

# **ALLEN COUNTY CODE TITLE 6 BUILDING DEPARTMENT**

## **ARTICLE 8 ALLEN COUNTY PROPERTY MAINTENANCE/MINIMUM HOUSING CODE**

### **CHAPTER 1 GENERAL**

- 6-8-1-1** This code is adopted for the purpose of preserving and promoting the public health, safety, comfort, convenience, prosperity, and general welfare of the people of Allen County, Indiana and environs.
- 6-8-1-2** In any case where a provision of this code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of Allen County existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- 6-8-1-3** If any section, sub-section, paragraph, sentence, clause, or phrase of this code should be declared to be invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code, which shall remain in full force and effect, and to this end the provisions of this code are hereby declared to be severable.
- 6-8-1-4** In the event of a conflict between the provisions of this chapter and the rules of the Indiana Fire Prevention and Building Safety Commission or its predecessor agencies (“Commission”), or in the event that the provisions of this Article are more stringent than the rules of the Commission, the rules of the Commission Shall govern.

### **CHAPTER 2 APPLICIBILITY**

- 6-8-2-1** The provisions of this Code are applicable to all existing structures, residential and nonresidential, premises on which the structure is located and all yards, spaces, and areas adjoining the structure. This code shall constitute minimum standards for basic equipment, lighting, ventilation heating, and electrical service, space, protection from the elements, safety, sanitary maintenance, and other hazards. This code fixes the

responsibility of owners, operators and occupants of structures both residential and nonresidential.

- 6-8-2-2** Maintenance of equipment, safety equipment, fire protection systems or any other device required by this code or a code in effect at the time the structure was constructed or altered shall be maintained in good working condition and shall operate as originally intended. The owner shall be responsible for the maintenance of such equipment.
- 6-8-2-3** Any repair, alteration or addition to any structure in the County of Allen will be done so in accordance with the codes adopted by the State of Indiana.
- 6-8-2-4** Buildings designated by the State of Indiana as Historic Structures shall not be covered by this code if the Code Official has determined said structure to be in a safe condition, and no threat to the public health or welfare.

### **CHAPTER 3 DEFINITIONS**

- 6-8-3-1** Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter. In addition to the terms set out in this code, definitions from State of Indiana Building Codes are adopted by reference Allen County Code 6-2-5-1, et seq. or as amended from time to time.
- 6-8-3-2** Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- 6-8-3-3** Terms defined in other codes. Where terms are not defined in this code and are defined in the codes adopted by the State Fire Prevention and Building Safety Commission, such terms shall have the meanings ascribed to them as in those codes.
- 6-8-3-4** Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- 6-8-3-5** Parts. Whenever the words BUILDING, STRUCTURE, DWELLING UNIT, DWELLING, PREMISES, BUILDING, ROOMING HOUSE, ROOMING UNIT OR STORY are stated in this code, they shall be

construed as though they were followed by the words "or any part thereof."

**Agricultural Building or Structure** A building or structure designed primarily for agricultural purposes in which the majority of the structure is used for the storage of crops and/or materials used in the preparation thereof, or for the storage, protection and maintenance of farm machinery and equipment, or for the housing or preparation of livestock or poultry for marketing all primarily for the use of the owner or occupant.

**Agricultural Land** The use of land for agricultural purposes including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; however, the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**Approved** Approved by the code official.

**Basement** That portion of a building which is partly or completely below grade.

**Bathroom** A room containing plumbing fixtures including a bathtub or shower.

**Bedroom** Any room or space used or intended to be used for sleeping purposes.

**Code Official** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**Condemn** To adjudge unfit for occupancy.

**Dwelling Unit** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Exterior Property** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**Guard** A building component or a system of building components located at or near the open sides of elevated walking

surfaces that minimize the possibility of a fall from the walking surface to a lower level.

**Habitable Space** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**Imminent Danger** A condition which could cause serious or life-threatening injury or death at any time.

**Labeled** Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

**Let For Occupancy or Let** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**Occupancy** The purpose for which a building or portion thereof is utilized or occupied.

**Occupant** Any individual living or sleeping in a building, or having possession of a space within a building.

**Occupy** To use in any form or fashion.

**Openable Area** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**Operator** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**Owner** Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as

holding title to the property; or otherwise having control of the property, including the guardian of the state of any such person, and the executor or administrator of the estate of such a person if ordered to take possession of real property by a court.

