between the inside of the fence and the materials stored or processed shall be kept clear. All fencing shall be kept free of advertising or posters except for a sign identifying the establishment. All fencing shall be kept in good repair. The fence gate shall be kept locked when the operation is not open for business.

(Code 1968, § 116.06)

Cross reference—Penalty, see § 10.99.

Sec. 115.07. Building permit required for wall or fence around junkyard.

Any person who constructs a brick wall or board fence around his junkyard shall obtain a permit to do so from the proper authorities of the city before construction is begun.

(Code 1968, § 116.07)

Cross reference—Penalty, see § 10.99.

Sec. 115.08. Licenses required for pawnbrokers and secondhand stores.

No person shall conduct, maintain or engage in the business of a pawnbroker or of keeping a

secondhand store unless such person shall have first procured a license from the city controller. Every person conducting, maintaining, or engaging in the business of a pawnbroker or of keeping a secondhand store shall pay an annual license fee of \$50.00. Such license shall be designated as "Secondhand Store License" or "Pawnbroker License." Such license shall bear the date of January 1 and no reduction shall be made for any part of the time already elapsed at the time of making application for such license.

(Code 1968, § 116.08; Ord. No. 67-09, § 1, 12-7-09)

Cross reference—Penalty, see § 10.99.

Sec. 115.09. Records to be kept.

Every person who conducts, maintains, or engages in the business of a pawnbroker or of keeping a secondhand store shall keep a record of each pledge or purchase with an accurate and true description of the goods, articles, and things pledged or purchased and the amount loaned thereon or paid therefor, with the name, age, residence, and a true description of the person from whom such pledge is taken or such purchase is made. No entry made in such record shall be erased or defiled. Such record, as well as the articles and goods pledged or purchased, shall, at all reasonable times, be open to the inspection of the chief of police or any member of the police force.

(Code 1968, § 116.09)

Cross reference—Penalty, see § 10.99.

Sec. 115.10. Report to police.

Every person conducting, maintaining, or engaging in the business of a pawnbroker or of keeping a secondhand store shall make out and deliver to the chief of police each day before noon a legible and accurate report from the record required by the preceding section, showing all the goods, articles, or things pledged or purchased during the preceding day, together with the time of day when the same was received, pledged or purchased, the amount loaned upon or paid therefor, with the name, age, residence, and description of the person from whom such pledge was taken or such purchase was made. In no case shall personal property be disposed of within 24 hours of the time of filing such report with the

CHAPTER 117. TAXICABS AND BUSES*

Division 1. Taxicabs

- Sec. 117.01. Authority.
 Sec. 117.02. Definitions.
 Sec. 117.03. Permit required.
 Sec. 117.04. Permit application.
 Sec. 117.05. Insurance requirements.
 Sec. 117.06. Condition of taxicabs; inspection required.
 Sec. 117.07. Taxicab signs; business location.
 Sec. 117.08. Taxicab driver qualifications; list of approved drivers; driver card required.
 Sec. 117.09. Driver card application.
 Sec. 117.10. Display of permit and driver card.
 Sec. 117.11. Schedule of rates; information to passengers.
 Sec. 117.12. Compliance with laws; subject to inspection
 Sec. 117.13. Expiration; fees; renewal.
 Sec. 117.14. Suspension or revocation.
 Sec. 117.15. Appeal procedure.
 Sec. 117.16. Penalty.
 Sec. 117.17. Previously issued permits.
 Secs. 117.18—117.49. Reserved.

Division 2. Buses

- Sec. 117.50. Bus defined.
 Sec. 117.51. Franchise required for operation of buses.

DIVISION 1. TAXICABS†

Sec. 117.01. Authority.

Pursuant to Indiana Code 36-9-2-4, the City of Muncie may regulate services offered by persons who hold out for public hire the use of vehicles. (Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.02. Definitions.

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

(A) *Owner* shall mean a person, firm or corporation which holds title, other than for purposes of security, to a taxicab or multiple taxicabs.

***State law reference**—City's power to regulate, IC 18-1-1. 5-13.

†**Editor's note**—Ord. No. 57-09, § 1, Nov. 2, 2009, amended former Div. 1, §§ 117.01—117.17, in its entirety which pertained to similar subject matter and derived from the Code of 1968 and the following: Ord. No. 472-79, 5-14-79; Ord. No. 633-80, 9-8-90; Ord. No. 15-2000, § 1, 5-8-00.

