

*Published  
June 1, 1988 and  
June 8, 1988  
Newburgh Register*

AN ORDINANCE ESTABLISHING A DEPARTMENT OF BUILDINGS AND OFFICE OF BUILDING COMMISSIONER AND REGULATING THE CONSTRUCTION, ALTERATION OR REPAIR OF BUILDINGS AND STRUCTURES WITHIN THE CORPORATE LIMITS OF NEWBURGH ESTABLISHING MINIMUM STANDARDS FOR HABITABLE BUILDINGS, AND STRUCTURES, PROVIDING FOR THE ISSUANCE OF PERMITS, PROVIDING PENALTIES FOR VIOLATIONS AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH

WHEREAS, there are, or may be in the future, buildings, structures, or dwellings or premises which are so dilapidated, unsafe, or dangerous as to constitute a menace to the health and safety of the residents and people of the Town of Newburgh, Indiana, and

WHEREAS, the Town Board of the Town of Newburgh, Indiana, desires to establish a Department of Buildings and the Office of Building Commissioner, and to staff such Department of Buildings with an inspector and such other personnel as determined to be necessary.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Newburgh, Indiana, as follows:

ARTICLE I. DEFINITIONS.

SECTION 1. The following definitions whenever used or referred to, apply in the interpretation and enforcement of this Ordinance, unless a different meaning is clearly implied according to the context:

1. Apartment shall mean the same as dwelling unit as defined under Dwelling Unit.
2. Basement shall mean a story with fifty percent (50%) or more of its cubical content below finish grade.
3. Building Commissioner shall mean the commissioner of buildings of the Town of Newburgh, Indiana, or such officers authorized as a representative.
4. Cellar shall mean a portion of a building located partially or wholly underground and having at least half of its clear floor to ceiling height below the average grade of the adjoining ground.
5. Department shall mean the Department of Buildings of The Town of Newburgh, Warrick County, Indiana.
6. Dwelling shall mean any building which is wholly or partly used, or intended to be used, for living or sleeping by human occupants; provided, temporary housing as hereinafter defined shall not be regarded as a dwelling.
7. Dwelling Unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
8. Exit shall mean a clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.
9. Extermination shall mean the control and elimination of insects, rodents, and other pests by eliminating their harborage places; by removing or making

- inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and lawful pest elimination methods approved by the Inspector.
10. Family shall mean one or more persons living together and having common housekeeping facilities.
  11. Fire Chief shall mean the Chief of the Fire Department of this Town or such officers authorized as a representative.
  12. Garbage shall mean the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food and similar animal and vegetable refuse.
  13. Governing Body shall mean the Town Board of the Town of Newburgh, Indiana.
  14. Habitable Room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closets, compartments, laundries, foyers or communicating corridors, closets and a storage spaces.
  15. Health Officer shall mean the Director of Health of the Warrick County Health Department or such officers authorized as a representative.
  16. Housing shall mean any dwelling, apartment, rooming house, boarding house or similar building or structure or part thereof containing habitable space or intended for use for human habitation, except for transient occupancy.
  17. Infestation shall mean the presence within or around any housing or any insects, rodents or other pests.
  18. Inspection Department shall mean the Building Inspector and such officers duly authorized as assistants.
  19. Inspector shall mean the Building Commissioner of the Town or any authorized representative or such officer authorized to enforce the provisions of this Ordinance.
  20. Lessee shall mean any person who, by written contract or lease, or by any week-to-week or month-to-month tenancy agreement, shall have the right to occupy a dwelling or dwelling unit.
  21. Meaning of Certain Words shall mean any dwelling, apartment, rooming house, rooming unit, or premises, and when used in this Ordinance, shall be construed as though they were followed by the words, "or any part thereof".
  22. Multi-Family Dwelling shall mean a building or structure occupied or intended for occupancy as the home or residence of more than two families living independently of each other, and doing their own cooking within their respective apartments.
  23. Nuisance shall mean a public nuisance as known in common law or in equity. Anything that is dangerous to human life or health in, under, over, around, or about a dwelling or dwelling unit, or that renders the air or human food or drinks therein unwholesome; and any dwelling or dwelling unit or part thereof,

