

## **ARTICLE XI. UNSAFE BUILDING REGULATIONS**

### **DIVISION 1. GENERALLY**

#### **Sec. 26-1341. Establishment of regulations; adoption of state law.**

- (a) The Town of Munster Unsafe Building Law is hereby established.
- (b) I.C. 36-7-9-1 et seq. is hereby adopted by reference as the Town of Munster Unsafe Building Law, together with any and all amendments thereto that are made following this date. All proceedings within the town for the inspection, repair, and removal of unsafe buildings shall be governed by this state law and the provisions of this article. In the event the provisions of this article conflict with the provisions of I.C. 36-7-9-1 et seq., the provisions of state law shall control. Any repeal of this state law shall not act as a repeal of this article.

(Ord. No. 1431, 7-13-2009)

#### **Sec. 26-1342. Definitions.**

The definitions as stated in I.C. 36-7-9-2 are hereby amended and the following definitions shall apply in the enforcement of this article.

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

*Contractor or contractor licensed and qualified under law.* As used in I.C. 36-7-9-11, 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 inspector may perform any work that is required in complying with the orders of the building inspector.

*Department.* The office of community development shall administer this article.

*Director.* As used in the provisions of the Indiana Code as adopted herein, the same shall be construed to apply to the town engineer.

*Enforcement authority.* The chief building inspector of the Town of Munster.

*Hearing authority.* The Unsafe Building Board of the Town of Munster. The board shall consist of two members of the BZA and one noncouncil member of the plan commission.

*Persons.* Includes a corporation and unincorporated association.

*Substantial property interest.* Any right in real property that may be affected in a substantial way by actions authorized by this article, including a fee interest, a life estate, 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 inspector and includes the name and address of the holder of the interest described.

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*Unsafe building.* Any building or structure which has any or all of the conditions or defects herein 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 1½ times the working stress or stresses allowed for new buildings of 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 such 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 in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.
- (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 the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
- (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 requirement or prohibition applicable to such building or structure provided by the building regulations of this town, or of any law or ordinance of this state or town 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 ordinances, 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-resisting qualities or

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characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height, and occupancy in the same location.

- (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 chief building inspector 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 sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the chief building inspector to be a fire hazard.
- (16) Whenever any portion of a building or structure remains on-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.

(Ord. No. 1431, 7-13-2009)

#### **Sec. 26-1343. Unsafe buildings a nuisance.**

All buildings or portions thereof within the town which are determined, after inspection by the building inspector, to be unsafe as defined in this subchapter, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the problem specified in this article.

(Ord. No. 1431, 7-13-2009)

#### **Sec. 26-1344. Prohibition.**

No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises; or cause or permit the same to be done contrary to or in violation of the provisions of this article or any order by the chief building inspector.

(Ord. No. 1431, 7-13-2009)

#### **Sec. 26-1345. Powers of the building inspector; review.**

- (a) The chief building inspector is hereby authorized to administer and proceed under the provisions of this article 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.
- (b) Wherever in the building regulations of the town or the Town of Munster Unsafe Building Law it is provided that anything must be done to the approval or subject to the direction of the chief building inspector, or any other officer acting for and on behalf of the chief building inspector, this shall be construed to give that officer the discretion of determining whether the rules and standards established by ordinance have been complied with. Any aggrieved party may request the town unsafe building appeal board to review the action of the chief building inspector.

(Ord. No. 1431, 7-13-2009)

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**Sec. 26-1346. Standards of workmanship.**

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 Administrative Building Council of Indiana, shall be considered standard acceptable practice for all matters covered by this article or orders issued pursuant to this article by the town chief building inspector.

(Ord. No. 1431, 7-13-2009)

**Sec. 26-1347. Unsafe building fund.**

An unsafe building fund is hereby established in the operating budget of the office of the town chief building inspector in accordance with the provisions of I.C. 36-7-9-14, and pursuant to the provisions contained therein. Any balance remaining at the end of a fiscal year shall be carried over in the fund for the following year and does not revert to the general fund.

(Ord. No. 1431, 7-13-2009)

**Secs. 26-1348—26-1360. Reserved.**

## *DIVISION 2. DEMOLITION OF BUILDINGS*

**Sec. 26-1361. Permits and fees.**

The contractor shall obtain all necessary permits before starting any demolition work. The permit shall be issued for a period of ten days. All work must be completed in ten days unless extended by the chief building inspector. The contractor must check with the chief building inspector as to the specific type of barricade to be erected. The contractor must also obtain permission from the Munster Public Works and Police Departments to block or take up any portion of streets, sidewalks or alleys. The fees for permits issued under this article shall be established in Schedule A — Fees and Permits. Revenues shall be deposited in the unsafe building fund.

(Ord. No. 1431, 7-13-2009)

Editor's note(s)—Schedule A — Fees and Permits can be found in the office of the chief building inspector.

**Sec. 26-1362. Responsibilities/risks.**

The contractor shall assume and bear all risks of damage to, or failure of, the work, and all risk of any accident or accidents, from whatsoever cause arises, until the work has been completed.