(B) *Taxicab* shall mean a motor vehicle that is designed and constructed to accommodate and transport not more than six passengers in addition to the driver; does not operate over any definite and designated routes within the corporate boundaries of a city or town and the suburban territory of a city or town; and transports passengers to the destination designated by the passengers at the time of their transportation.

(C) *Taxicab driver* shall mean any person in actual physical control of a taxicab while the taxicab is available to carry passengers for hire. (Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.03. Permit required.

No taxicab shall be operated within the City of Muncie unless the owner shall have obtained a taxicab permit issued by the City of Muncie Police Department. Each taxicab shall be issued a separate taxicab permit. (Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.04. Permit application.

(A) A written application for a taxicab permit authorized by this chapter shall be made and signed by the owner, or the owner's authorized agent ("applicant"). The application shall be on a form provided by the Muncie Police Department and require the following:

- (1) The name, address and telephone number of the applicant.
- (2) The number of taxicabs for which the application seeks a permit.
- (3) The manufacturer's vehicle identification number, seating capacity, make and model, year of manufacture, and current Indiana license plate number for each taxicab for which the applicant seeks a permit.
- (4) Copies of current certificates of registration for each vehicle for which the applicant seeks a permit.
- (5) A description of the sign designating the name of the entity operating the taxicab(s) as required by Section 117.07 herein.
- (6) The schedule of rates to be charged by the applicant.

(7) If the applicant is a corporation or LLC, proof that it is registered to conduct business, and in good standing in the State of Indiana.

(8) Any other information required by the Muncie Police Department.

(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.05. Insurance requirements.

(A) Prior to the issuance of a permit, the applicant shall file with the Muncie Police Department and, continue in force, during the term of the permit, a certificate of insurance issued by an insurance carrier licensed to do business in the State of Indiana, insuring the applicant and each vehicle for which the applicant seeks to obtain a permit for liability insurance with minimum coverage for a combined single limit of \$ 1,000,000 per occurrence.

(B) The certificate of insurance shall name the City of Muncie as an additional named insured and shall further provide that the city will receive notice of any cancellation of said policy.

(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.06. Condition of taxicabs; inspection required.

(A) No permit shall be issued to any motor vehicle which does not have four doors, a rigid roof, a rear trunk or a rear seat designed to seat three persons comfortably with seat belts that are operable and in full compliance with state law, or which is older than ten years. All taxicabs shall be mechanically sound and safe and shall be kept in good repair and in clean and sanitary condition so as to be capable of safely and comfortably transporting passengers.

(B) Prior to the issuance of any permit(s), a designated representative of the Muncie Police Department shall conduct a safety inspection of each vehicle for which the applicant seeks a permit. The Muncie Police Department may, in its discretion, require the applicant to submit current maintenance records for any motor vehicle for which an applicant seeks a taxicab permit.

(C) The Muncie Police Department reserves the right to suspend a taxicab permit issued to a vehicle which is determined to be in an unsafe condition until adequate repairs are made.

(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.07. Taxicab signs; business location.

(A) All properly permitted taxicabs within the city shall be designated by the name of the company as it appears on the taxicab permit(s) and the name shall be displayed on each side of the taxicab in such a manner as to be legible to a reasonable person.

(B) A permit to operate a taxicab shall not be issued unless the applicant has a permanent office from which to control the operation of the taxicab(s).

(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.08. Taxicab driver qualifications; list of approved drivers; driver card required.

(A) No driver shall operate a taxicab within the City of Muncie until it has been determined that the driver meets the following qualifications:

- (1) Is the holder of a valid Indiana chauffeur license;
- (2) Has not been convicted of a felony; and
- (3) Has not been convicted of a misdemeanor which the chief of the City of Muncie Police Department, in the chief's discretion, determines to be sufficient to disqualify the driver from operating a taxicab in the best interests of the citizens of the city.

(B) The Muncie Police Department shall maintain a list of approved drivers and the owner for which each driver is operating a taxicab.

(C) Each approved driver shall be issued a driver card by the city containing the driver's name and photograph. The photograph shall be two inches by two inches in size and shall be provided to the Muncie Police Department by the driver.

(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.09. Driver card application.