- that is not sufficiently supported, ventilated, drained, cleaned or lighted, are also nuisances.
24. Occupant shall mean any persons living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.
  25. Operator shall mean any person having charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
  26. Ordinary Minimum Winter Conditions shall mean the temperature 15 degrees F. above the lowest recorded temperature for the previous 10-year period.
  27. Owner shall mean any person who alone, or jointly or severally with others; (a) shall have legal title to any dwelling or apartment, with or without accompanying actual possession thereof; or (b) shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
  28. Parties in Interest shall mean the owner as defined herein and the occupant or occupants or persons in possession or control of the premises.
  29. Plumbing shall mean all of the following supplies and equipment, gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
  30. Premises shall mean all areas including but not limited to yards, outbuildings and courts.
  31. Public Authority shall mean any housing authority or any officer who is in charge of any department or branch of the government of the Town relating to health, fire, building regulations, or other activities concerning housing in the Town of Newburgh, Indiana.
  32. Public Officer shall mean the officer or officers who are authorized to exercise the powers prescribed by law.
  33. Public Space shall mean that space within any housing which is open to use by the general public.
  34. Removal shall mean the demolition and removal of the entire building leaving the property free and clear of debris and without holes or pockets which may retain water.
  35. Rooming House shall mean any housing, or part thereof, containing three or more rooming units in which space is let by the owner or operator to three or more persons who are not members of the family of the owner or operator.
  36. Rooming Unit shall mean a room or group of rooms forming a single habitable unit used or intended for

use for living and sleeping, but not for cooking or eating purposes.

37. Rubbish shall mean combustible or noncombustible waste materials except garbage; and the term shall include the residue from burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, mineral matter, glass, crockery and dust.
38. Rubbish Storage Facilities shall mean any outside containers in which rubbish is temporarily stored for collection.
39. Story shall mean that part of a building comprised between a floor and the floor or roof next above.
40. Structure shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work, artificially built up or composed of parts joined together in some definite manner. The term Structure shall be construed as if followed by the words, "or part thereof".
41. Substantial Property Interest shall be as defined in I.C. 36-7-9-2.
42. Supplied shall mean paid for, furnished, or provided by control of the owner or operator.
43. Temporary Housing shall mean any tent, trailer or other structure used for human shelter which is designated to be transportable and which is not attached to the ground, to another structure, or any utility system on the same premises for more than thirty consecutive days.
44. Unsafe Building means any building or structure which has any or all of the conditions or defects hereinafter described, provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are endangered:
  - (a) 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.
  - (b) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
  - (c) 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 of stresses allowed for new buildings of similar structure, purpose, or location.
  - (d) 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 of 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.

(e) 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.

(f) 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.

(g) Whenever any portion thereof has cracked, 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.

(h) Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.

(i) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

(j) 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.

(k) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, of fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

(l) Whenever the building or structure has been so damaged by fire, wind, earthquake, or floor or has become so dilapidated or deteriorated so as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for the purpose of committing unlawful acts.

(m) 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 relating to the condition, location, or structure of buildings.

(n) Whenever any building or structure which, whether or not erected in accordance with all

applicable laws and ordinances has in any non-supporting part, member, or portion less than fifty percent, or in any supporting part, member, or portion less than sixty-six percent of the (s) strength, (2) fire-resisting qualities of characteristics, or (3) 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.

(o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Building Commissioner to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

(p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction is determined by the Building Commissioner to be a fire hazard.

(q) 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.

- 45. Ventilation shall mean the supply and removal of air to and from a space by natural or mechanical means.
- 46. Ventilation, Mechanical shall mean ventilation by power driven devices.

ARTICLE II.

SECTION 1. Building Commissioner. There is hereby established a Department of Buildings. Such department shall be composed of the Building Commissioner and such other personnel as the Town Board of Newburgh shall determine are necessary to effectuate the purposes of this Ordinance. The Building Commissioner may also serve as inspector.