- Person** An individual, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
- Premises** A lot, plot or parcel of land including structures thereon.
- Rooming House** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.
- Rooming Unit** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.
- Rubbish** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.
- Structure** That which is built or constructed or a portion thereof.
- Tenant** A person or group, whether or not the legal owner of record, occupying a building or a portion thereof.
- Toilet Room** A room containing a water closet or urinal but not a bathtub or shower.
- Ventilation** The natural or mechanical process of supplying conditioned or unconditioned air to or removing such air from, any space.
- Workmanlike** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.
- Yard** An open space on the same lot with a structure.

## **CHAPTER 4 DUTIES AND RESPOSIBILITES OF THE CODE OFFICIAL**

- 6-8-4-1** The Building Commissioner of Allen County shall be known as the Code Official and shall be appointed by the County Commissioners, subject to appropriation.. The Code Official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.
- 6-8-4-2** The Code Official shall be responsible for the enforcement of the provisions of this code, and shall do so primarily on a complaint driven basis.
- 6-8-4-3** The Code Official, as approved by the County Commissioners, shall have the authority as necessary in the interest of public health, safety and general welfare to adopt and promulgate policies and procedures to;
- a) Interpret and implement the provisions of this code
  - b) Designate requirements applicable because of local conditions.
- 6-8-4-4** The Code Official is hereby authorized and directed to make inspections to determine the condition of a structure, dwelling unit, rooming unit, and premises located within the county of Allen, Indiana, in order that the Code Official may perform their duty of safeguarding the health and safety of the general public. For the purpose of making such inspection the Code Official is hereby authorized to enter, examine and survey all structures, dwelling units, rooming units and premises when one of following requirements have been met and satisfied;
- a) Where an official determination by the Code Official has been made a matter of written public record that blanket inspection of all structures, dwelling units, rooming units and or premises subject to this code is necessary, and where notice of this inspection has been published once per week for two consecutive weeks in a newspaper of general circulation in the County of Allen, such publication being completed not less than five (5) days before the commencement of such inspection, such inspections may be accordingly made; provided that the area to be so inspected shall not be less than one-sixty-fourth (1/64) of a square mile at ground level; further provided that no enforcement shall be lawful as the result of such inspection, unless 25% of all dwelling units, structures, or premises in such area shall be so inspected.
  - b) Where probable cause that conditions not conforming to this code exists, and where the owner or those in possession of the structure

refuse inspection, and where a showing of such is made by affidavit, an inspection warrant shall be issued by the Allen County Circuit or Superior Court, in accordance with IC 36-7-9-16 which is adopted by reference in Allen County Code 6-2-5-1, et. seg

- c) All inspections provided herein shall be made not earlier than 8:00 A.M. and completed not later than 6:00 P.M. Eastern Standard Time. They shall be made only by regularly employed representatives of the enforcement agency who shall carry identification.
- d) Failure to comply with the provision of this Section shall not invalidate the findings or affect of inspections voluntarily allowed by the owner of the dwelling unit, structure or premises, or by his agent.

## **CHAPTER 5 REQUIREMENTS**

- 6-8-5-1** The provisions of this section shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.
- 6-8-5-2** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this chapter. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit are responsible for keeping in a sanitary and safe condition that part of the dwelling unit or premises, which they occupy and control.
- 6-8-5-3** The occupant shall promptly notify the owner of any deficiencies and violations of this section.
- 6-8-5-4** All vacant structures and premises thereof or vacant land shall be maintained in a, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**EXCEPTION** A building or structure designed primarily for agricultural purposes as defined in this code

## **CHAPTER 6 EQUIPMENT, FIXTURES, PREMISES**

- 6-8-6-1** The owner or occupant of a structure or part thereof shall keep all equipment and fixtures therein and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation. The owner shall maintain the supplied equipment and fixtures in good and proper operating condition
- 6-8-6-2** The equipment and fixtures furnished by the occupant of a structure shall be properly installed, and shall be maintained in good working condition, kept sanitary, and free from leaks or obstructions.
- 6-8-6-3** All exterior property and premises shall be maintained in a safe and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies, or controls, in a clean and sanitary condition.
- 6-8-6-4** All private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- 6-8-6-5** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- 6-8-6-6** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- EXCEPTION** A building or structure designed primarily for agricultural purposes as defined in this code.
- 6-8-6-7** Swimming pools shall be maintained in a sanitary condition, and in good repair. Gates which are required to be self-closing and self-latching in accordance with the codes as adopted by the State of Indiana shall be maintained such that the gate will positively close and latch when released from a still position of six inches from the gatepost.
- 6-8-6-8** Painting of vehicles is prohibited unless conducted inside an appropriate spray booth. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and appropriate for such purposes.