(A) Prior to the issuance of a driver card, a taxicab driver shall submit, on a form provided by the Muncie Police Department, an application containing the following information:

- (1) The taxicab driver's name, drivers license numbers, and date of birth.
- (2) If not filing contemporaneously with an application for a taxicab permit, the name of the owner for which the taxicab driver will be operating a taxicab.
- (3) A copy of the taxicab driver's Indiana chauffeur license.
- (4) A copy of a limited criminal history check for the taxicab driver which shall be obtained by the taxicab driver from the Indiana State Police.
- (5) Any other information required by the Muncie Police Department.

(B) The drivers license numbers and date of birth of an applicant for a driver card shall be maintained as a confidential record, not subject to public disclosure under Indiana law.
(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.10. Display of permit and driver card.

Each taxicab shall have displayed in a prominent place inside the vehicle a copy of the taxicab permit and the taxicab driver card issued to the driver then operating the taxicab.
(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.11. Schedule of rates; information to passengers.

(A) Each owner shall file with the Muncie Police Department a schedule of rates to be charged for the operation of its taxicab(s) which shall be open to public inspection at all reasonable times. The schedule of rates shall be posted in a prominent place within the taxicab at all times.

(B) Every taxicab driver, upon request by any person who is, has been, or is about to become a passenger in the taxicab, shall provide to such

person his name, taxicab driver card number, state chauffeur's license number, and permit number for the vehicle.

(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.12. Compliance with laws; subject to inspection

(A) All taxicabs shall be operated in compliance with this chapter and the laws of the State of Indiana.

(B) Upon acceptance of a permit or driver card issued under this chapter, the owner and/or driver acknowledge and agree that a taxicab shall be subject to a safety inspection at all times by the City of Muncie Police Department to ensure compliance with this chapter.

(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.13. Expiration; fees; renewal.

(A) A taxicab permit issued under this chapter shall be valid for a period of one year from the date of its issuance. The annual fee for a single taxicab permit shall be \$100.00.

(B) A drivers' card issued under this chapter shall be valid for a period of one year from the date of its issuance. The annual fee for a single driver's card shall be \$25.00.

(C) Upon expiration of a permit or driver card, the owner or taxicab driver shall either reapply to the Muncie Police Department or cease activity. The same procedure followed for the issuance of an initial pennit and/or driver card shall be followed for the renewal of such. It shall be the sole responsibility of the owner or taxicab driver to reapply for arenewal in a timely manner and the Muncie Police Department is not required to notify the owner or taxicab driver prior to the expiration of the permit or driver card,

(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.14. Suspension or revocation.

Any owner or taxicab driver who violates any provision of this chapter or provides any false statement in the application for a permit and/or driver card shall be subj ect to suspension or revocation of a permit and/or driver card by the Muncie Police Department. Any notice of suspen-

sion or revocation shall be in writing and delivered to the owner or taxicab driver at the address on file with the application submitted to the Muncie Police Department.
(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.15. Appeal procedure.

Any owner or driver which is aggrieved by a decision of the Muncie Police Department made pursuant to this chapter may appeal that decision to the city board of public works and safety. The owner or driver must request an appeal to the board of public works and safety within ten days of the decision. A hearing shall be held at the next regularly scheduled meeting of the board of public works and safety.

(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.16. Penalty.

Any owner and/or taxicab driver who violates any terms of this chapter, in addition to the revocation and suspension provisions outlined above, shall be subject to a fine for a first offense of up to \$1,000.00 and for any subsequent offenses up to \$2,500.00. Each day on which a violation occurs shall be considered a separate offense.

(Ord. No. 57-09, § 1, 11-2-09)

Sec. 117.17. Previously issued permits.

All previously issued permits or licenses to operate a taxicab shall be null and void. Any unexpired licenses or permits shall be returned at the time of application to receive a credit for fees paid in obtaining the unexpired license.

(Ord. No. 57-09, § 1, 11-2-09)

Secs. 117.18—117.49. Reserved.

DIVISION 2. BUSES

Sec. 117.50. Bus defined.

As used in this chapter the term "BUS" shall mean, any self-propelled motor vehicle traversing the streets or public highways of the city along a definite route for the purpose of carrying passengers for hire. The term "BUS" shall not include any motor vehicle known as a taxicab, operated

only upon call under special contract for hire, the destination or route of which is under the direction of a passenger transported therein, or any common carrier operating under authority of any state or federal commission or board.