SECTION 2. Adoption of State Codes. The one and two-family dwelling code, the electrical code, the plumbing code, and all other codes previously adopted or which will be adopted in the future by the Administrative Building Council of the State of Indiana or the Fire Prevention and Building Safety Commission and promulgated according to law are herewith adopted, which codes include:

- (1) Article 13 - Building Codes
  - (a) Fire and Building Safety Standards
  - (b) Indiana Building Code
  - (c) Indiana Building Code Standards
  - (d) Indiana Handicapped Accessibility Code
- (2) Article 14 - One and Two Family Dwelling Codes
  - (a) Council of American Building Officials One and Two Family Dwelling Code
  - (b) CABO One and Two Family Dwelling Code;

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

Copies of adopted building rules, codes and standards are on file in the office of the Building Commissioner and may be found at 675 IAC.

All construction of buildings and remodeling of building structures or dwellings whether multi-family or accessory buildings shall conform with the said codes as adopted by this Ordinance.

SECTION 3. Building Commissioner Powers and Duties. The Building Commissioner shall have the power and authority to administer and enforce this Ordinance and any other ordinance or code adopted now or thereafter that regulates construction, repair, alteration or extension of building, heating, ventilation, air conditioning, electrical and plumbing construction, and further to implement this Ordinance. It is hereby directed as follows:

(1) No building or any part thereof, no extension, repair or alteration of any existing building, no plumbing, no electrical work, no heating work, no ventilation work nor air conditioning work shall be started until a proposal, in writing, of the work proposed to be done shall first be submitted to and approved by the Building Commissioner and a permit issued by such officer for the proposed construction, alteration, repair, or extension work. Prior to the constructions, extension or alteration of any building, dwelling or other structure, the estimated total cost of any portion is more than the herein stated minimum per permit, the contractor, owner or individual in charge of the work shall obtain a permit from the Building Commissioner. Permits are required if the projected costs of the work meet or exceed the following:

Plumbing permit--for any plumbing work over \$250.00  
 Electrical permit--for any electrical work over \$250.00  
 Heating and Air Conditioning permit--for any heating  
 any air conditioning work over \$250.00  
 Structural permit--for any structural work over \$750.00

The Building Commissioner, before issuing a permit therefore may require the applicant to submit and file a set of detailed plans and specifications subject to the approval of the Building Commissioner, a copy of which may be retained in such office. No changes from such approved plans or specifications shall be made until a revised copy thereof has been submitted to and approved by the Building Commissioner. The Building Commissioner shall refuse to issue a permit in any case where the construction or

work proposed is in violation of any statute of the State or any provisions of any ordinances of the Town of Newburgh.

(2) The Department of Buildings may employ such additional personnel as necessary and advisable, provided, however, that all such personnel's salaries must be approved by the Town Board prior to their commencing their duties with the Department.

(3) The Building Commissioner shall coordinate activities with the Newburgh Plan Commission and Board of Zoning Appeals.

(4) This Ordinance does not apply to industrialized building systems or mobile structures certified under IC 22-15-14.

(5) Design Release. No permit shall be issued on any construction which requires Design Release from the State Building Commission and/or State Fire Marshal under IC 22-15-3-1 until such Design Release has been issued and provided to the Building Commissioner.

SECTION 4. Permits Required for Construction, Repairs, Alterations of Buildings to be Built or Existing. Four permits are required on all structures whether for homeowners or otherwise, where applicable, as follows: (a) Structural, (b) Electrical, (c) Plumbing, and (d) Heating and Air Conditioning.

SECTION 5. Permit Costs and Division of Receipts. The costs of the permits required under this Ordinance are as follows:

	\$/PERMIT	FOR THE FIRST	FOR EACH ADDITIONAL 500 SQ. FT.
SINGLE FAMILY	\$20.00	1,500	\$ 5.00
TWO FAMILY	\$25.00	1,500	\$ 5.00
OVER TWO FAMILY	\$25.00	1,000	\$ 5.00
BUSINESS	\$25.00	1,000	\$10.00
MANUFACTURING	\$30.00	1,000	\$10.00
UNINHABITABLE STRUCTURE	\$25.00	1,000	\$ 5.00
HOME OWNER	\$20.00	1,500	\$ 5.00

The fees and receipts so collected for such permits shall be apportioned as follows: Building Commissioner--fifty percent (50%); Department of Buildings--fifty percent (50%).