(Ord. No. 1431, 7-13-2009)

**Sec. 26-1363. Safety.**

The contractor shall take special care in the removal of buildings adjacent to occupied buildings which are not to be removed. If, in the opinion of the chief building inspector or town engineer, standard demolition practices used in wrecking such buildings shall create excessive danger, noise, dirt, dust and flying particles or

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interferes with the use of adjacent occupied buildings, the contractor shall use hand methods of demolition for such buildings.

(Ord. No. 1431, 7-13-2009)

#### **Sec. 26-1364. Notification of utility companies.**

- (a) The contractor shall notify Northern Indiana Public Service Company (NIPSCO) 48 hours in advance of his intent to demolish a building. NIPSCO will be required to shut off the electric power and remove the wires from said building at the weatherhead to the power pole. The electric meter is and will remain the property of NIPSCO.
- (b) The contractor shall notify NIPSCO 48 hours in advance of his intent to demolish a building. NIPSCO will be required to shut off the gas service to the building at the main and remove approximately one foot of service piping adjacent to the corporation cock. The contractor shall cap the gas pipe at the closest point to the foundation wall. The gas meter is and shall remain the property of NIPSCO.
- (c) The contractor shall notify the Munster Water Department 48 hours in advance of his intent to demolish a building. The Munster Water Department will be required to shut off the water service to said building at the main and remove approximately one foot of service piping adjacent to the corporation cock. The contractor shall crimp the service pipe at the foundation wall. The water meter is and shall remain the property of the Munster Water Department.

(Ord. No. 1431, 7-13-2009)

#### **Sec. 26-1365. Procedure for demolition.**

- (a) The contractor shall disconnect from service and securely plug the existing house sewer service line at the first joint inside the property line. The sewer shall be sealed watertight with a concrete plug and marked for future reference. The contractor shall be responsible for any damage done to any underground structure or utility. The disconnect must be inspected by the town prior to backfilling the excavation.
- (b) The operations of the contractor shall be done in a manner such as to avoid hazards to persons and property and interference with the use of adjacent buildings or interruption of free passage to and from such buildings. Care shall also be taken to prevent the spread of dust and flying particles after work has started on any building. The work on that building shall be continued to completion promptly and expeditiously.
- (c) In the wrecking of the structural elements of a building, the work shall begin at the top thereof, and the building shall be wrecked progressively downward one story at a time. The columns, beams and hoists supporting the floor of any story shall be left in place until the walls, flooring and partitions of that story are completely removed. No wall or part thereof shall be permitted to fall outwardly from any building except through a chute or by other means or methods which will insure safety and minimize dust, noise and any other nuisance on completion of the work.
- (d) The contractor is solely responsible for any damage done to adjacent buildings or property including fences, trees and shrubs.
- (e) The contractor shall remove all concrete slabs, sidewalks within the property, sidewalks in the public right-of-way, basement walls, footings, drain pipes, storage tanks, and any other type of debris encountered within the excavation area.
- (f) The excavation area shall not be filled until the contractor has called the town inspector for an inspection in which he has 24 hours to make.

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- (g) The excavation area must be filled with clean sand or fill and compacted every 12 inches with four inches of black topsoil brought up to grade and seeded.
  - (h) The contractor is responsible for any damage caused to streets, curbs and sidewalks.
  - (i) The contractor shall be responsible for keeping the site and adjacent properties and/or right-of-ways clean and orderly during the course of the work, and the removal and disposal of all debris during and/or at the completion of the work. All materials and equipment that are removed shall belong to the contractor.
  - (j) No material, debris or equipment shall be placed within 30 feet of any fire hydrant. All fire hydrants shall be accessible at all times.

(Ord. No. 1431, 7-13-2009)

#### **Sec. 26-1366. Hazardous materials.**

- (a) In the event that hazardous materials, asbestos, lead paint, PCB's or known carcinogens are discovered prior to or during demolition in which disposal may fall under the jurisdiction of local or state codes and/or federal regulations for proper disposal, their regulations shall be complied with by the contractor.
- (b) In the event that hazardous materials are present, the contractor or his subcontractor awarded that contract must be qualified and/or certified for the removal of such material. The contractor shall indicate how and where the material will be disposed of in conjunction with and per jurisdictional code and federal regulations.

(Ord. No. 1431, 7-13-2009)

#### **Sec. 26-1367. Insurance.**

- (a) The licensed and bonded contractor shall maintain comprehensive liability insurance coverage protecting the owner of the property, the town, the contractor and any subcontractor performing work covered by this article from any and all claims which may arise from operations under the ordinance, whether such operations are performed by the contractor or any subcontractor or anyone directly or indirectly employed by either of them.
- (b) The amounts of insurance shall be as follows:
  - (1) Bodily injury including death:
    - a. Each person: \$300,000.
    - b. Each accident: \$1,000,000.
  - (2) Property damage:
    - a. Each accident: \$100,000.
    - b. Aggregate: \$1,000,000.
  - (3) Proof of such insurance coverage shall be evidenced by submitting a certificate of insurance to the town prior to a permit being issued.

(Ord. No. 1431, 7-13-2009)