(Code 1968, § 118.50)

Sec. 117.51. Franchise required for operation of buses.

Except as otherwise provided in this chapter, no person shall operate a bus upon any street or highway in the city except pursuant to a franchise contract duly entered into with the board of public works and safety and ratified by the common council.

(Code 1968, § 118.51)

CHAPTER 119. PRECIOUS METALS

Sec. 119.01.	Purpose.
Sec. 119.02.	Title.
Sec. 119.03.	Definitions.
Sec. 119.04.	License required.
Sec. 119.05.	Display of license.
Sec. 119.06.	Licensed dealer for transaction.
Sec. 119.07.	Purchases from minors.
Sec. 119.08.	Identification of seller.
Sec. 119.09.	Record of purchase.
Sec. 119.10.	Signature of seller.
Sec. 119.11.	Holding purchases.
Sec. 119.12.	Coin shows exempted.
Sec. 119.13.	Separability.
Sec. 119.99.	Penalty.

Sec. 119.01. Purpose.

The purpose of this chapter is to control the buying and selling of the precious metals of gold and silver and to reduce the theft and prevent the removal of the metals from the city by those other than the true owners of the metals.

(Ord. No. 683-81, 5-4-81)

Sec. 119.02. Title.

This chapter shall be known as the precious metal chapter.

(Ord. No. 683-81, 5-4-81)

Sec. 119.03. Definitions.

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

Precious metal dealer. Any individual, firm, corporation, or partnership engaged in the business of purchasing and reselling precious metal either at a permanently established place of business or in connection with a business of itinerant nature, including traveling shows and exhibitions where purchases or sales of precious metals occur.

Precious metals. Gold or silver regardless of form or metallurgical chemistry.

(Ord. No. 683-81, 5-4-81)

Sec. 119.04. License required.

Beginning June 1, 1981, every precious metal dealer within the city shall obtain, once a year, a

license from the city controller on paying a \$50.00 license fee and providing the following information:

- (A) Name of individual or business obtaining the license.
- (B) Regular address of business within the city.
- (C) Permanent address of business obtaining the license.
- (D) Address where the business is to be conducted in the city.
- (E) Any other names used by the business.
- (F) Names and addresses of the private homes of all the owners of the business.
- (G) Business phone number.
- (H) Number of years the business has been in existence.
- (I) Consenting to jurisdiction of the courts of Delaware County for enforcement of this chapter.

(Ord. No. 683-81, 5-4-81; Ord. No. 66-09, § 1, 12-7-09)

Cross reference—Penalty, see § 119.99.

Sec. 119.05. Display of license.

All precious metal dealers shall display their license in a prominent place within their place of business where any customer can readily examine the license without having to ask to see the license.

(Ord. No. 683-81, 5-4-81)

Cross reference—Penalty, see § 119.99.

Sec. 119.06. Licensed dealer for transaction.

All purchases or sales of precious metals, within the city shall have as one of the parties to the transaction a licensed precious metal dealer.

(Ord. No. 683-81, 5-4-81)

Cross reference—Penalty, see § 119.99.

Sec. 119.07. Purchases from minors.

It is illegal for anyone to purchase precious metals from an individual under the age of 18, without personal consent from the parent or legal

guardian of the individual under 18 years of age in writing, and the parent or legal guardian being present at the time and place of purchase.
(Ord. No. 683-81, 5-4-81)

Cross reference—Penalty, see § 119.99.

Sec. 119.08. Identification of seller.

A precious metal dealer shall not purchase precious metal from anyone unless that person has three separate pieces of identification, at least one of which has a picture of the person selling the precious metal to the dealer, and one of which gives the age of the seller.
(Ord. No. 683-81, 5-4-81)

Cross reference—Penalty, see § 119.99.

Sec. 119.09. Record of purchase.

(A) Every precious metal dealer in the city shall enter in triplicate on forms prescribed by the chief of the police department for each purchase of precious metal the following information:

- (1) The name and address of the dealer.
- (2) The date and place of each purchase.
- (3) The name, address, age, driver's license number, or social security number of the person from whom the precious metal was purchased.
- (4) Description of other identification used, including numbers contained thereon.
- (5) The motor vehicle license number of the vehicle or conveyance on which the precious metal was delivered to the dealer.
- (6) The price paid for the metal.
- (7) A description of the metal purchased including the weight.
- (8) Statement to the effect that the seller is the owner of the property being purchased.
- (9) Place for the signature of the seller.