In the event re-inspection of any work done is required, an additional charge of Twenty Dollars (\$20.00) for each re-inspection shall be levied and distributed as are fees for permits.

ARTICLE III. MINIMUM STANDARDS FOR HABITABLE BUILDINGS AND INSPECTION, REPAIR OR CONDEMNATION OF EXISTING DILAPIDATED BUILDINGS.

SECTION 1. Access and Inspection. The Building Commissioner is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, buildings used as dwellings, and premises located within the Town. For the purpose of making such inspections, the Building Commissioner is hereby authorized to enter, examine and survey, at reasonable times after due notice, building structures or premises that he deems to be in need of repair, or unsafe in any manner, and including any such building structure or premise which has formed the basis of a formal complaint made to the Department of Buildings. The owner or occupant of every building structure or premises, or the person in charge thereof, shall give the Building Commissioner access to such building structure or premises, or the person in charge thereof, shall give the Building Commissioner access to such building structure or premises at reasonable times after due notice, for the purpose of such inspection, examination and survey. Every occupant of a dwelling, apartment, rooming unit or



building used for a dwelling shall give the owner thereof, or this agent or employee, access to any part of such dwelling, apartment, rooming unit or building used as a dwelling on its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance.

SECTION 2. Whenever the Building Department determines that an action must be taken relative to an unsafe premises as listed in I.C. 36-7-9-5(a), or a premises in violation of this Ordinance, it shall issue its order requiring action to correct such condition. Such order shall contain those items delineated in I.C. 36-7-9-5(b).

SECTION 3. Any hearing requested or required shall be held by the Board of Zoning Appeals which is herewith designated the hearing authority for purposes of this Ordinance and I.C. 36-7-9.

SECTION 4. In the event the hearing authority shall grant an extension of time to correct the deficiencies which are the subject of an order of the Department, the hearing authority may require the person responsible for compliance with the order to post a performance bond to be forfeited if the action is not completed within the additional period.

The bond schedule to be utilized by the hearing authority is as follows:

(a) For action ordered under IC 36-7-9-5(a)(3), not more than the highest estimate by a commercial exterminator to accomplish the extermination ordered.

(b) For action ordered under IC 36-7-9-5(a)(4), not less than the highest estimate by a commercial firm to accomplish the ordered action.

(c) For action ordered pursuant to IC 36-7-9-5(a), (6) or (7), not more than the highest estimate or bid obtained from a reputable contractor to accomplish the action ordered.

SECTION 5. An unsafe building, if ordered sealed pursuant to I.C. 36-7-9-5(a)(2), shall be sealed in the following manner:

(a) If the danger is the structure itself, such structure shall be sealed by fencing.

(b) If the danger is the interior of the structure, sealing shall be by closing all openings to the structure with 1/4 " plywood painted a suitable color.

(c) If the danger is a well, hole or cistern, it shall be filled or fenced.

In all cases, the structure or danger shall be posted with adequate warning signs. The cost of such such actions shall be born by the property owner.

SECTION 6. Variance from State Rules. Any variance from State adopted building rules are subject to approval under IC 22-13-2-7(b).

SECTION 7. Right of Appeal. In addition to the right of appeal provided by IC 36-7-4-918.1 and this Ordinance, any person effected by an order of the Building Commissioner shall have the right of appeal to the Fire Prevention and Building System Commission of Indiana pursuant to IC 22-13-2-7 and IC 4-21.5-3-7.

ARTICLE IV. OCCUPANCY REQUIREMENTS

SECTION 1. Sanitation Requirements. No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit, or apartment for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements.