## CHAPTER 7 EXTERIOR STRUCTURE

- 6-8-7-1** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- 6-8-7-2** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an appropriate state of maintenance and repair.
- 6-8-7-3** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

**EXCEPTION** A building or structure designed primarily for agricultural purposes as defined in this code.

- 6-8-7-3** Building locations shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. All existing premises properly identified in accordance to the identification standards in effect at the passage of this code shall be allowed to keep such identification until they are replaced, and then shall comply with this section.
- 6-8-7-4** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- 6-8-7-5** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

**EXCEPTION** A building or structure designed primarily for agricultural purposes as defined in this code

**6-8-7-6** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**EXCEPTION** A building or structure designed primarily for agricultural purposes as defined in this code

**6-8-7-7** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**6-8-7-8** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**6-8-7-9** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

**6-8-7-10** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Any alteration, modification, addition or replacement of a handrail or guard shall be in conformity with the building codes as adopted by the State of Indiana.

**6-8-7-11** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

- a) All glazing materials shall be maintained free from cracks and holes.
- b) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**6-8-7-12** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

## **CHAPTER 8 INTERIOR STRUCTURE**

- 6-8-8-1** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure, which they occupy or control, in a sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
- 6-8-8-2** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- 6-8-8-3** Every toilet room, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be kept in a sanitary condition.
- 6-8-8-4** In every building, basements and crawl spaces shall be maintained to prevent conditions conducive to decay or deterioration of the structure.
- 6-8-8-5** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.
- 6-8-8-6** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- 6-8-8-7** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

## **CHAPTER 9 LIGHT**

- 6-8-9-1** The provisions of this section shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.
- 6-8-9-2** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this code.
- 6-8-9-3** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the appropriate code as adopted by the State of Indiana.

- 6-8-9-4** Every habitable space shall have natural or artificial light in compliance with either the current state building commission rules or those rules in effect at the time the structure was built.
- 6-8-9-5** Every common hall and stairway in residential occupancies, other than in one-and two- family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one foot-candle at floors, landings and treads.
- 6-8-9-6** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

## **CHAPTER 10 VENTILATION**

- 6-8-10-1** Every habitable space shall have natural or artificial ventilation in compliance with either the current state building commission rules or those rules in effect at the time the structure was built.
- 6-8-10-2** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 6-8-9-4,
- 6-8-10-3** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.
- 6-8-10-4** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

## **CHAPTER 11 OCCUPANCY LIMITATIONS FOR NON-OWNER OCCUPIED STRUCTURES**

- 6-8-11-1** Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.
- 6-8-11-2** A habitable room, other than a kitchen, shall not be less than seven feet in any plan dimension. Kitchens shall have a clear passageway of not less

than three feet between counter fronts and appliances or counter fronts and walls.

- 6-8-11-3** Every bedroom occupied by one person shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
- 6-8-11-4** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not-serve as the only means of egress from other habitable spaces except in units that contain fewer than two bedrooms.
- 6-8-11-5** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- 6-8-11-6** No person shall use any kitchen, nonhabitable or public space for sleeping purposes, nor shall food be prepared or cooked in any room used for sleeping purposes, except in an efficiency apartment. In an efficiency apartment, that portion of the room designated for sleeping purposes shall not be within ten feet of that portion of the room designated for cooking purposes. The ten feet shall be calculated as the shortest straight line distance between the sleeping area and the stove. The ten feet requirement shall not be a violation when the ten feet distance is separated by a permanent divider wall of a height of at least 50% of the height of the room.
- 6-8-11-7** Bedrooms shall comply with the applicable provisions of this section including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section, the plumbing facilities and water-heating facilities requirements of this section; the heating facilities and electrical receptacle requirements of this section; and the smoke detector and emergency escape requirements of this section.
- 6-8-11-8** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:
- a) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by Items b and c.
  - b) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of

not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.