(B) One copy of the completed form shall be kept in a separate book or register by the dealer and shall be retained for a period of two years. Such book or register shall be made available for inspection by any law enforcement official at any time. Within 24 hours from the time of purchase,

one copy of the completed form shall be mailed to the city police at city hall, and one copy attached to the item purchased and retained with that item for 15 days from the date of purchase.
(Ord. No. 683-81, 5-4-81; amend. Ord. No. 764-81, 1-4-82)

Sec. 119.10. Signature of seller.

Every person selling precious metal to a precious metal dealer shall sign a statement, on the form provided by the dealer, stating that he is the owner of the item being sold.
(Ord. No. 683-81, 5-4-81)

Cross reference—Penalty, see § 119.99.

Sec. 119.11. Holding purchases.

Each dealer of precious metals shall hold each purchase of precious metal at his regular place of business within the city, as indicated in his application for license as a dealer in precious metals for 15 days in the same form as purchased so that it is readily identifiable from all other purchases. During the 15 days a dealer may not change the form of the precious metal and shall permit any law enforcement officer to make an inspection of the precious metal purchased.
(Ord. No. 683-81, 5-4-81)

Cross reference—Penalty, see § 119.99.

Sec. 119.12. Coin shows exempted.

Notwithstanding the foregoing provisions, this chapter shall not apply to any coin or precious metal show, exhibit, exchange, or sale sponsored or sanctioned by the American Numismatic Association or its state or local affiliates, and lasting for a period of one week or less.
(Ord. No. 28-89, 5-2-89)

Sec. 119.13. Separability.

Each section and each provision or requirement of any section of this chapter shall be considered separable, and the invalidity of any portion shall not affect the validity of any other portion herein.
(Ord. No. 28-89, 5-2-89)

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.

(3) *Abatement of vacant and abandoned structures.*

- (a) Adoption of state law. I.C. 36-7-36-1 as modified herein, and 36-7-36-2 through 36-7-36-10 are adopted by reference and incorporated herein together with any and all amendments hereto that are made following this date. All proceedings as to vacant and/or abandoned buildings shall be governed by this law and the provisions of this section.
- (b) Definition of abandoned structure amended. as used in this chapter, "abandoned structure" means any of the following:
 - 1. Commercial real property or a vacant structure on commer-

cial real property that is used or was previously used for industrial or commercial purposes, and:

- a. That the owner of the property or structure has declared in writing to be abandoned; or
 - b. For which the owner of the property or structure has been given a written order by an enforcement authority to rehabilitate or demolish, and the owner:
 - (i) Has not applied for a permit to rehabilitate or demolish the property or structure; or
 - (ii) Applied for and was granted a permit, but rehabilitation or demolition work has not commenced on the property or structure within thirty (30) days after the date the permit was granted; or
 - (iii) Applied for and was granted a permit, and work began, but was not completed prior to the expiration of the permit and an application for a subsequent permit has not been submitted.
2. Real property that has not been used for a legal purpose for at least six consecutive months and:
- a. In the judgment of an enforcement authority, is in need of completion, rehabilitation, or repair, and completion, rehabilitation, or repair work has not taken place on the property for at least six (6) consecutive months;

- b. On which at least one installment of property taxes and/or an assessment for a civil penalty or penalties issued by a hearing authority is delinquent; or
 - c. That has been declared a public nuisance by a hearing authority.
- 3. Real property that has been declared in writing to be abandoned by the owner, including an estate or a trust that possesses the property.
 - 4. Vacant real property on which a municipal lien has remained unpaid foT at least one year.

(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; Ord. No. 55-09, § 1, 11-2-09)

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 build-

ing 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 improvements 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 cer-

tificate 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-

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
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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
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20-09	3- 2-09		152.35
27-09	5- 4-09	Rpld	98.05—98.15
		Added	98.01—98.07
55-09	11- 2-09		152.15(C)(3)
57-09	11- 2-09		117.01—117.17
59-09	11- 2-09		38.01—38.16
60-09	12- 7-09		30.13
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