- (a) Every dwelling, dwelling unit or apartment shall contain a kitchen sink properly connected to a water and sewer system approved by the Building Commissioner.
- (b) Every dwelling, dwelling unit or apartment (except as otherwise permitted under subsection "d" of this Section) shall contain a room which affords privacy to a person within said room and which is equipped with a flush commode and a lavatory basin in good condition and properly connected to a water and sewer system approved by the Building Commissioner.
- (c) Every dwelling, dwelling unit or apartment (except as otherwise permitted under subsection "d" of this Section) shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Building Commissioner.
- (d) The occupants of not more than two dwelling units or apartments may share a single flush commode, a single lavatory basin, and a single bathtub or shower if:
  - (1) Neither of the two dwelling units or apartments contains more than two rooms; provided that, for the purpose of this subsection, a kitchenette or an efficiency kitchen with not more than sixty (60) square feet of floor area shall not be counted as a room; and that
  - (2) The habitable area of each of such dwelling unit or apartments shall equal not more than two hundred fifty (250) square feet of floor area; and that
  - (3) Such commode, lavatory, basin, and bathtub or shower shall be in good working condition and properly connected to a water and sewer system approved by the Building Commissioner.
- (e) Every kitchensink, lavatory basin, and bathtub or shower required under the provisions of subsections (a), (b), (c) and (d) of this section shall be properly connected with both hot and cold water lines.
- (f) Every dwelling, dwelling unit or apartment shall be supplied with adequate rubbish storage facilities, the type of location of which are approved by the Building Commissioner.
- (g) Every dwelling, dwelling unit or apartment shall be provided with adequate garbage disposal facilities, the type and location of which are approved by the Building Commissioner.
- (h) Every dwelling, dwelling unit or apartment shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with hot water lines required under the provisions of subsection (e) of this Section, and are capable of heating water to such a temperature as to

permit an adequate amount of water to be drawn at a required kitchen sink, lavatory, basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling, dwelling unit or apartment heating facilities required under the provisions of subsection (e) of this Section are not in operation.

- (i) Every dwelling, dwelling unit or apartment shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the State of Indiana and the Town of Newburgh.

SECTION 2. Lighting, Heating and Ventilation Requirements. No person shall occupy as owner-occupant or let to another for occupancy any dwelling, dwelling unit or apartment for the purpose of living therein which does not comply with the following requirements:

- (a) Every apartment, dwelling, or dwelling unit shall have adequate natural lighting, and sufficient ventilation in all habitable rooms including bathrooms in accord with the acceptable standards of the respective codes adopted by the State of Indiana.
- (b) Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor or wall-type electric convenience outlets, or one such convenience outlet and one supplied ceiling-type electric light fixture; and every bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be connected to the source of electric power in a safe manner.
- (c) Every dwelling, dwelling unit or apartment shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least 70 degrees Fahrenheit, at a distance three feet above floor level under zero weather conditions.
- (d) Every public hall and stairway in every multiple dwelling containing five or more dwelling units or apartments shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units or apartments may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- (e) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with such a screen or such other device as will effectively prevent their entrance.

SECTION 3. Occupancy Requirements. No person shall occupy as owner-occupant or let to another for occupancy any dwelling,

dwelling unit, or apartment for the purpose of living therein which does not comply with the following requirements:

- (a) Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight, and rodent proof; shall be capable of affording privacy and shall be kept in good repair.
- (b) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight, and rodent proof, and shall be kept in sound working condition and good repair.
- (c) Every inside and outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.
- (d) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
- (e) Every bathroom floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition.
- (f) Every supplied facility, piece of equipment or utility which is required under this Ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- (g) No owner, operator, or occupant shall cause any service facility, equipment or utility which is required under this Ordinance to be removed from or shut off from or discontinued for any occupied dwelling, dwelling unit or apartment occupied by him, except for such temporary interruption as may be necessary, while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Building Commissioner.
- (h) No owner shall occupy or let to any other occupant any vacant dwelling unit or apartment unless it is clean, sanitary and fit for human occupancy.
- (i) All courts, yards, or other areas on the premises outside of every dwelling shall be drained so as to prevent the accumulation of surface water, and shall be kept free from rubbish, garbage or other matter deleterious to health or constituting a fire hazard, and from rodent infestation.
- (j) The Building Commissioner shall determine that a dwelling is unfit for human habitation or a building is dangerous if he finds that the building is in violation of this Ordinance.