- 1) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
- 2) The maximum number of occupants shall be three.

**6-8-11-9** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## **CHAPTER 12 PLUMBING FACILITIES AND FIXTURE REQUIREMENTS FOR NON-OWNER OCCUPIED STRUCTURES**

**6-8-12-1** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises, which does not comply with the requirements of this code.

**6-8-12-2** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such toilet room is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**6-8-12-3** In a rooming house at least one toilet room, lavatory and bathtub or shower shall be supplied for each four rooming units.

**6-8-12-4** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

**6-8-12-5** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**6-8-12-6** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing

fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

- 6-8-12-7** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back-siphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

### **CHAPTER 13 WATER SYSTEM FOR NON-OWNER OCCUPIED STRUCTURES**

- 6-8-13-1** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an appropriate private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the codes in affect at the time the structure or building was constructed as adopted by the State of Indiana.

- 6-8-13-2** The water supply shall be maintained free from contamination in an approved manner, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an appropriate atmospheric- type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

- 6-8-13-3** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

- 6-8-13-4** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120° F. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

## **CHAPTER 14 SANITARY DRAINAGE SYSTEM FOR NON-OWNER OCCUPIED STRUCTURES**

- 6-8-14-1** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either the public sewer system or to an appropriate private sewage disposal system which shall meet the requirements of the Ft. Wayne/Allen County Health Department.
- 6-8-14-2** Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the codes as adopted by the State of Indiana

## **CHAPTER 15 STORM DRAINAGE**

- 6-8-15-1** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

## **CHAPTER 16 HEATING FACILITIES FOR NON-OWNER OCCUPIED STRUCTURES**

- 6-8-16-1** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65° F. in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- 6-8-16-2** The required room temperatures shall be measured three feet above the floor near the center of the room and two feet inward from the center of each exterior wall.

## **CHAPTER 17 MECHANICAL EQUIPMENT FOR NON-OWNER OCCUPIED STRUCTURES**

- 16-8-17-1** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- 16-8-17-2** All fuel-burning equipment and appliances shall be connected to an appropriate chimney or vent except that fuel-burning equipment and those appliances, which are labeled for unvented operation.



- 16-8-17-3** All required clearances to combustible materials shall be maintained.
- 16-8-17-4** All safety controls for fuel-burning equipment shall be maintained in effective operation.
- 16-8-17-5** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

## **CHAPTER 18 ELECTRICAL FOR NON-OWNER OCCUPIED STRUCTURES**

- 6-8-18-1** Every occupied building shall be provided with an electrical system in compliance with the codes in affect at the time the building or structure was built.
- 6-8-18-2** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper/inadequate over-current protection, insufficient receptacle and lighting outlets, improper or unsafe-wiring or installation, makeshift wiring or improper/inappropriate use of electrical extension cords, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.
- 6-8-18-3** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and appropriate manner.
- 6-8-18-4** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area and every bathroom shall contain at least one receptacle. Any new or replaced receptacle outlet shall meet the State of Indiana Building Code in force and the time of installation..
- 6-8-18-5** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

## **CHAPTER 19 VIOLATIONS**

- 6-8-19-1** Any person who shall violate any provision of this code, or any provision of any rule or regulation adopted by the Hearing Officer pursuant to authority granted by this code, shall be punished by a fine of not less than \$1.00 or more than \$500.00 and each day's failure to comply with such provision shall constitute a separate violation.
- 6-8-19-2** The imposition of penalties shall not preclude the Code Official of the County of Allen from instituting appropriate action to correct or stop a

violation or to prevent illegal occupancy of a building, structure or premises, or to stop and illegal act, conduct business or utilization of the building, structure or premises.

**6-8-19-3**

Whenever the Code Official determines that there are reasonable grounds to believe that there has been a violation of any provision of this code or of any rule or regulation adopted pursuant thereto, it shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:

- a) Be put in writing;
- b) Include a statement of the reasons why it is being issued;
- c) Include a description of the real estate sufficient for identification;
- d) Allow a reasonable time for the performance of any act it requires;
- e) Be served upon the owner or his agent by reading by delivery of a copy thereof, and by posting of such notice within three feet of the U.S. Mail box affixed to the structure, or upon any door facing an abutting public street. A return by the representative of the enforcement agency shall be made showing such reading, delivery and posting; or the failure to make such a reading or delivery if such shall be the case; provide, that posting shall always be required. In the event that the owner or his agent cannot be found, the mailing of a copy of such notice by registered mail, return receipt requested, showing delivery or a tender of actual reading and delivery of such notice; provided that such published notice shall state the address of the structure involved and shall further state all of the facts and requirements enumerated and required by the notice itself. The removal by any person other than the owner of the structure involved or his agent, of any notice to be posted pursuant to the provisions of this section shall be unlawful and punishable as hereinafter provided. Such notice may:
- f) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this code and with the rules and regulations adopted pursuant thereto.
- g) Inform the property owner of the right to appeal.

**6-8-19-4**

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Hearing Officer, provided that such

person shall file in the office of the enforcement agency a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served.

- a) Upon receipt of such petition the enforcement Code Official shall set a time and place for such hearing, and shall give the petitioner written notice thereof.
- b) At such hearing the petitioner shall be given an opportunity to be heard as to why such notice should be modified or withdrawn.
- c) The hearing shall be commenced not later than 10 days after the day on which the petition was filed: Provided that upon application of the petitioner the Code Official may postpone the date of the hearing for a reasonable time beyond such 10-day period if it is its judgment petitioner has submitted a good and sufficient reason for such postponement.

**6-8-19-5**

After such hearing the Hearing Officer shall sustain, modify or withdraw the notice, depending upon its finding as to whether the provisions of this code and of the rules and regulations adopted pursuant hereto have been complied with.

- a) If the Hearing Officer sustains or modifies such notice, it shall be deemed to be an order.
- b) Any notice served pursuant to this code shall automatically become an order if a written petition for a hearing is not filed in the office of the Code Official within 10 days after such notice is served.

**6-8-19-6**

The proceeding at such hearing, including the findings and decision of the Hearing Officer shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Code Official. Such record shall also include a copy of every notice or order issued in connection with the matter.

- a) Any person aggrieved by the decision of the Hearing Officer may seek relief therefrom by appeal to the Allen County Superior or Circuit Court.

**6-8-19-7**

It shall be a violation of the provisions of this code for the owner of any dwelling unit, structure or premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer,

mortgage, lease or otherwise dispose of such dwelling unit, structure or premises, to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgage, or lessee a true copy of any compliance order or notice of violation issued by the Code Official a signed notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation in full and accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## **CHAPTER 20 EMERGENCY MEASURES**

- 6-8-20-1** When, in the opinion of the Code Official, there exists an emergency situation that presents a hazard to life, property or safety of the public or occupants of a building, structure, or premises the Code Official is authorized and empowered to order the building, structure, or premises vacated forthwith. The Code Official shall placard such building, structure or premises at each entrance with a placard of condemnation.
- 6-8-20-2** When, in the opinion of the Code Official, there exists an emergency situation where there is imminent danger due to an unsafe condition, the Code Official may order any necessary work to be done to temporarily remedy such unsafe conditions, regardless whether or not the legal procedures of this code have been instituted.
- 6-8-20-3** The Code Official shall order any repairs, materials and or work required as outlined in this code to be completed as expeditiously as possible.
- 6-8-20-4** The cost of such repairs, materials and or work shall be charged against the real estate where the building, structure or premises is located and shall be a special tax assessment, in accordance with IC 36-7-9-13.5, upon such real estate and may be collected by any other legal resource.
- 6-8-20-5** Any person ordered by the Code Official to take such emergency action shall comply with such order forthwith. Any person affected by such order may request and shall be granted a hearing on the matter before the Hearing Officer under the procedures set forth in IC-36-7-9

## **CHAPTER 22 DEMOLITION**

- 6-8-21-1** General. The Code Official shall order the owner of premises upon which is located any structure or part thereof, which in the Code Official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and to demolish and remove such structure or part thereof; or

if such structure or part thereof is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure or part thereof.

**6-8-21-2** The order shall specify necessary repairs, if any, and a time in which the owner shall comply therewith. It shall be served on the owner of record and upon the holder of any encumbrance of record in accordance with section 19 of this code.

**6-8-21-3** Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the owner of the real estate upon which the structure is located, and shall be a special tax assessment, in accordance with IC 36-7-9-13.5, upon such real estate and may be collected by any other legal resource.

**Adopted 2/27/15 by ordinance #02-27-15-04**