SECTION 4. Dwelling or Dwelling Unit Occupancy Requirements. No person shall occupy or let to another for occupancy and dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (a) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupancy thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

- (b) In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes for more than one occupant shall contain at least 40 square feet of floor space for each occupant thereof.
- (c) No dwelling unit in a dwelling containing two or more dwelling units, which said dwelling unit contains two or more bedrooms, shall have such room arrangements that access to a bathroom intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom.
- (d) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (e) No cellar space shall be used as a habitable room or dwelling unit unless said space complies with requirements of Section 4 (f).
- (f) No basement space shall be used as a habitable room or dwelling unit unless:
  - (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
  - (2) The central heating plant of the dwelling in which such habitable room is located is separated from such habitable room by a one-hour fire restive wall.
  - (3) Said space complies with all requirements of Section 4.

SECTION 5. Multi-Unit Dwelling, Owner Responsibility for Cleaning. Every owner of a dwelling containing three or more dwelling units shall be responsible for maintaining a clean and sanitary condition in the share or public areas of the dwelling and premises thereof.

SECTION 6. Occupant Responsible for Cleaning His Unit. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit or apartment and premises thereof which he occupies and controls.

SECTION 7. Disposal of Rubbish. Every occupant of a dwelling, dwelling unit, or apartment shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Subsection (f) of Section 1, Article IV.

SECTION 8. Disposal of Garbage. Every occupant of a dwelling, dwelling unit or apartment shall dispose of all his garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner. It shall be the responsibility of the owner to provide for disposal for dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling

units share the same premises. In all other cases, it shall be the responsibility of the occupant to provide for such disposal.

SECTION 9. Extermination of Insects and Pests. Every occupant of a dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infected. Notwithstanding the foregoing provisions of this subsection, whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

SECTION 10. Occupant to Maintain Plumbing. Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

SECTION 11. Rooming House Occupancy. No person shall operate a rooming house, or shall occupy or let to another for occupancy any room unit in any rooming house, except in compliance with the provisions of every section of this and the Town Zoning Ordinances, except provisions of Section 1 of Article IV and with such other sections which by their terms do not apply.

SECTION 12. Rooming House Permit. No person shall operate a rooming house, apartment, hotel, or motel unless he holds a valid permit issued by the Building Commissioner in the name of the operator and for the specific hotel, motel, or apartment house. The operator shall apply to the Building Commissioner for such permit, which shall be issued by the Building Commissioner upon compliance by the operator with the applicable provisions of this Ordinance and of any rules and regulations adopted pursuant thereto, and upon the payment to the Town of Newburgh of a fee of Five Dollars (\$5.00) for every unit to be rented by said operator. This permit shall be displayed in a conspicuous place within the rooming house, hotel, or motel at all times. No such permit shall be transferrable. Every person holding such a permit shall give notice in writing to the Building Commissioner within ten (10) days after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any hotel, motel, or rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every such permit shall expire at the end of one (1) year following its date of issuance, unless sooner suspended or revoked as hereinafter provided. The fees provided for under this shall be apportioned as follows: sixty percent (60%) to the Building Commissioner, forty percent (40%) to the Town General Fund.

SECTION 13. Board of Zoning Appeals Review of Apartment or Hotel Permit Denial. Any person whose application for a permit to operate a rooming house, hotel, or motel has been denied may request and shall be granted a hearing on the matter before the Board of Zoning Appeals under the procedure by this Ordinance under Article III, Section 3.

SECTION 14. Nature of Rooming House, Hotel or Motel. Whenever upon inspection of any rooming house, hotel or motel, the Building Commissioner finds that conditions or practices exist which are in violation of any provision of this Ordinance or of any rule or regulation adopted pursuant thereto, the Building Commissioner shall give notice in writing to the operator of such unit that unless such conditions or practices are corrected within a reasonable period, to be determined by the Building Commissioner, the operator's permit will be suspended. At the end of such period, the Building Commissioner shall reinspect such unit, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that the latter's permit has been suspended. Upon

receipt of notice of suspension, such operator shall immediately be cease operation of such unit, and no person shall occupy for sleeping or living purposes any rooming unit therein.

SECTION 15. Hearing on Permit Suspension Before Board of Zoning Appeals. Any person whose permit to operate has been suspended, or who has received notice from the Building Commissioner that his permit is to be suspended unless existing conditions or practices at his unit are corrected, may request and shall be granted a hearing on the matter before the Board of Zoning Appeals, under the procedure provided by this Ordinance; provided that if no petition for such hearing is filed within ten (10) days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.

SECTION 16. Bath Facilities in Rooming Houses. At least one flush commode, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the Building Commissioner and in good working condition, shall be supplied for each four persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of commodes. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Building Commissioner.

SECTION 17. Required Change of Linens. The operator of every rooming, house hotel, or motel who supplies linens shall change supplied bed linen and towels therein once each day, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

SECTION 18. Sleeping Room Dimension Requirements. Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 40 square feet of floor space for each occupant thereof.

SECTION 19. Rooming House Ingress and Egress. Every rooming unit shall have a safe, unobstructed means of ingress and egress leading to safe and open space at ground level, as required by the laws of this State and the Town of Newburgh, Indiana.

SECTION 20. Hotel Operator Liable. The operator of every rooming house, hotel, or motel shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house, hotel, or motel, and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

SECTION 21. Rooming House Regulations Applicable to Motels and Hotels. Every provision of this Ordinance which applies to rooming houses shall also apply to motels or hotels except to the extent that any such provision may be found in conflict with the laws of this State or with the lawful regulations of any State board or agency.

SECTION 22. Penalties and Fines. Any person, firm or corporation which shall be found to be guilty of violating any of the provisions of this Ordinance shall be subject to a civil penalty of not less than Fifty Dollars (\$50.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each offense. Each day during which said violation continues shall constitute a separate offense.

SECTION 23. Additional Remedies. In case any dwelling or dwelling unit or part thereof is used, occupied or maintained in violation of this Ordinance, the Building Commissioner in addition to the remedies herein otherwise provided for, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such unlawful use, maintenance or occupancy, or to prevent any act or correct any condition that is contrary to or illegal under this Ordinance.

SECTION 24. Severance. If any provision, section or part of a section of this Ordinance shall be declared to be unconstitutional or invalid, such partial invalidity shall not be construed to effect the validity of the remainder of the Ordinance, and all other provisions thereof shall remain valid and enforceable.

SECTION 25. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval by the Fire Prevention and Building Safety Commission of Indiana, and publication as required by law.

ADOPTED this 10th day of May, 1988

W.F. Kavanaugh  
WILLIAM F. KAVANAUGH, PRESIDENT

Wilmer E. Wells  
WILMER E. WELLS

Stephen E. Borkowski  
STEPHEN E. BORKOWSKI

Rick A. Cannon  
RICK CANNON

Joe Edwards  
JOE EDWARDS

ATTEST:  
Sally K. Diaz  
SALLY K. DIAZ  
CLERK-TREASURER

APPROVED by the Indiana Fire Prevention and Building Safety Commission this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

See NEXT PAGE

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

FILED

MAY 4 1988

Docket No. 1988-12  
SALLY K. DIAZ  
Clerk-Treasurer Town of Newburgh



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RICK CANNON

Joe Edwards  
JOE EDWARDS

ATTEST:

Sally K. Diaz  
SALLY K. DIAZ  
CLERK-TREASURER

APPROVED by the Indiana Fire Prevention and Building Safety Commission this 6th day of Dec, 1988.

Allen Shull  
CHAIRMAN

[Signature]  
SECRETARY

FILED

MAY 4 1988

Docket No. 1988-12  
SALLY K. DIAZ  
Clerk-Treasurer Town of Newburgh